

MINUTES

ZONING MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, MAY 26, 2009

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, Thomas Thornton, Vice Mayor Michael W. Davey 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:** Mayor Vernon led the Pledge of Allegiance.
3. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding the Sonesta demolition as Item 7A1 and also requested the addition of a discussion regarding possible purchase of the Sonesta Property as Item 7A2; the Attorney requested to defer Item 5A2 and the Manager requested to defer Item 7D2 to the June 9, 2009 Council Meeting. There was no objection to the agenda changes.
4. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the May 12, 2009 Regular Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 6, "BUILDING AND BUILDING REGULATIONS," OF THE VILLAGE CODE BY ADDING SECTION 6-4, "NON-RESIDENTIAL TRASH CONTAINERS" PROVIDING FOR NON-CONFORMITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

The Attorney and the Manager addressed the Council recommending the approval of this ordinance.

Councilmember Garcia made a motion to approve 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.

It was the consensus of Council to eliminate the application fee and the annual inspection fee provisions.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER II, "ADMINISTRATION" OF THE CODE OF KEY BISCAYNE, FLORIDA CREATING NEW ARTICLE XIX, "K-8 EDUCATION ADVISORY BOARD"; ESTABLISHING A NEW BOARD AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE BOARD; 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 second reading. The motion was seconded by Councilmember Thornton.

The Attorney addressed the Council regarding the composition of the Board. The Manager also addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

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Vice Mayor Davey made a motion to continue the second reading of this ordinance to the June 9, 2009 Council Meeting. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the demolition of the Sonesta and possible purchase of the Sonesta property.

Building Official Eugenio Santiago and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding the condition of this property.

The Attorney also addressed the Council regarding the condition of this building. Code violations may be issued under the criteria of the unsafe structure provision and the vacant structure provision of the Miami-Dade County Code.

It was the consensus of Council to direct staff to enforce the codes.

Chief of Police Charles Press also addressed the Council regarding the security of this property.

It was also the consensus of Council to direct staff to look into the sale price of this property, prepare different financial options for the possible purchase of the property and report back to Council on June 9th.

Village Attorney. The Attorney requested an Executive Session regarding pending litigation with United Real Estate Ventures v. VKB and Atlantic USA v. VKB. It was the consensus of Council to hold the Executive Session at 6:00 p.m. on June 9, 2009.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager presented to the Council a Draft Recreation and Open Space Recommendations. The Draft Park and Open Space Recommendations were prepared by our consultant, IBI Group. The following summarizes their recommendations: 1. Address the park deficiency in the Master Plan by including an accurate accounting of all recreation lands in the Village, including the beach; 2. Safeguard the quality of life on the Key by maintaining the current development standards and density restrictions; 3. Improve 530 Crandon Boulevard as a combined active and passive park; 4. Acquire property as opportunities arise in the future and dedicate it towards green space; 5. Improve Calusa Park and 6. Explore the use of the great lawn through a

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cooperative agreement at the Virginia Key Beach Trust property for several ballfields. Should the Council wish to proceed, the next step is to consider the adoption of the report at a subsequent meeting.

It was the consensus of Council to schedule an Open Space and Recreation Workshop on June 23, 2009.

The Manager also addressed the Council regarding pending Mashta Island Homeowner's Association issues like security cameras on the Mashta Bridge and bridge painting.

Marc Rothfeldt, 481 S. Mashta Drive and Max Puyanik, 480 S. Mashta Drive addressed the Council.

There was discussion from Council on these issues, but no action was taken.

8. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
9. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
10. **ADJOURNMENT:** The meeting was adjourned at 8:45 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC*  
*Village Clerk*

*Approved this \_\_ day of \_\_\_\_, 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.***