MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JANUARY 29, 2008

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 Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.

3. **AGENDA:** Councilmember Weinman requested the addition of a proposal for a communications and support program for the Sanitary Sewer Project as Item 9A1; Councilmember Davey requested the addition of a discussion regarding the High School presentation as Item 9A2; the Manager requested the addition of a discussion regarding the swimming pool in the Community Center as Item 9D1 and also requested the addition of a report on Crime Statistics on the Village as Item 9D2. There was no objection to the agenda changes.

4. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the January 15, 2008 Regular Council Meeting. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Hearing Number RV - 28. The applicants, Walter Defortuna and Claudia Batschauer, 720 Harbor Drive are requesting the following variance: 1. Permit a portion of a boat dock to project 15 ft. 2 in. into the water (Hurricane Harbor) when 10 ft. is permitted.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council recommending approval of the variance subject to the dock not being used until a new home receives an issuance of a Certificate of Completion.

Mark Fried, attorney for the applicant, addressed the Council regarding this request.

The Attorney addressed the Council regarding this variance.

Councilmember Davey made a motion to approve the request with the above staff recommendation. The motion was seconded by Councilmember Weinman.

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

The request, with the above staff recommendation, was approved by a 5-0 roll call vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes. Councilmember Garcia and Mayor Vernon were out of the room at the time the vote was taken.

6. **SPECIAL PRESENTATIONS:** Councilmember Davey introduced Mr. Angel Martin, Chair person of the Proposed Key Biscayne Community High School initiative. Mr. Martin made a presentation to the Council and the public on the proposed Key Biscayne Community High School.

The following residents addressed the Council regarding the proposed High School: Kathy King, 745 Fernwood Road; Leo Brito, 775 Curtiswood Drive; Allan Mathews, 210 Seaview Drive; Karen Futernick, 325 Pacific Road and Charles Viscito, 141 Crandon Boulevard.

7. **ORDINANCES:** There were no ordinances considered by Council.

8. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. At this time Councilmember Davey addressed the Council and the public regarding the proposed High School on Key Biscayne.

Councilmember Davey made a motion to direct staff to meet with this group regarding a Charter School and to contract the services of a consultant, through an RFI process, with experience in municipal charter schools to conduct a detailed analysis of the municipal charter opportunity. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Manager addressed the Council regarding this proposal and the different options that might be available to the Village.

Councilmember Weinman addressed the Council regarding a proposal for a communication and support program for the Sanitary Sewer Project.

The Manager also addressed the Council giving an update on the actions taken to address the residents' concerns.

Ramon Castella with C3TS addressed the Council regarding water pipe replacement and the sanitary sewer project.

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 3 of Ordinance 97-21 adopted by the Village Council on September 9, 1997, two Board Members are required to be appointed by the Council for a two year term to the Police Officers and Firefighters' Pension Plan Board of Trustees.

The two members appointed by the Village Council are: Dr. Robert L. Maggs and Sherry L. Reed. Both members were appointed for a two (2) year term. Dr. Maggs was first appointed on January 24, 2006. Ms. Reed was first appointed on October 9, 2007. Dr. Maggs has agreed to accept re-appointment. Appointment will be from January 24, 2008 to January 24, 2010.

Councilmember Liedman made a motion to re-appoint Dr. Robert L. Maggs to the Police Officers and Firefighters' Pension Plan for a two year term from January 24, 2008 to January 24, 2010. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Village Manager. The Manager addressed the Council regarding a problem with the heating system for the swimming pool in the Community Center.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding this problem.

Councilmember Davey made a motion to authorize the Manager to repair the heating system for the swimming pool in the amount of $23,632.00. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

It was the consensus of Council to direct staff to draft language that will provide for an emergency provision that would authorize the Manager to address emergency repairs without prior Council approval.

The Manager also addressed the Council providing a summary of the 2007 Uniform Crime Report Statistics reporting a significant reduction across the major categories.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** At this time, Councilmember Davey requested an update regarding a meeting, that was supposed to take place, between John Shubin, Attorney with Shubin & Bass, staff and specific homeowners on Harbor Drive requesting dock variances.

The Attorney addressed the Council reporting that Shubin & Bass has filed a request for relief for the following properties: 210 Harbor Drive, 230 Harbor Drive, 300 Harbor Drive and 310 Harbor Drive.

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

12. **ADJOURNMENT:** The meeting was adjourned at 8:50 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 12th day of February, 2008:

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Robert L. Vernon
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.