MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, DECEMBER 9, 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 Enrique Garcia, Robert Gusman, Michael E. Kelly, Jorge E. Mendia (arrived at 8:05 p.m.), Vice Mayor Michael W. Davey and Mayor Robert L. Vernon. Councilmember Thomas Thornton was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church, was unable to attend the meeting.

3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** Mayor Vernon, on behalf of the Council, recognized the Key Biscayne Youth Baseball teams. Both 11U and 13U won their AAA divisions in the Miami Youth Baseball Association league.

5. **PUBLIC COMMENTS:** The following resident addressed the Council: John Rosser, 300 Redwood Lane.

6. **AGENDA:** Vice Mayor Davey requested the addition of a discussion regarding replacing Ms. Marianne de la Fuente in the Youth Athletics Board as Item 10A3 and Councilmember Garcia requested the addition of a discussion regarding golf carts and the holidays as Item 10A4. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the November 18, 2008 Regular Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100 "SINGLE FAMILY AND TWO-FAMILY DISTRICTS" RELATING TO DOCKS AND MOORING PILES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Attorney addressed the Council stating that this legislation comes before Council as a result of the mediation between staff and property owners at 210, 230 and 310 Harbor Drive.

Councilmember Garcia made a motion to adopt the ordinance on first reading. The motion was seconded by Vice Mayor Davey.

> Amy Huber with Shubin and Bass, attorney representing homeowners at 210, 230 and 310 Harbor Drive addressed the Council.
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> The Mayor opened the public hearing. Jim Taintor, 355 Harbor Drive and Hector Formoso-Murias, 471 N. Mashta Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to direct staff to amend the ordinance before second reading to reflect the following proposed changes: Specific regulations should only apply to properties located at 200-398 Harbor Drive, limit lift capacity, set an appropriate distance between mooring piles, include a requirement to add lighting on mooring piles, permit only one slip per home and limit the size of the boat not to exceed 50'.

The ordinance was approved on first reading by a 4-2 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Mendia and Mayor Vernon voting Yes. Councilmember Kelly and Vice Mayor Davey voting No.

The Clerk announced the second reading of this ordinance for January 13, 2009.

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING THE VILLAGE CODE BY AMENDING SECTION 30-103 "HOTEL RESORT DISTRICT"; BY DELETING APARTMENT BUILDING AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE.

Councilmember Garcia made a motion to adopt the ordinance on first reading. The motion was seconded by Vice Mayor Davey.

> The Mayor opened the public hearing. Carter McDowell, Attorney representing SBR Fortune, developer of the Sonesta property addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

The Attorney addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 4-2 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly and Vice Mayor Davey voting Yes. Councilmember Mendia and Mayor Vernon voting No.

The Clerk announced the second reading of this ordinance for April 14, 2009.

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING CHAPTER 2, ARTICLE XIV, "ZONING ORDINANCE REVIEW COMMITTEE, SECTION 2-215, "JURISDICTION, DUTIES"; BY EXPANDING JURISDICTION TO INCLUDE HOTEL RESORT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Garcia made a motion to adopt the ordinance on first reading. The motion was seconded by Vice Mayor Davey.

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

The Attorney addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Vice Mayor Davey and Mayor Vernon voting Yes.

The Clerk announced the second reading of this ordinance for January 13, 2009.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY CREATING THE PUBLIC SCHOOL FACILITIES ELEMENT, AND AMENDING THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS IN ORDER TO MEET THE STATE MANDATED REQUIREMENTS OF PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Attorney addressed the Council regarding this ordinance, stating that the Florida Legislature recently mandated that public school concurrency be adopted by all Florida school boards, counties and non-exempt municipalities by the end of 2008.

After first reading, the proposed comprehensive plan amendments were transmitted to the Department of Community Affairs (DCA) for review and comment in accordance with state law. The DCA issued its Objections, Recommendations, and Comments Report to the Village. In response to the ORC, two minor modifications were made to the proposed comprehensive plan amendments. It is recommended that the Village adopt these comprehensive plan amendments in order to be in compliance with state law.

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

> The Mayor opened the public hearing. Charles Viscito, 141 Crandon Boulevard and Angel Martin 151 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The ordinance was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Vice Mayor Davey and Mayor Vernon voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND DUTKO WORLDWIDE CONCERNING FEDERAL LOBBYING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the agreement between Dutko Worldwide and the Village for Federal Level Lobbying Services.

Javier Soto with Dutko Worldwide addressed the Council.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Vice Mayor Davey and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING GRANT AGREEMENT BETWEEN THE VILLAGE AND JOHN S. AND JAMES L. KNIGHT FOUNDATION FOR FUNDING OF CRANDON BOULEVARD PLAZAS; IDENTIFYING AND AUTHORIZING MATCHING FUNDING SOURCE; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Director Kurlancheek addressed the Council recommending approval of the resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Vice Mayor Davey and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING A DECLARATION OF OFFICIAL INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR

TO ISSUANCE; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia.
The Manager addressed the Council recommending approval of the resolution authorizing the Declaration of Official Intent for the State Revolving Fund Loan.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Kelly, Mendia, Vice Mayor Davey and Mayor Vernon voting Yes. Councilmember Gusman was out of the room at the time the vote was taken.

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

Mayor and Councilmembers. The Mayor addressed the Council regarding the re-appointment of three members of the Art in Public Board.

The Mayor appointed, with consensus of Council, the following residents to the Art in Public Places Board to a two year term: Dianne Moss, Lourdes Joffre Collette and Karen Llorente.

It was the consensus of Council to direct staff to amend the ordinance that created the Art in Public Places Board in order to increase the number of members to 8. With consensus of Council, the Mayor also appointed Karen Llorente to the Board. This appointment will be ratified in January 2009.

The Mayor also addressed the Council regarding the employee 10-step salary plan approved by Council on January 9, 2001. It was the consensus of Council to bring this item before Council at the January 13, 2009 Council Meeting.

Vice Mayor Davey addressed the Council regarding the appointment of a new member to the Youth Athletics Board due to the resignation of Marianne de la Fuente.

Councilmember Garcia addressed the Council regarding the increased use of golf carts within the Village.

It was the consensus of Council to direct staff to enforce the golf cart ordinance which prohibits the use of golf carts on Crandon Boulevard, except to cross that thoroughfare at marked intersections or intersections regulated by a traffic signal or to travel north or south upon Crandon Boulevard solely for the purpose of reaching the immediately next intersection.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council regarding the installation of a security system for the Ocean Front Park.

It was the consensus of Council to go through a bid process for the proposed security system for the Ocean Front Park.

The Manager and Ramon Castella with C3TS, gave an update on the progress of the Sanitary Sewer Project.

The Manager addressed the Council regarding options and recommendations for street lighting for Galen and Sunrise Drives.

Public Works Director Armando Nunez addressed the Council regarding the street lights on East Heather Drive.

Councilmember Mendia made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Vice Mayor Davey and Mayor Vernon voting Yes.

It was the consensus of Council to direct staff to bring pricing for the different options for street lighting for Galen and Sunrise Drives.

The Manager also addressed the Council regarding the current use of the property at 530 Crandon Boulevard.

The Manager proposed the following dates for the following: a.) Recreation and Open Space Public Meeting - Saturday, January 31, 2009, 9:00 a.m., Community Center and b.) 530 Crandon Boulevard Charrette - Saturday, February 14, 2009, 9:00 a.m., Community Center.

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

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 11:10 p.m.

December 9, 2008

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 13th day of January, 2009:

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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.