MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, OCTOBER 22, 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.

The following residents addressed the Council: Brett Moss, 731 Crandon Boulevard; Tim & Nina Bryan, 745 S. Mashta; Antonio Camejo, 151 Crandon Boulevard; Guido Conill, 600 Grapetree Drive; Julie Dick, 151 Crandon Boulevard; Krista DeCastro, 150 Sunrise Drive; Michael Kahn, 881 Ocean Drive; Bob Raymond, Ocean Club and Cecile Macia, 260 Cypress Drive.

3. **BRIEF COMMENTS BY COUNCIL:** Councilmember Davey addressed the Council regarding the K-8 Community School and the overcrowding issue; Councilmember London addressed the Council offering the school parents his willingness to introduce them to the School Board and start lobbying immediately; Councilmember Kelly also addressed the Council regarding the editorial he wrote about two years ago on the impact of the Consultatio Project and the

overcrowding of the K-8 School; Vice Mayor Lindsay also addressed the overcrowding of the K-8 School and Councilmember Holloway thanked the persons involved in organizing the Concert that took place on Sunday and also thanked the Manager for the completion of the stairs to the Council Chamber and Mayor Caplan addressed the Council thanking Kathy Susnjer with the KB Chamber of Commerce for the information provided regarding the number of new families moving to the Key.

4. **AGENDA:** Vice Mayor Lindsay requested the addition of a discussion item regarding the KB Chamber of Commerce contract as Item 8A6; Councilmember Taintor request to expand Item 8A2, to include recent incidents on the Mashta Flats and also requested the addition of a discussion regarding the upcoming hearing of the Crandon Master Plan Amendment on November 5, 2013 as Item 8A7; Councilmember London requested the addition of a discussion regarding beach cleaning (hauling and composting) as Item 8A8 and Vice Mayor Lindsay requested the discussion of police patrolling and increase in crime as Item 8A9. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the September 24, 2013 Second Budget Hearing. The motion was seconded by Mayor Caplan.

There was extensive discussion from Council regarding the accuracy of the minutes as it relates to the discussion of the Business Tax line item under the BZP Department.

The Attorney also addressed the Council regarding the minutes.

Councilmember Davey made a motion to defer the approval of the minutes to the November 12, 2013 Council Meeting. The motion was seconded by Mayor Caplan 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.

6. **ORDINANCES:** There were no ordinances considered on first reading by Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $6,575,000 OF STORMWATER UTILITY REFUNDING AND IMPROVEMENT REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; DETERMINING COMPETITIVE BIDDING FOR SALE OF THE BONDS TO BE IMPRACTICABLE WITH PINNACLE FINANCE, INC. TO PURCHASE THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Antonio Camejo, 151 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

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

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF STORMWATER UTILITY REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2013, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF $6,575,000 FOR THE PURPOSE OF (A) REFUNDING THE VILLAGE'S STORMWATER UTILITY REVENUE REFUNDING BONDS, SERIES 2011 AND (B) FINANCING IMPROVEMENTS AND REPLACEMENTS OF DRAINAGE WELLS AND OUTFALLS FOR THE STORMWATER UTILITY IN AN AMOUNT NOT EXCEEDING $3,500,000; AWARDING THE SALE OF THE BONDS TO PINNACLE PUBLIC FINANCE, INC.; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor Lindsay and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember London voting No.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE DESIGN AND INSTALLATION OF ARTWORK WITHIN THE VILLAGE GREEN; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH JIM DRAIN RELATED TO THE SAME; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Vice Mayor Lindsay.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council regarding retaining the services of Jim Drain to construct the "Pleated Gnomon Sundial" artwork and install it in the Southwest portion of the Village Green.

Cesar Trasobares, Consultant for the Art in Public Places Board and Joan Matheson, Art In Public Places Board Member addressed the Council regarding the artwork.

There was extensive discussion from Council regarding this resolution. It was the consensus of Council to remove the requirement for the Consultant to carry insurance.

Antonio Camejo, 155 Crandon Boulevard addressed the Council.

The resolution was 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. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Vice Mayor Lindsay addressed the Council regarding the Village's policy of having blackout from condominiums and water front properties to protect turtles. The Vice Mayor proposed to examine whether the policy should be limited to turtle nesting season.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to direct the Village Attorney to look into the ordinance regarding the requirement of having blackout from condominiums and water front properties to protect turtles only during the nesting season.

Councilmember Taintor addressed the Council regarding the incidents on the Mashta Flats, which have become a public nuisance and also addressed the Council regarding the seagrass mitigation project for the Mashta Flats.

There was extensive discussion from Council regarding the incidents on the Mashta Flats, which have become a public nuisance.

Chief of Police Charles Press and Chief of Fire Rescue Eric Lang addressed the Council regarding the incidents on the Mashta Flats.

It was the consensus of Council to direct the Police Chief to look into the nuisance problem at the Mashta Flats and also directed the Attorney to draft a resolution to send to the Miami-Dade County Mayor and Commissioners regarding the incidents at Mashta Flats.

Councilmember Taintor reported that the Citizens Scientist Project in conjunction with RSMAS are willing to take on this mitigation project.

The Attorney also addressed the Council regarding the permitting and installation of the buoys on the stick.

Councilmember Taintor made a motion to authorize the Manager to request proposals for permitting and installation of 10 buoys on a stick to outline the Village boundaries for the Mashta Flats in the amount of not more than $30,000. Councilmember Davey seconded the motion 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.

Councilmember Taintor also addressed the Council regarding the proposed draft ordinance involving changes to the Village Building and Zoning Code.

It was the consensus of Council to direct the BZP Director to make a power point presentation to Council showing the proposed changes to the Zoning Code at the November 12, 2013 meeting.

Councilmember Davey made a motion to hear the proposed ordinance involving changes to the Village Building and Zoning Code on first reading on November 26, 2013. The motion was seconded by Councilmember Taintor and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember Davey voting No.

Architect Willy Borroto, 101 Ocean Lane Drive addressed the Council.

At this time, the Manager addressed the Council regarding the New Millennium Final Report - review of Bear Cut Bridge Pile Capacity.

Councilmember Taintor also addressed the Council regarding sending Bear Cut Bridge letter to the Mayor of Miami-Dade County. It was the consensus of Council to authorize the Mayor to write such letter to Mayor Gimenez, along with the Millennium Report.

Councilmember London addressed the Council proposing the rescheduling of police officers during the morning rush hour to alleviate the bottle neck and delays caused by the outflow of traffic from the condominiums onto Crandon Boulevard.

Chief Press addressed the Council regarding the gridlock at the Key Colony intersection, Harbor, Crandon and Ocean Lane intersections.

There was extensive discussion from Council regarding this issue.

Councilmember Taintor addressed the Council regarding the notice of a Hearing on an amendment to the Crandon Master Plan for the Tennis Center on November 5, 2013. It was the consensus of Council that the Mayor and the Manager would look into this Hearing to find out what it entails.

Vice Mayor Lindsay addressed the Council regarding the proposed amendments to the Key Biscayne Chamber of Commerce agreement proposed by Councilmember Holloway.

The Attorney also addressed the Council regarding the proposed amendments to the Key Biscayne Chamber of Commerce agreement.

There was extensive discussion from Council regarding the Key Biscayne Chamber of Commerce proposed amendments.

Councilmember London addressed the Council regarding the beach cleaning process. It was the consensus of Council to direct the Manager to look into the possibility of disposing the seaweed from our beach. The Manager addressed the Council regarding the beach cleaning process requesting that the Council hold at a future date a Beach Cleaning workshop.

Vice Mayor Lindsay, Councilmember Davey and Councilmember Taintor addressed the Council regarding police patrolling and increase in crime. Chief Press addressed the Council regarding these issues.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

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

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

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

12. **ADJOURNMENT:** The meeting was adjourned at 10:25 p.m.

October 22, 2013

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 12th day of November 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.