

MINUTES

ZONING MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, JUNE 22, 2010

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 p.m. Present were Councilmembers Michael Davey, Robert Gusman, Jorge E. Mendia, Thomas Thornton, Vice Mayor Enrique Garcia and Mayor Robert L. Vernon. Councilmember Michael E. Kelly was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorneys Stephen J. Helfman and Chad Friedman.

2. **AGENDA:** The Clerk requested the addition of a report regarding the Mayoral Qualifying as Item 6C1 and the Manager requested the addition of a report on the Greeven Home as Item 6D3. There was no objection to the agenda changes:

3. **APPROVAL OF MINUTES:** Vice Mayor Garcia made a motion to approve the minutes of the June 8, 2010 Regular Council Meeting. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA AMENDING ARTICLE IV "DANGEROUS INTERSECTION SAFETY" OF CHAPTER 26 "TRAFFIC AND VEHICLES" OF THE VILLAGE OF KEY BISCAVNE CODE OF ORDINANCES; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED**

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**LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2010.**

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

The Manager addressed the Council recommending the adoption of the ordinance amending Article IV "Dangerous Intersection Safety" of Chapter 26 of the Village Code to conform to the recently enacted Chapter 2010-80, Laws of Florida, as adopted by the State Legislature and signed by the Governor.

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

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

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS" BASED UPON THE ZONING ORDINANCE REVIEW COMMITTEE'S (ZORC) RECOMMENDATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council recommending the adoption of the ordinance revising Chapter 30, "Zoning and Land Development Regulations" based upon the recommendations by the Zoning Ordinance Review Committee.

Staff is recommending that the changes recommended by ZORC be approved with the exception of the following: 1.) Any change to the definitions. The recommended changes add clarity but are not necessary. Staff, architects, and residents have been using these definitions for the past ten (10) years. There is an understanding in the architectural community of how these terms are interpreted and applied. Several of the changes to the definitions moved regulatory language from the

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definitions to other sections. It is recommended these changes not be approved as relocating them back to the definitions results in a complete definition for each term; 2.) The permitted uses in the C-1 Commercial District were amended to include "Hotel", the height limit was increased from 50 ft. to 100 ft., and the FAR limit was increased from .50 to 1.0. These changes affect the entry block, the Harbor Plaza Shopping Center (7-11) and the Galleria. As these properties do not have access to the Ocean, it is highly unlikely a hotel is feasible now or in the foreseeable future. Presently, there is no proposal to develop a hotel on these properties and 3.) The permitted uses in the Institutional District (church properties) were amended to include "places dedicated to historical or cultural functions". This was done to accommodate the possibility of moving a historic home on property that is owned by one of the churches. The home would be used for historical or cultural purposes. To date, there is no proposal or agreement by any church to accommodate this activity.

The Mayor opened the public hearing. Max Puyanic, 480 S. Mashta Drive and Julio Padilla, 325 Atlantic Road addressed the Council. The Mayor closed the public hearing.

The Attorney also addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

Councilmember Mendia made an amending motion to approve the ordinance on first reading with staff's recommendations. The amending motion was seconded by Vice Mayor Garcia and approved by a 5-1 roll call vote. The vote was as follows: Councilmembers Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmember Davey voting No.

The ordinance, as amended, was adopted on first reading by a 5-1 roll call vote. The vote was as follows: Councilmembers Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmember Davey voting No.

It was the consensus of Council to direct staff to provide a written analysis of each of the changes before second reading.

5. **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, CONCERNING PURCHASE OF EQUIPMENT AND RELATED SERVICES FOR MOBILE FIRE INSPECTION PROGRAM FOR THE VILLAGE OF KEY BISCAYNE FIRE RESCUE DEPARTMENT; AUTHORIZING VILLAGE MANAGER TO COMPLETE PURCHASE OF EQUIPMENT AND SERVICES; PROVIDING FOR EFFECTIVE DATE.**

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Councilmember Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor Garcia.

The Manager and Chief of Fire Rescue John C. Gilbert addressed the Council recommending the approval of the resolution concerning the purchase of the MobileEyes mobile fire inspection program.

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

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF UPDATED CAD/RMS SOFTWARE FOR THE VILLAGE OF KEY BISCAYNE POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION AND AUTHORIZING THE VILLAGE MANAGER TO COMPLETE THE PURCHASE OF THE EQUIPMENT AND EXECUTE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor Garcia.

The Manager and Police Chief Charles Press addressed the Council recommending approval of purchase of an upgrade to the computer aided dispatch software and records management system (CAD/RMS) to be used by the Village of Key Biscayne Police Department.

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

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF UPDATED EQUIPMENT AND AN UPGRADED NETWORK FOR THE VILLAGE OF KEY BISCAYNE POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION AND AUTHORIZING THE VILLAGE MANAGER TO COMPLETE THE PURCHASE OF THE EQUIPMENT AND EXECUTE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor Garcia.

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The Manager and Chief Press addressed the Council recommending approval of purchase and implementation of equipment to improve and update the department's computer network. This will be a one time expenditure for the implementation of a Disaster Recovery Plan, including High Waters or Pending Storm Contingency Plan for the department's mission critical computer network.

The expenditure will be obtained from the Federal Asset Sharing Account and the 2010 Edward Byrne Grant.

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

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF POLICE VEHICLES FOR THE VILLAGE POLICE DEPARTMENT; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO PURCHASE POLICE EQUIPMENT, TO-WIT: SEVEN (7) POLICE VEHICLES; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING AND APPROVING MASTER LEASE AGREEMENT AND RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor Garcia.

The Manager and Chief Press addressed the Council requesting approval to purchase seven (7) Police Vehicles and accompanying emergency equipment to replace the department's aging fleet, originally purchased in 2004 and 2005 in accordance with the Police Department's existing fleet replacement program.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia 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 A LEASE AGREEMENT BETWEEN THE VILLAGE AND SAMORO LLC FOR A PORTION OF THE PROPERTY LOCATED AT 24 CRANDON BOULEVARD FOR A PUBLIC WORKS YARD; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE; PROVIDING FOR IMPROVEMENTS TO BE PAID OUT OF THE FY 2010 CAPITAL IMPROVEMENTS PLAN CONTINGENCY FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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Vice Mayor Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Davey.

The Manager addressed the Council recommending approval of a lease agreement between the Village and Samoro LLC for a portion of the property located at 24 Crandon Boulevard for a Public Works yard.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia 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 THE FURTHER PROCUREMENT OF ENGINEERING SERVICES FOR THE VILLAGE OF KEY BISCAYNE, FROM THE FIRM OF COASTAL SYSTEMS INTERNATIONAL, INC.; PROVIDING FOR APPROVAL OF PROPOSAL CONCERNING CONSULTANT SERVICES RELATIVE TO BEACH RENOURISHMENT MAINTENANCE PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor Garcia.

The Manager addressed the Council recommending approval of the agreement with Coastal Systems International (CSI) for scope of services required to complete the environmental permitting process for the beach renourishment project.

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

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

Mayor and Councilmembers. Mayor Vernon addressed the Council recommending to renew the Manager's contract.

Vice Mayor Garcia made a motion to appoint Councilmember Mendia to negotiate the renewal of the Manager's contract. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

Councilmember Mendia addressed the Council regarding the current D-5 dock regulations.

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Dave Blumberg, 10 Harbor Point; Jameela Blumberg, 10 Harbor Point; Alvin Lindsay, Attorney representing the property owners at 10 Harbor Point; Carlos de la Cruz, Jr., 460 S. Mashta Drive and Claudia de la Cruz, 460 S. Mashta Drive addressed the Council.

Director Kurlancheek and the Attorney addressed the Council regarding the enforcement of the current D-5 dock regulations.

Councilmember Mendia made a motion to direct staff to bring back for Council consideration, an evaluation of options to our current D-5 dock regulations whereby the vessel is not considered within the D-5 triangle but which address the need to maintain reasonable view corridors. The motion was seconded by Councilmember Thornton and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmember Davey voting No.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk addressed the Mayor and Council regarding the Mayoral Candidate Qualifying, reporting that Mr. Franklin H. Caplan had duly qualified as the Mayoral Candidate for the 2010 Municipal Election.

Pursuant to the Charter of the Village of Key Biscayne, Article V. Elections, Section 5.01 (h) *Single candidates*. No election for Mayor shall be required in any election if there is only one duly qualified candidate for Mayor. The duly qualified candidate shall be deemed elected.

Village Manager. The Manager addressed the Council regarding the Seagrass Mitigation Project. The Manager is requesting conditional approval, via motion, to move forward with negotiations with the Department of Interior, National Park Service, Biscayne National Park ("BNP") and provide a Memorandum of Agreement at a future Council meeting to conduct a seagrass mitigation project within BNP.

It was the consensus of Council to approve the above request.

At this time Item 6D3 was heard. The Manager and BZP Director Kurlancheek addressed the Council regarding the proposed preservation of the Greeven Home.

Dr. Robert L. Maggs, 155 Ocean Lane Drive addressed the Council on behalf of the Historical Society.

Mayor Vernon made a motion to place the proposed preservation of the Greeven Home on the July 6th Council Agenda. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice

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Mayor Garcia and Mayor Vernon voting Yes.

It was the consensus of Council to direct staff to provide the following information to Council for the July 6th Council Meeting: a cost analysis for moving the house and a possible temporary or permanent location for the house.

The Manager and Director Kurlancheek addressed the Council recommending that the Council select a consultant to develop plans and provide construction management services for a passive park at 530 Crandon Boulevard. The firms are AECOM, EDSA Inc., and Savino & Miller Design Studio. These firms were chosen as a result of an evaluation and selection process that was performed by staff.

David Barth, ASLA, AICP, CPRP, Principal-in-Charge; George Puig, ASLA and Mike Sobczak, AISLA, Senior Urban Designer/Park Planner with AECOM made a presentation to the Council.

Paul D. Kissinger, FASLA, Principal; Paul Weinberg, RLA, Project Manager and Jeff Suiter, RLA Project with EDSA made a presentation to the Council.

Barry Miller, ASLA, Principal and Adriana Savino, AIA, Urban Design/Architect with Savino & Miller Design Studio made a presentation to the Council.

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

There was extensive discussion from Council regarding the three (3) presentations for 530 Crandon Boulevard.

It was the consensus of Council to defer the selection of a consultant to develop plans and provide construction management services for a passive park at 530 Crandon Boulevard to the July 6, 2010 Council Meeting.

7. **OTHER BUSINESS/GENERAL DISCUSSION:** The Land Acquisition Committee presented an interim Report and Recommendations to Council regarding the establishment and funding of a Village of Key Biscayne Land Trust.

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

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9. **ADJOURNMENT:** The meeting was adjourned at 11:15 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 6th day of July, 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.***