



CITY OF MIAMI SPRINGS, FLORIDA

The **Architectural Review Board** met in Regular Session at 7:00 p.m., on March 2, 2011 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 7:10 p.m.

Present were: Chairman Mark A. Trowbridge
 Vice Chair Kathy Fleischman
 Bob Calvert
 Juan A. Calvo
 Rogerio Plasencia

Also present: Council Liaison Jennifer Ator
 Board Secretary Lina Bryon

2) Approval of Minutes: February 2, 2011

Board member Plasencia moved to approve the minutes as amended. Vice Chair Fleischman seconded the motion which was carried unanimously on voice vote.

3) Old Business

A) Discussion/Update on Proposed Amendments to District Boundary Regulations for the Commercial Revitalization of N.W. 36th Street By Calvin, Giordano and Associates, Inc.

Chairman Trowbridge stated that Roger Plasencia agreed to look at the Flow Chart proposed by Calvin, Giordano and Associates to be clear on one box that might be missing from the equation for the Development Review Procedure (DRP) He asked Board member Plasencia to begin with the analysis.

Board member Plasencia agreed. First he wanted to thank Vice Mayor Jennifer Ator for all the effort she has been doing representing the Architectural Review Board as the Liaison. He reiterated that Council Liaison Ator put a lot of time and effort representing the ARB members and that is very much appreciated by all.

Board member Plasencia also thanked Councilman Espino for making an effort to represent and back the ARB in all the good intentions that the Board members have.

In reference to the last Council meetings, Board member Plasencia said that the Council had been discussing two issues. During the February 14 meeting, the Development Review Procedure (DRP) Chart was discussed primarily; and in the Council meeting on February 28th it was the change to the ordinance regarding the ARB.

Board member Plasencia emphasized that the definition of the ARB as well as the Code has been changed in a first reading.

Chairman Trowbridge noted that during the last Council meeting there were three or four different languages proposed to change the ordinance about the role of the ARB. The original ordinance was in the February 24th agenda packet and Council Liaison Ator wrote a revised draft.

The Chairman explained that the City Attorney revised and changed his ordinance and Councilman Espino drafted another and submitted the third one. There were three different items to discuss at the last Council meeting of February 24th.

Council Liaison Ator arrived at this time. The Chairman told her that during the first part of the meeting Board member Plasencia thanked her for her outstanding representation and efforts toward the ARB.

Council Liaison Ator explained that the City Attorney prepared a draft ordinance about the role of the ARB that was presented at the last meeting and the Council agreed that the ARB should be involved in the revitalization process. She recognized that the Council was not as specific as they should be, because they did not have the Code in front of them.

Council Liaison Ator said that she asked for a copy of the City Attorney's ordinance which she read and found out that it did not dignify the ARB members at all. Ms. Ator noted that the City Attorney crossed out the end of the ordinance and added two paragraphs which she thinks are a little vague. In response, she wrote another version which is based on the current Code. Councilman Espino also made a draft and changed the two paragraphs that the City Attorney wrote and took out all the demeaning and objectionable language.

The Council Liaison explained that she talked with the City Attorney Friday morning to ask if he reviewed and signed off on the form. The City Attorney replied that he really did not need to do that and she and Councilman Espino could send out their versions of the ordinance for the Council meeting. The main difference between her version and Councilman Espino's was that she left in the notice clause, which was discussed and it passed on first reading without the notice clause. Council tabled discussion on Councilman Espino's proposed Chart.

The Council Liaison explained that she did not understand why the Architectural Review Board cannot work like the Board of Adjustment. She discussed that with the City Attorney several times and recognized that the Board of Adjustment is more complicated with the appellate process and the due process issues and requirements that the BOA has; if a Board is just an advisory board like the ARB, no appeals are involved.

Council Liaison Ator asked the Board members if they had any questions.

Chairman Trowbridge said that during the last joint meeting of February 2, the ARB members stated that they wanted to know how they fit into the process of the revitalization of the City, and that Board member Plasencia offered to do some homework to help the Consultants and revise the box concept.

Board member Plasencia replied that the homework was supposed to be done by the Consultants, not the ARB members, because during the presentation, the Consultants admitted that their Procedure Chart was not accurate.

Council Liaison Ator further explained that after the joint meeting of February 2, Lorraine Tappen from the Consultant's firm, called the City Attorney. She has the perception that Ms. Tappen asked him about the Code which says that the ARB should be involved in the process, contrary to what the City Attorney and some of the Council members told them, and Ms. Tappen asked the City Attorney what to do with the Code.

Council Liaison Ator said that as a result of that, the Consultants revised the boxes that they submitted at the next meeting. The Council had an argument about whether or not the ARB should be involved in the process. The Council decided that the ARB should be involved at some point, and the City Attorney went back and amended the Code.

Board member Plasencia asked Council Liaison Ator to explain the Development Procedure Chart. He said that the chart that the City Attorney presented at the meeting of February 14th was totally unknown to him.

Council Liaison Ator replied that the chart had a little asterisk at the bottom that said: *"The ARB should be excluded from this process"*.

Board member Plasencia affirmed that it is important for all the Board members to understand that.

Council Liaison Ator said that at the meeting of February 14th, the City Attorney stated that he had talked to Chairman Trowbridge and that he agreed with that chart. She said that her response to him was that that cannot be. If the City Attorney were to read the minutes from the joint meeting of February 2nd, there is no place where it says that the ARB does not want to be included in the process.

Chairman Trowbridge remarked that he never had that conversation. He noted that the City Attorney had called and complained about a member of the ARB who was too hard on the Mayor in a public forum. The Chairman stated that it was all the conversation between them.

Board member Plasencia asked about who was that person but the Chairman did not mention any name.

At the meeting of February 14, the Mayor affirmed that he wanted to streamline this process and Councilman Best agreed. At the end, Councilman Best voted in favor of the ARB being included in the process and the voting was 5-0 after a long discussion.

Board member Plasencia said that looking at the details about what was drafted at the meeting of February 14th, in the box where it says "*Mandatory Preliminary Review of Proposed Plans and Project Designs with City Staff*", there is an asterisk that reads: "*The determination of the City Staff participation would be decided on a case by case basis*".

Council Liaison Ator said that this sentence is an answer to the original version of the box that said "*Mandatory meeting with City Manager, City Planner and Consultants*". The word Consultants means that the City has to be involved with a Consultant for perpetuity and that it is not good for the City; and that was her objection to that.

Council Liaison Ator said that the other problem with the actual proposed Code for the District Boundary Regulations is that it came on Monday during the day and it is very interesting that it was five days before the consultants forwarded the e-mail that said: "Forward to the Council people", but the City Council did not receive it until five days later.

Council Liaison Ator further explained that the Code drafted by the Consultants also included all the peculiar language about the Professional Revitalization Consultant (PRC) and enumerating it within the Code. The Council did not discuss it Monday night, but the City Attorney recommended that all Council members should look at it.

Board member Calvo asked if the Consultants had sent a new DRP Chart.

Board member Plasencia stressed the importance of the ARB being present at the Special Council Meeting of March 9 at 7:00 p.m.

Council Liaison Ator said that there will be a Sign up Sheet and she recommended all board members to sign before the meeting starts, because if they do not sign they will not be able to talk at the meeting.

Board member Calvert asked the Council Liaison why the Code Book said, under A: "The ARB should function as an Advisory Board for the City Council..." and then on the part of duties and Responsibilities, it reads: 1) "To act as an Advisory Board for the City Council and all matter relating to Architecture in design ordinances, issues and policies of the City"... and then under 3-) "To make recommendations..."; 6-) "To advise the City Council with suggestions for Architectural and Design policies"... Board member Calvert said that he does not understand why in the several Council meetings it had said that it is necessary "To take the teeth away from the ARB"... he asked what teeth the Architectural Review Board has.

The Council Liaison recognized that the phrase about "teeth" had been mentioned before and stated that it is very clear from the meeting of last Monday that there is fear of the ARB participating in the process, because the process will be hurt by too much burden. She remarked that it is too much burden, too much government, too many barriers to begin the development and revitalization. She stressed that the Mayor is the first proponent of that.

Council Liaison Ator explained that at the last meeting the argument of publishing notice was raised. She praised the ARB for their excellent labor and said that her feelings are that in the future the ARB will be part of the process and people will come to the meetings and see the work that they do on a monthly basis.

Board member Plasencia talked about the ordinance that was approved on first reading on February 28th. He commented that it is a good ordinance for the ARB, but the citizens were hurt in a way because the notice provision was left out.

Council Liaison Ator agreed.

Chairman Trowbridge asked if any member wanted to make a motion about the inclusion of the notice provision because it could be approved on the second reading and there was no response to his proposition.

Board member Plasencia expressed his concern because right now the Board members have their hands full just trying to defend the ARB. He stated that the ordinance that Vice Mayor Ator prepared is more powerful and can stand by itself. His concern is about the ordinance that Councilman Espino prepared because that ordinance cannot stand on its own; it has to be read in conjunction with the DRP.

Mr. Plasencia reiterated that it is critical that at the next meeting when Council reads the ordinance prepared by Mr. Espino, it has to be read together with the DRP that he prepared. If that does not happen, the ARB will not accomplish anything and it is very important to understand the technicality of that.

Board member Calvo suggested discussing in detail the importance of the notice provision.

Council Liaison Ator agreed with Board member Calvo and replied that her concern is that the DRP Chart should be discussed after the ordinance, because of the numeration it has.

Board member Plasencia agreed.

Vice Mayor Ator stressed that is disappointing that the City has a Code that will rely on something that it is not in the Code, because of the political claimants and the election coming up. She said that it is a shame that people are not encouraged to think independently.

Board member Plasencia suggested making copies of the DRP Chart.

The Secretary of the Board made copies for every Board member.

Board member Calvert suggested making copies of the Code of Ordinances for every member of the Board.

Board member Calvo said that the Code of Ordinances is on the City of Miami Springs' Website.

Board member Plasencia noted that one of the main reasons that the ARB ordinance is altered is because of the way it is written. He reiterated that Ms. Tappen, of Calvin Giordano and Associates recognized that the ARB has been ignored. He explained that he would not go as far as saying that any laws have been broken because he is not an attorney, but the role of ARB has been overlooked conveniently and now that the ARB wants to be involved the Code is being modified to regain control.

Chairman Trowbridge replied that it is a speculation.

Board member Plasencia denied that it was a speculation.

Council Liaison Ator remarked that she was unhappy with the City Attorney's draft because of the way he wrote the two added paragraphs. She said that in her draft she tried to explain why and how the ARB will work. She feels that Councilman Espino used an appropriate language in his re-drafting of the ordinance and took off the offensive language that the City Attorney had drafted in his own.

The Council Liaison said that she invited Councilman Espino to come to the Board and to speak about his draft but Mr. Espino said that he will talk about that at the Special Council meeting on March 9th and that the ARB members are welcome to attend that meeting.

Board member Calvert reiterated the importance of reading the Code and the ordinances.

To answer a question asked by Board member Plasencia, the Council Liaison said that one of the issues discussed at the last Council meeting on first reading, was the revision of the Code Section 32-100 pertaining to the ARB. The revision that the Consultants are proposing is the Section 150-154 relating to the Airport Marine Highway Business District (AMHBD).

Board member Calvo explained how the Notice works and its importance, especially for the City and the developers.

Board member Plasencia agreed with the explanation of Board member Calvo. Mr. Plasencia said that the notices are important for the City and especially for the City Attorney, which should be more focused on them and how the process will affect the City.

Board member Plasencia said that the DRP Chart is self-explanatory. The first box: *“Informational Session”* is completely optional, because the developer already has this information. The *“Mandatory Preliminary Review”* Box is the first formal step and it includes the Professional Revitalization Consultant (PRC). The Box *“Submittal to BOA/Zoning and Planning”* is optional and only applies if the developer has a variance. The box *“Submittal of Construction documents to City Building Department”* applies if the builder submits his construction documents to the City for a permit and a technical review. This is the most important step and it is the only moment that the ARB has to cross-check.

Board member Calvo commented that the boxes reflect the transformation that happens with every construction project in which the project schematics and designs become the construction documents which includes all the engineers' projects. He explained that all these check and balances are necessary to make the whole process work. The last box *“Permitting Issued and Construction Begins”* is not considered most of the time.

To answer a question asked by Board member Calvert, Mr. Calvo stated that the ARB's concern is anything and everything that affects the City from an aesthetic point of view.

Board member Plasencia pointed out that the role of the ARB for the City is critical. The ARB is the one who insures property values; he clarified that without the ARB's involvement, the property values are at stake.

Board member Calvert made a motion that every Board member should receive a copy of the Code of Ordinances. Board member Plasencia seconded the motion.

Board member Plasencia withdrew his second and the motion died for lack of a second.

Board member Plasencia moved to formally approve the plan with the inclusion of the ARB as a critical component in the discussion that is going to take place on the Special Council Meeting of the 9th in conjunction with the revised ordinance. Vice Chair Fleischman seconded the motion.

Chairman Trowbridge affirmed that Board member Plasencia and Board member Calvo gave the Board members real practical experiences of how to comply and how to fit in something that could eventually come before the ARB. They explained what is optional versus what is required, like the ministerial compliance section that is part of the “teeth” of the ARB. He said that he liked the fact that people understand that a step is skipped if no variances are required.

The motion was carried 4-1 on roll call vote with Board member Calvert casting the dissenting vote.

Vice Chair Fleischman asked for a copy of the notice provision.

Council Liaison Ator said that the notice is in the original language and it provided for notices on the building and on both sides of the street or on a vacant property. Her amendment recommends notice by posting the agenda on the City Website and in newspapers and publications of general circulation in the City. The notices will contain the address, hearing number and hearing date.

The Council Liaison commented that after a discussion at the Council meeting, the City Attorney said that it was too expensive to include notices in the newspapers but it seemed appropriate to send notices to people living at 500 feet from the property, the same way that is done by the Board of Adjustment and to put the agenda on the Website.

Chairman Trowbridge considered that one of the main issues is that the Notices are missing and asked Council Liaison Ator to re-introduce that issue at the next Council meeting and she agreed. He said that Board member Plasencia could approach Council member Espino to advocate for the notices and Mr. Plasencia agreed.

The Chairman asked the Board members to go to the Special Council Meeting on March 9th at 7:00 p.m.

Board member Calvo advised that the Consultant’s presentation is an outline. He affirmed that the Consultants never made a whole vision or an image of 36 Street as Joe Valencia, from the Ad-Hoc Committee, noted during the last meeting of February 2.

Board member Calvo said that the physical quality is absent of the presentation made by Calvin, Giordano and Associates. He said that it is not possible to see how 36 Street is going to look after all the changes are done because something is missing.

Council Liaison Ator said that it happened because the Council asked the Consultants to do only a part of 36 Street. She explained that 36 Street is divided into three Sections and the Consultants were told by the Council to work just on one part of 36 Street.

Board member Calvo said that the Consultants should be able to do the whole vision of 36th Street working on just that part of the City.

The Council Liaison invited him to share his comments at the Council meeting.

Board member Plasencia stated that one of the limitations of the ARB is that the Consultants are hired, but the Council is limited in using the Consultants.

Council Liaison Ator said that the Council chose to have no limits on the use of the Consultants.

Board member Plasencia said that his comments should turn into a motion. It is that the Consultants presented a form based Code and Design Guidelines, and whatever the Consultants presented is going to be projected into the quality of their work; going back to the model of the City that the ARB used to develop the signs based on Rosemary's Beach.

The Chairman said that the Board members are ahead of themselves and he does not think that should be a motion now.

The Council Liaison reiterated that Board member Plasencia should go to a Council meeting and share his concerns with the Council. She said that everybody that goes to the Council receives a response sooner or later.

Council Liaison Ator said that she found that the ARB members are very reasonable and diligent, and she tries to be the ARB's best advocate possible but she feels that everybody is their own best advocate.

4) New Business:

A) Discussion regarding February 14 and 28, 2011 Council Meetings

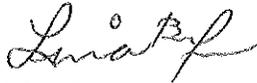
This item was discussed under Old Business.

5) Adjournment

Vice Chair Fleischman moved to adjourn. Board member Plasencia seconded the motion which was carried unanimously on voice vote.

There was no further business to be discussed and the meeting was adjourned at 8:35 p.m.

Respectfully Submitted,



Lina Bryon
Clerk of the Board

Transcription assistance provided by S. Hitaffer

Approved as written during meeting of: April 6, 2011

Words ~~-stricken-through-~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

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