

MINUTES

ZONING MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JUNE 23, 2015

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Theodore Holloway (arrived 7:10 p.m.), Michael E. Kelly, Edward London (arrived 7:15 p.m.), James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra Lindsay. Councilmember Luis de la Cruz was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay gave a brief update on the Marine Stadium situation and thanked everyone that is involved and committed to this issue; Councilmember Taintor reported that Governor Scott vetoed the two line items dealing with the Marine Stadium and also reported that the Council will hold, for the first time, an Executive Session on this matter.
4. **AGENDA:** There were no changes to the agenda.
5. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of June 9, 2015 Regular Council Meeting. The motion was seconded by Councilmember Kelly and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

6. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearing were sworn in by the Clerk.

Hearing Number SP-23. The Applicant, 101 Sunrise Holdings, LLC, is requesting approval of a site plan for an 11 unit apartment building at 202 Sunrise Drive.

Mario Garcia Serra, Attorney with Gunster, Yoakley & Stewart, P.A., Miami, representing the owner, addressed the Council. Gabriel Lopez, Architect for the project, gave a presentation to the Council regarding the project.

Vice Mayor Caplan made a motion to approve the site plan with the Building Zoning and Planning Director's conditions. Councilmember London seconded the motion.

Building Zoning and Planning Director Jud Kurlancheek addressed the Council recommending approval of the project subject to the following conditions: 1.) The dumpster shall be constructed of concrete block and stucco. The building material for the gate shall only be comprised of metal; 2.) The Building, Zoning and Planning Director shall approve the design of the aluminum picket fence which surrounds the Property, sliding gates at the two (2) entrances to the parking garages and the dumpster enclosure and 3.) The property contains a variety of palm trees and canopy trees. Those trees which will be removed or retained on the site prior to demolition, the Village shall have the opportunity to remove those trees that will not be retained on site and place them on public property. The relocation cost of such trees shall be at the expense of the developer.

The Mayor opened the public hearing. Scott Hardie, 155 Sunrise Drive and Robert Cook, 155 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding the project.

The site plan, with the BZP Director's recommendations, was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

7. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ABC CONSTRUCTION INC. FOR THE CONSTRUCTION OF THE COMMUNITY CENTER EXPANSION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember London.

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The Manager addressed the Council recommending to approve the Ordinance selecting ABC Construction Inc. for the Community Center Expansion capital project. The Village Manager and Village Attorney will prepare an agreement consistent with the Request for Proposals (RFP) response submitted by ABC Construction, Inc. The Village Clerk will mail the required notifications pursuant to Section 4.03(9) of the Village Charter, in a manner that will permit the second reading of the Ordinance to be heard at the July 7th, 2015 Village Council Meeting. The funding for this project is available in the FY2015 Capital Improvement fund.

Paul Abbott, Project Manager for the Village, addressed the Council.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

There was discussion from Council regarding the project.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk announced the second reading of the ordinance will be on July 7, 2015.

8. **RESOLUTIONS:** The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING THE BID OF SOLO CONSTRUCTION & ENGINEERING CO. FOR FERNWOOD AND WEST HEATHER INTERSECTION IMPROVEMENTS PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SUCH PROJECT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Councilmember Holloway.

The Manager addressed the Council recommending approval of the resolution authorizing the Village Manager to execute an Agreement with Solo Construction and Engineering, Inc. for the Fernwood and West Heather Intersection Improvements in an amount not to exceed \$95,000. Funding for this project is in the FY2015 Capital Improvements Plan.

Ramon Castella with Stantec addressed the Council.

Councilmember Kelly withdrew his motion.

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The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING THE PROPOSAL OF SOUTHERN WASTE SYSTEMS, LLC FOR SOLID WASTE AND RECYCLING SERVICES TO THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE AND RECYCLING SERVICES; AUTHORIZING IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Village Attorney Stephen J. Helfman left the room due a conflict of interest. Attorney Jean Olin was present at the time this item was heard.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Councilmember Holloway.

The Manager addressed the Council recommending approval of the resolution selecting Southern Waste Systems, LLC for the Collection, Transportation and Disposal of Solid Waste and Recycling Services, authorizing and approving an Agreement and authorizing the Village Manager to negotiate and execute the Agreement. Funding for this project is from the Solid Waste Enterprise Fund.

Carlos Verney with Progressive Waste addressed the Council. John Casagrande with Southern Waste Systems addressed the Council. Eileen Damaso with World Waste Recycling addressed the Council.

The Attorney addressed the Council regarding the process for approval of this resolution.

There was extensive discussion from Council regarding this resolution.

Councilmember London made a motion to waive the minor irregularities in the submission of the RFPs. The motion was seconded by Vice Mayor Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Ramon Castella with Stantec and Mariana Dominguez-Hardie with the Village's Public Works Department addressed the Council.

The resolution was approved by a 5-1 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING THE VILLAGE'S ABILITY TO FUND AND SUPPORTING THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE VILLAGE'S BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Councilmember Holloway.

The Manager addressed the Council recommending approval of the resolution providing the Florida Department of Environmental Protection (DEP) confirmation that the Village has committed funds and supports the construction and monitoring of the Beach Renourishment Project.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

9. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Councilmember Holloway requested to discuss an ordinance that was passed by the Village Attorney earlier at the beginning of the meeting. The Mayor did not allow to hear this item, since it was not added to the agenda.

It was the consensus of Council to add this proposed ordinance, as a discussion item, to the July 7th agenda.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council a proposed resolution regarding Medicaid to see if there was interest from the Village to adopt a similar resolution. Since the Governor already approved the budget this morning, it is too late to consider this resolution.

Village Manager. The Manager did not submit a report.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

11. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

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12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

13. **ADJOURNMENT:** The meeting was adjourned at 8:55 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 7th day of July, 2015:*

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*Mayra Peña Lindsay  
Mayor*

***IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.***