MINUTES
ZONING MEETING

TUESDAY, JUNE 26, 2012

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 John C. Gilbert, Interim Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.

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

3. **BRIEF COMMENTS BY COUNCIL:** The Mayor reported that a second meeting was held with representatives of the school district in order to discuss the second draft of the ILA.

4. **SPECIAL PRESENTATIONS:** Mr. George Herrera, Audit Partner with Marcum LLP presented to the Council the 2011 Comprehensive Annual Financial Report.

5. **CONSENT AGENDA:** Councilmember Gusman made a motion to approve the following consent agenda. The motion was seconded by Councilmember Lindsay.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, AUTHORIZING THE PURCHASE OF FIRST

RESPONDER TRAINING AND EQUIPMENT, INCLUDING FUNDING FOR OVERTIME, COURSE INSTRUCTOR AND SUPPLIES; APPROVING THE INTERLOCAL AGREEMENT FOR JOINT COMPLETION OF AN URBAN AREAS SECURITY INITIATIVE PROGRAM BETWEEN THE CITY OF MIAMI AND THE VILLAGE OF KEY BISCAYNE FOR THE PURPOSE OF CARRYING OUT FY2010 URBAN AREAS SECURITY INITIATIVE PROGRAM OBJECTIVES; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

The consent agenda was approved by a 6-1 voice vote. The vote was as follows: Councilmembers, Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting Yes. Mayor Caplan voting No.

6. **AGENDA:** There were no changes made to the agenda.

7. **APPROVAL OF MINUTES:** Councilmember Gusman made a motion to approve the minutes of the June 12, 2012 Regular Council Meeting. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers, Davey, Garcia, Gusman, Lindsay, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Taintor abstain from voting, stating that he did not attend the meeting.

8. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the following hearing were sworn in by the Interim Village Clerk.

Hearing Number SP – 20. The applicant Real Equity Assets and Consolidators, LLC., 101 Sunrise Drive, is requesting approval of a site plan for an 11 Unit Apartment Building.

It is recommended that the Council approve the site plan for a four story 11 unit development at 101 Sunrise Drive. This recommendation is subject to the conditions as set forth by the Building, Zoning and Planning Director. The recommendation is based on the Director's determination that the project is consistent with the review criteria.

Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council recommending approval of the site plan subject to the following conditions: 1. The dumpster shall be constructed of concrete block and stucco. The building material for the gate shall only be comprised of metal; 2. The Building, Zoning and Planning Director shall approve the design of the aluminum picket fence which surrounds the Property, sliding gates at the two (2) entrances to the parking garages and the dumpster enclosure; 3. The Property contains 14 mature coconut trees and 2 gumbo limbo trees. These trees shall be retained and used on the Property. The plans shall contain this note on the landscape plan that is submitted by the Applicant for a permit.

Rafael Pecchio, property owner and Javier Lopez, Architect for the project addressed the Council.

The Attorney addressed the Council regarding the site approval process and the concurrency management.

Councilmember Garcia made a motion to approve the site plan subject to the conditions submitted by the Building, Zoning and Planning Director. The motion was seconded by Councilmember Davey and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting Yes. Vice Mayor Kelly voting No.

At this time a Special Presentation by the Silver Sands was heard. Carlos Cuevas, 301 Ocean Drive addressed the Council regarding the Density Ordinance, objecting for its adoption and Jonathan (last name was not audible) with Aman Resorts also addressed the Council.

There was extensive discussion from Council regarding this Presentation.

Ceci Sanchez, 260 Cypress Drive; Pat Weinman, 940 Mariner Drive; Mortimer Fried, 291 Harbour Court; Former Mayor Robert Vernon, 475 Ridgewood Drive and Barry Goldmeier, 1000 Mariner Drive addressed the Council.

The Attorney addressed the Council regarding Lobbyist registration.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTIONS 30-33(3) AND 30-73(G) OF THE VILLAGE CODE OF ORDINANCES, AMENDING THE SITE PLAN REVIEW PROCEDURES TO PROHIBIT THE APPROVAL OF ADDITIONAL DENSITY IN EXCESS OF DENSITY PREVIOUSLY APPROVED PURSUANT TO A VALID DEVELOPMENT ORDER; PROVIDING FOR SUBMITTAL OF PROPOSED AMENDMENTS TO THE VILLAGE CODE OF ORDINANCES TO THE QUALIFIED ELECTORS OF THE VILLAGE; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR FORM OF BALLOT AND PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Davey made an amending motion to remove the voter approval provision from the ordinance. The motion was seconded by Councilmember Garcia and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Lindsay, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Gusman and Taintor voting No.

Santiago Echemendia, Attorney with Tew Cardenas, representing the Sands and Amy Huber with Shubin and Bass addressed the Council.

The Attorney addressed the Council regarding this ordinance.

The public hearing for this ordinance took place under the Silver Sands Presentation.

There was extensive discussion from Council regarding this ordinance.

Former Mayor Robert Vernon, Carlos Cuevas and Santiago Echemendia, Attorney representing the Silver Sands addressed the Council.

Councilmember Davey made a motion to extend the meeting for 15 minutes. 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.

The ordinance was adopted on first reading, as amended, by a 4-3 roll call vote. The vote was as follows: Councilmembers Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Davey, Garcia and Gusman voting No.

Village Manager. At this time the Manager addressed the Council regarding the Beach Renourishment Project.

Tim Blankenship with Coastal Systems International addressed the Council giving an update on the Beach Renourishment Project. The beach has experienced some erosion and more fill is required. This issue will require to increase the original amount of dollars in order to complete the project.

Councilmember Davey made a motion to extend the meeting for another 15 minutes. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Dave, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

There was extensive discussion from Council regarding the Beach Renourishment Project.

Councilmember Davey made a motion to continue the HR Ordinance at a future meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Dave, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

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

Mayor and Councilmembers. The Mayor and Council did not submit any reports.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

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 future meetings and events was presented to the Council.

15. **ADJOURNMENT:** The meeting was adjourned at 11:23 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this __ day of May 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.