

MINUTES

ZONING MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, MARCH 12, 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, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Mayra Lindsay and Mayor Franklin H. Caplan. 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 introducing Tony Cotarelo, Miami-Dade County Public Works and Waste Management Department. Mr. Cotarelo addressed the Council regarding the MOT during the upcoming Tennis Tournament and the emergency plan that will be implemented, if needed.

Alina Hudak, Deputy Mayor of Miami-Dade County, addressed the Council on behalf of Miami-Dade County Mayor Carlos Gimenez. Jennifer Moon, Miami-Dade County Management and Budget Director, Marcos Redondo, P.E., Public Works Department also addressed the Council.

Servando Parapar, 240 Cypress Drive addressed the Council regarding the Bear Cut Bridge proposal by Miami-Dade County stating that the proposal made by Miami-Dade County is the right solution for the emergency situation the Village is facing regarding the repairs to the Bear Cut Bridge.

There was extensive discussion from Council regarding traffic during the tennis tournament and bicyclists using car lanes, instead of the assigned bicycle paths.

Councilmember London made a motion to hear Item 9A1 at this time. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote as follows: Councilmembers Davey, Holloway, London, Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes,

At this time Item 9A1 was heard.

Councilmember Taintor addressed the Council regarding future action on the Bear Cut Resolution. There was extensive discussion from Council regarding the proposed repairs to the bridge.

The Attorney also addressed the Council regarding this issue.

Councilmember Davey made a motion to hire an engineer to evaluate the short term solution to repair the bridge. The motion was seconded by Vice Mayor Lindsay and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

It was the consensus of Council to appoint Vice Mayor Lindsay as a Council liaison before the Miami-Dade County Commission regarding the Bear Cut Bridge.

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council reporting that the bike Key Biscayne event was great; the Mayor also reported that he attended together with Chief Press a Safety Round Table; Councilmember Kelly reported that he was recently in Cambodia with Operation Smile and 90 cases were done, of which Councilmember Kelly did 29 cases; Councilmember Holloway reported on a Virginia Key event and the amount of garbage left there and the Mayor and Vice Mayor reported on an beach clean up event sponsored by CVS and the amount of garbage that was collected.

5. **SPECIAL INTRODUCTIONS:** There were no special introductions.

6. **AGENDA:** Councilmember Davey requested the addition of a discussion regarding creating a channel on the beach for non-motorized craft as Item 9A2; Councilmember Kelly requested the addition of a discussion regarding the Manager's policy for trees on swale to be heard together with Item 7B. There was no objection to the agenda changes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING CHAPTER 5 “PROPERTY MAINTENANCE STANDARDS;” PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney and Building, Planning and Zoning Director Jud Kurlancheek addressed the Council regarding this ordinance.

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 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

At this time the Manager’s report was heard.

Village Manager. The Manager addressed the Council regarding the Key Biscayne Cat Community - Trap- Neuter-Return (TNR) Program.

The Manager introduced Mr. Larry Wasserscheid who made a presentation to Council with the details as to the benefits and the estimated cost (\$17,000) to the Village for implementation of the Trap-Neuter-Return (TNR) program and the purpose for adopting an anti-littering Ordinance. Dr. Adair Bush also addressed the Council regarding this program.

Councilmember Davey made a motion to adopt an ordinance regarding litter and a resolution for funding the implementation of the TNR at the next meeting. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

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

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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 adopt the ordinance on second reading. The motion was seconded by Councilmember Kelly.

The Attorney addressed the Council regarding this ordinance.

Councilmember Kelly made a motion to continue the second reading of this ordinance to the April 9th Council Meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A DONATION OF \$10,000 TO BISCAYNE BAY WATER KEEPER, INC.; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Clerk reminded the Council that pursuant to our Charter grants or charitable contributions need to be approved by a unanimous vote.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. The following items were discussed:

Councilmember Davey addressed the Council proposing to create a provisional channel of the beach for non-motorized craft at the North end of the Village so that people using kite boards can use the channel.

There was extensive discussion from Council regarding the creation of channels on the beach for non-motorized craft.

It was the consensus of Council to direct the Manager and the Attorney to come back with a solution to this problem.

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Councilmember Kelly requested deferral of the discussion regarding the Manager's policy for trees on the swale for the next Council Meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
11. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of meetings and future events was presented to the Council.
13. **ADJOURNMENT:** The meeting was adjourned at 10:55 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 9th day of April 2013:

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.