

MINUTES

ZONING MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, APRIL 27, 2010

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 Davey, Robert Gusman, Michael E. Kelly (arrived at 8:00 p.m.), Jorge E. Mendia and Mayor Robert L. Vernon. Councilmember Thomas Thornton and Vice Mayor Enrique Garcia were absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
3. **AGENDA:** There were no changes to the agenda.
4. **SPECIAL PRESENTATIONS:** Mr. Michael Futterman, CPA, Audit Partner with Marcum Rachlin Accountants-Advisors presented to the Council the 2009 Comprehensive Annual Financial Report.
5. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the April 13, 2010 Regular Council Meeting. The motion was seconded by Councilmember Gusman and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia and Mayor Vernon voting Yes.
6. **ORDINANCES:** There were no ordinances considered by Council.

April 27, 2010

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND THE CITY OF MIAMI FOR FIRE, RESCUE, AUTOMATIC AIDE AND ANCILLARY SERVICES AT THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR CONTINUED SERVICES TO BE PROVIDED BY THE CITY OF MIAMI TO THE VILLAGE OF KEY BISCAYNE FOR AUGMENTATION OF FIRE RESCUE AND RELATED SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

The Manager and Chief of Fire Rescue John C. Gilbert addressed the Council recommending the approval of the Automatic Aid and Ancillary Services Agreement between the City of Miami and the Village of Key Biscayne covering the period of April 1, 2010 and terminating on March 31, 2015.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Gusman.

Ed Meyer, 798 Crandon Boulevard addressed the Council.

The resolution was approved by a 4-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia 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 AN AGREEMENT BETWEEN THE VILLAGE AND GALLERIA OF KEY BISCAYNE INC. PERMITTING GOLF CART AND PEDESTRIAN ACCESS AND IMPROVEMENTS FOR A PORTION OF THE PROPERTY LOCATED AT 328 CRANDON BOULEVARD (GALLERIA SHOPPING CENTER); AND PROVIDING FOR AN EFFECTIVE DATE.**

The Manager addressed the Council recommending the approval of the resolution which approves the agreement with the owner of the Galleria Shopping Center that would permit a pathway from Fernwood Road to the parking lot at the rear of the property. The agreement insures use of the pathway on private property by the general public.

Ramon Castella with C3TS addressed the Council.

April 27, 2010

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Gusman and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

**A CAPITAL PROJECT RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AWARDDING THE CONSTRUCTION CONTRACT FOR CAPE FLORIDA ROADWAY RESURFACING IMPROVEMENTS TO H & J ASPHALT, INC. (THE "CONTRACTOR"); AUTHORIZING THE PROJECT AND EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.**

The Manager addressed the Council recommending approval of the resolution which awards the construction contract for the Cape Florida Road Resurfacing Improvements to H & J Asphalt, Inc.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Gusman and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Davey addressed the Council regarding the findings of the South Florida Regional Planning Council regarding the Village of Key Biscayne Comprehensive Plan.

The Manager, the Attorney and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding these finds and the steps the staff intends to take in order to resolve these comments.

Councilmember Davey also addressed the Council requesting clarification of customer service procedures with regard to solid waste removal payments and liens.

Councilmember Davey addressed the Council proposing to refurbish the Crandon fields so as to facilitate out of season sports and programs aimed at older children.

Parks and Recreation Director Todd Hofferberth addressed the Council.

Councilmember Davey addressed the Council regarding the Zoning Code issues that must be submitted to the voters, pursuant to the specific requirements of the 2007 Charter Amendment.

Director Kurlancheek addressed the Council on this subject.

*April 27, 2010*

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk addressed the Council regarding her attendance to the International Institute of Municipal Clerks annual conference from May 23-27, 2010.

Village Manager. The Manager and Mr. Castella with C3TS addressed the Council regarding the logistics and feasibility of converting all existing overhead power, telephone, and cable TV facilities within the Village boundaries to underground facilities reporting that the estimate is roughly \$15.8 million plus \$4 to \$5 million for the service lines.

At this time Item 8A4 was heard. Councilmember Kelly addressed the Council regarding Village Green lighting.

The following residents addressed the Council: Bruno Sardenberg, 200 Sunrise Drive; John Lombardi, 341 Island Drive and Darrin Guisky, Attorney representing the Grand Bay.

The Manager and Director Hofferberth addressed the Council requesting authorization to bid the proposed tot lot barrier. The Manager is proposing two options for consideration. The first option includes the following: three hundred and eighty (380) feet of a seating wall that is thirty (30) inches high and eighteen (18) inches wide; two hundred and ninety (290) feet of low shrubs and ground cover; eight (8) concrete columns and two (2) aluminum picket entrance/exit gates.

The second option includes the following: five hundred and forty (540) feet of low shrubs and ground cover; two (2) aluminum picket entrance/exit gates and forty (40) feet of aluminum picket fence.

Mary Jo Pinedo, 365 Atlantic Road and Brigitte Neusom, 345 Pacific Road addressed the Council.

The Manager also requested authorization for the purchase and installation of furniture to enhance the Village Beach Park.

Councilmember Davey made a motion to authorize the purchase and installation of furniture to enhance the Village Beach Park as presented on Exhibit "D" Playmore in the amount of \$17,371.21. The motion was seconded by Councilmember Mendia and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia and Mayor Vernon voting Yes.

The Manager and Director Kurlancheek addressed the Council regarding the proposed draft of an HR District ordinance that staff was directed to prepare for the review of the Council. This ordinance removes any language from the ZORC's recommended HR Hotel Resort regulations that required a referendum.

April 27, 2010

There was extensive discussion from Council regarding this issue.

The following persons addressed the Council: Mary Jo Pinedo, 365 Atlantic Road; Julio Padilla, 325 Atlantic Road; Andrew Frey, Attorney with Ackerman Senterfitt, representing Consultatio Key Biscayne LLC (owners of the former Sonesta property); Niesen Kasdin, Attorney with Ackerman Senterfitt, representing Consultatio Key Biscayne LLC; Bradley Newsom, 345 Pacific Road and Hector Formoso-Murias, 471 North Mashta Drive.

The Attorney also addressed the Council regarding this issue.

Councilmember Kelly made a motion to direct staff to bring this item back at the next Council meeting as an ordinance for first reading. The motion died for lack of a second.

9. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
11. **ADJOURNMENT:** The meeting was adjourned at 10:15 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 11th day of May, 2010:*

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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.***