

MINUTES

ZONING MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, JANUARY 25, 2011

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, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Also present were Village Manager Genaro “Chip” Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
3. **AGENDA:** The Mayor requested the addition of a Public Comment before the approval of the minutes, requested the addition of a report on meetings held with the Manager and the City of Miami regarding Virginia Key as Item 7A3 and also requested the addition of a report regarding the presence of the Manager, Fire Chief and Police Chief at yesterday’s Memorial Service for the two Miami-Dade Police Officers as Item 7A4 and Councilmember Davey requested the addition of a discussion on dog waste as Item 7A5. There was no objection to the agenda changes.

Mr. Serge Barder, 211 Cape Florida Drive addressed the Council regarding the noise ordinance.

4. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the January 6, 2011 Special Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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Councilmember Davey made a motion to approve the minutes of the January 11, 2011 Regular Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE FLORIDA, CREATING THE DOCK ADVISORY BOARD TO STUDY, EVALUATE, AND RECOMMEND PROPOSED REGULATIONS REGARDING DOCKS, WATERCRAFTS, AND RELATED MARINE STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this ordinance.

Councilmember Davey proposed to eliminate from Section A (5), the requirement that a board member has to have continuously resided within the Village for the 12 month period immediately prior to the appointment. There was no objection to the proposal.

Councilmember Taintor proposed to eliminate the term of office and change Section A (3) to reflect a 5 member board. Also proposed to change the composition of the Board A (7) as follows: (i) at least one architect or engineer with experience in the design of dock structures, (ii) a waterfront resident who resides along Biscayne Bay, (iii) a resident who resides on Smuggler's Cove or Hurricane Harbor, (iv) a resident who resides in an interior canal, and (v) an individual with expertise or experience with marine ecology/plant life. There was no objection to these changes.

The Mayor opened the public hearing. Serge Barder, 211 Cape Florida Drive addressed the Council. The Mayor closed the public hearing.

The ordinance, as amended, was adopted on first reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Gusman voting No.

The Clerk announced the second reading of this ordinance on February 8, 2011.

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

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

Mayor and Councilmembers. Councilmember Davey addressed the Council regarding Appendix "A" of the recommendations of the K-8 Advisory Board.

Julie Dick, 251 Crandon Boulevard; Mortimer Fried, 291 Harbour Court; Patti Urban, 155 Ocean Lane Drive; Miranda Stasulli, 201 Crandon Boulevard; Amy Erwin, 170 Ocean Lane Drive; Brett Graff, 765 Crandon Boulevard; Cassia Silva, 791 Crandon Boulevard; Manny Cambo, 621 Harbor Drive; Charles Viscito, 141 Crandon Boulevard and Evelyn Sheehan, 151 Crandon Boulevard addressed the Council.

There was extensive discussion from Council on this issue.

The Manager also addressed the Council regarding the school issues.

Councilmember Davey made a motion to hold a School Workshop on Tuesday, February 15, 2011 at 6:00 p.m. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Garcia addressed the Council requesting a Beach Renourishment update from the Village Manager.

The Manager addressed the Council regarding the permitting process for the Beach Renourishment process and the possibility of obtaining sand from Central Florida for our beach.

Mayor Caplan and the Village Manager reported on meetings held with City of Miami officials regarding plans for the development of Virginia Key.

The Attorney addressed the Council regarding possible legal action against proposed development for Virginia Key.

It was the consensus of Council to direct staff to work with Gomez Barker and Associates, our State lobbyist, to work on a plan.

Mayor Caplan also addressed the Council regarding the Memorial Service held yesterday for the two Miami-Dade police officers killed in the line of duty. The Manager, Chief of Fire Rescue John C. Gilbert, Chief of Police Charles Press and members of the Fire and Police Departments were in attendance.

Councilmember Davey addressed the Council regarding dog waste on the streets.

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Village Attorney. The Attorney addressed the Council regarding the draft HR District ordinance that is before them.

Building, Zoning and Planning Director Jud Kurlancheek also addressed the Council regarding the proposed HR District ordinance.

It was the consensus of Council to schedule an HR District Workshop on Tuesday, February 1, 2011 at 6:00 p.m. in the Council Chamber.

Village Clerk. The Clerk submitted to the Council a report highlighting the activities of the Office of the Village Clerk throughout calendar year 2010.

Village Manager. The Manager did not submit a report.

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 10:00 p.m.

Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 8th day of February, 2011:

*Franklin H. Caplan
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.