

MINUTES

ZONING MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, NOVEMBER 22, 2011

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:16 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 Interim Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **AGENDA:** Vice Mayor Kelly requested to add a discussion regarding additions to the Manager Search list as Item 5A2 and the Attorney requested the addition of a report on the Pending Port Dredging Permitting Process as Item 5B1. There was no objection to the agenda changes.
3. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the November 8, 2011 Regular Council Meeting. The motion was seconded by Councilmember Davey.

Councilmember Taintor made an amending motion to amend page 1 of the minutes by striking Deep Dredge and inserting "Tunnel"; also made an amending motion to amend page 3 by adding the following under the authorization to purchase Fire Department vehicles: "The Manager circulated to the Council a complete list of vehicles in the Village that indicated which vehicles were taken

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home by Village Employees as previously requested by Councilmember Lindsay.”; also made an amending motion to amend page 3 under the same vehicle discussion that Chief Press addressed the Council regarding “the police vehicles on the list”; also made a motion to amend page 4 of the minutes to add to the request of Vice Mayor Kelly regarding banning cell phone use/texting the following: “while driving within the Village limits” and also made a motion to amend page 5 by adding after RFP the following: “for non-performance”; Councilmember Lindsay made a motion to clarify that she voted against the purchase of the fire vehicles and Mayor Caplan made an amending motion to amend page 4 by striking “outside their jurisdiction” and insert “at the Tennis Center”.

The minutes, as amended, were 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.

At this time Item 5A2 was heard. Vice Mayor Kelly addressed the Council regarding additions to the Manager Search list due to the withdrawal of two of the candidates.

Councilmember Davey made a motion to add Mr. Joe Rasco to the list. The motion was seconded by Councilmember Lindsay.

Mayor Caplan made a motion to expand the Village Manager Candidate list to five candidates. The motion was seconded by Vice Mayor Kelly and failed by a 1-6 voice vote. Vice Mayor Kelly voting Yes. Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting No.

Councilmember Davey withdrew his motion to add Mr. Joe Rasco to the list.

At this time Item 5B1 was heard.

Village Attorney. The Attorney addressed the Council introducing Attorney Cliff Schulman with the firm to provide a summary of the port dredging permit status, including time lines. Also Mr. Tim Blankenship with Coastal Systems International address the Council providing his past evaluation on the impacts the past port dredging has had on the Village beaches and what impacts, if any, he foresees from the proposed activity.

Andrew Baker, Associate Professor of Marine Biology at RSMAS; John C. Van Leer, 1200 N.E. 89th Street, Miami; Julie Dick, 151 Crandon Boulevard and Bob Skinner, 561 Sabal Palm Dr.; Bill Johnson, Director Port of Miami (POM); Terri Jordan-Sellers, Biologist for the U.S. Army Corps of Engineers addressed the Council.

There was extensive discussion from Council regarding this issue.

The Attorney also addressed the Council regarding the request for the extension of time.

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Councilmember Davey made a motion to instruct the Attorney to seek an enlargement of time with the Department of Environmental Protection in which the Village may pursue a challenge to the permit about to be issued to the Army Corps of Engineers for a period of 60 days. The motion was seconded by Vice Mayor Kelly and failed by a 2-5 roll call vote. Councilmember Davey and Vice Mayor Kelly voting Yes. Councilmembers Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting No.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-103 “HOTEL RESORT DISTRICT;” PROVIDING FOR AMENDMENTS TO SECTION 30-103(A) RELATING TO THE PURPOSE AND USES; PROVIDING FOR AMENDMENTS TO SECTION 30-103(B) RELATING TO THE DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 “AMOUNT OF REQUIRED OFF-STREET PARKING” RELATING TO THE REQUIRED OFF-STREET PARKING FOR HOTELS AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 Kelly.

The Attorney addressed the Council reporting that this is the first reading of the amendments to the Hotel Resort District.

Building, Zoning and Planning Director also addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Amy Huber with Shubin and Bass and Beth-Ann Krimsky with Ruden McClosky on behalf of the Silver Sands addressed the Council. The Mayor closed the public hearing.

It was the consensus of Council to amend the ordinance as follows: 1.) Include the Yard Determination Sketch and Building Envelope Sketch; 2.) In Section 30-103(b), add back the language “No Development shall exceed 350 Hotel Units” to the Density section; 3.) Amend Section 30-184(a)(6) that.....parking spaces may be shown on the site plan in any arrangement “, subject to Section 30-73 of the Village Code.” and 4.) Include the language from Section 4, Condition 15 of Resolution 2011-25.

The ordinance, as amended, was adopted on first reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Garcia and Gusman voting No.

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The Clerk announced the second reading on January 24, 2012.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 31-1 "PARKS AND RECREATIONAL OPEN SPACE LANDS TRUST FUND" OF THE VILLAGE CODE OF ORDINANCES; PROVIDING THAT FUNDS WITHIN THE TRUST MAY BE USED TO ACQUIRE OR LEASE LAND OUTSIDE OF THE VILLAGE'S MUNICIPAL BOUNDARIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

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

Mayor and Councilmembers. Councilmember Garcia requested a status report on the Red Light Cameras Program.

Chief of Police Charles Press addressed the Council regarding this issue.

Village Clerk. The Clerk presented to the Council the proposed 2012 Village Council Meeting Schedule for their consideration. It was the consensus of Council to adopt the 2012 Village Council Meeting Schedule as presented by the Clerk.

Village Manager. The Manager's report was deferred to the December 6, 2011 Council Meeting.

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

8. **ADJOURNMENT:** The meeting was adjourned at 11:00 p.m.

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**Respectfully submitted:**

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

**Approved this 6th day of December, 2011:**

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**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.**