MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, FEBRUARY 26, 2013

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, Theodore Holloway, Edward London, James S. Taintor, Vice Mayor Mayra Lindsay and Mayor Franklin H. Caplan. Councilmember Michael E. Kelly was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.

3. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** The Manager addressed the Council regarding the amount of significant traffic experienced on February 18 and also there was some backup traffic when the striping on Bear Cut Bridge took place on February 22, 2013. The County will be back to give an update at the March 5th Council Meeting.

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan congratulated Conner Vernon, son of former Mayor Robert Vernon, who participated in the NFL combine.

5. **SPECIAL INTRODUCTIONS:** The Manager and Chief of Fire Rescue Eric Lang introduced the new Fire Chief of Miami-Dade County Fire Department, Chief Dave Downey. Chief Downey addressed the Council and the public.

6. **AGENDA:** Councilmember Davey requested the addition of a consideration of hiring a traffic engineering with safety expertise to discuss the ongoing problems the Village residents have with the Rickenbacker Bridge as Item 11A5, also requested an update on the sewage issue with Pump 136 as Item 11A6 and also requested the addition of a discussion regarding the upcoming Tennis Tournament as Item 11A7; Vice Mayor Lindsay requested the addition of a discussion regarding the entry block and the appraisals as Item 11A8 and Councilmember Taintor requested to remove Item 7 from the Consent Agenda and the addition of a discussion regarding the Library property as Item 11A9; the Manager requested the withdrawal of Item 11D1 and the Attorney requested the deferral of Item 9A1 to the March 5th Council Meeting and also requested the addition of a resolution regarding the engagement of two firms to perform an appraisal of the "entry block" as Item 10A. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** Councilmember Taintor requested to remove Item 7 from the Consent Agenda.

The Manager addressed the Council requesting authorization to issue the Village of Key Biscayne Landscape Request For Proposals.

Councilmember Davey made a motion to authorize the Village Manager to issue the Village of Key Biscayne Landscape request for proposals. The motion was seconded by Vice Mayor Lindsay.

Councilmember London proposed to mail the Landscape RFP to a list of large landscape contractors. Councilmember Taintor addressed the Council regarding some concerns about the insurance. Vice Mayor Lindsay addressed the Council regarding the amount of people required to work.

Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding the different places that the Village maintains.

The Davey motion was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan.

8. **APPROVAL OF MINUTES:** There were no minutes considered by Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE CHAPTER ENTITLED "RESPONSIBLE PROPERTY OWNER AND MERCHANT ACT" ADOPTED BY THE VILLAGE UPON INCORPORATION FROM THE MIAMI-DADE COUNTY CODE; AMENDING CHAPTER 6 "BUILDINGS AND BUILDING REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES, BY CREATING

ADDITIONAL PROPERTY MAINTENANCE STANDARDS THROUGHOUT THE VILLAGE; PROVIDING FOR DEFINITIONS; PROVIDING FOR MAINTENANCE REGULATIONS RELATING TO STRUCTURES AND LOTS WITHIN THE VILLAGE; PROVIDING FOR MAINTENANCE REGULATIONS RELATING TO THE APPEARANCE OF PROPERTY UPON WHICH CONSTRUCTION OR DEMOLITION IS BEING PERFORMED; AMENDING THE CODE TO INCLUDE PENALTIES FOR VIOLATION OF THIS ARTICLE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This ordinance was withdrawn by the Village Attorney.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" BY AMENDING ARTICLE II "DEFINITIONS," SECTION 30-11, BY CREATING A "PERMANENT HARDSCAPE FEATURE" DEFINITION, AND AMENDING ARTICLE IX "LANDSCAPE REGULATIONS," SECTION 30-235, RELATING TO TREE REMOVAL PERMIT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Davey made a motion to continue the second reading of this ordinance to the March 12, 2013 Council Meeting. The motion was seconded by Vice Mayor Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan.

10. **RESOLUTIONS:** The Attorney read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF KEY BISCAYNE, FLORIDA APPROVING THE ENGAGEMENT OF PATRICIA S. HAYES AND ADRIAN GONZALEZ & ASSOCIATES, P.A. TO PERFORM SEPARATE REAL ESTATE APPRAISALS FOR THE PROPERTY KNOWN AS THE "ENTRY BLOCK"; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

The Attorney addressed the Council regarding the proposed resolution.

It was the consensus of Council to direct the Attorney to bring before Council, for the March 5th meeting, a new resolution with local appraisals firms.

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

Mayor and Councilmembers. Councilmember London addressed the Council regarding zoning changes.

Councilmember London made a motion to direct the BZP Department to study and come back to Council at the next meeting with zoning changes to provide maximum rear yard and minimum front yard for single family homes in order to provide residents maximum privacy between homes.

BZP Director Kurlancheek addressed the Council reporting that this will be discussed at the next Construction Protocol Workshop.

Councilmember London addressed the Council regarding the elimination of overhead power lines and elimination of easements behind homes.

> Ramon Castella, with C3TS and Aletha Player with FPL addressed the Council making a presentation regarding the elimination of overhead power lines.

Mayor Caplan addressed the Council proposing to set a date for a second construction protocol Workshop. It was the consensus of Council to hold this Workshop either on April 23 (depending if there are zoning issues scheduled for that date) or on April 30, 2013 at 6:00 p.m. in the Council Chamber.

Vice Mayor Lindsay introduced Gene Stearns who made a presentation regarding long term plans for Bear Cut Bridge and also a discussion took place on the different building options for the Bear Cut Bridge and the best long-term plan in the best interest of Key Biscayne residents.

There was extensive discussion from Council regarding the next steps to take with Miami-Dade County in regards to the bridge.

The Attorney also addressed the Council regarding this issue.

It was the consensus of Council to direct the Attorney to draft a resolution for the next Council Meeting urging Miami-Dade County to go out with an RFP for an immediate short term repair and a long term analysis.

Councilmember Davey addressed the Council requesting to consider hiring a traffic engineering with safety expertise to address the ongoing problems the Village residents have with the Rickenbacker Bridge to study the traffic on Rickenbacker Causeway.

Councilmember Davey made a motion to direct the Manager to find a traffic engineer with safety expertise for a review of the circumstances on Bear Cut Bridge. Councilmember Davey withdrew his motion.

Councilmember Davey requested an update on the sewage issue with Pump 136. Public Works Superintendent Tony Brown addressed the Council regarding this issue.

Councilmember Davey also addressed the Council regarding the upcoming tennis tournament as it relates to the Key Biscayne Chamber of Commerce. Mayor Caplan addressed the Council regarding the location of the KB Chamber of Commerce tent at the Tennis Tournament.

Vice Mayor Lindsay addressed the Council regarding the entry block and the requested appraisals stating that this item will be discussed at the next Council Meeting.

Councilmember Taintor addressed the Council regarding the Library property. The Attorney addressed the Council regarding the deed on the library property.

Village Attorney. The Attorney addressed the Council giving an update on the proposal of a WASD Consultant. The Attorney reported that a letter was sent to the Biscayne Bay Water Keeper, Inc.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager withdrew his item to the March 12th Council Meeting.

12. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

13. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

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

15. **ADJOURNMENT:** The meeting was adjourned at 10:10 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 9th day of April 2013:

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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.