

MINUTES

ZONING MEETING  
KEY BISCAAYNE, FLORIDA

TUESDAY, MARCH 11, 2014

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 p.m. Present were Councilmembers Theodore Holloway, Mayra Lindsay, Edward London (arrived at 7:15 p.m.), James S. Taintor, Vice Mayor Michael W. Davey 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 Attorneys Stephen J. Helfman and Brett Schneider.
2. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council regarding civility at meetings and Councilmember Holloway thanked the organizers of the music concerts.
3. **SPECIAL INTRODUCTIONS:** The Manager addressed the Council introducing Mr. Joseph M. Corradino from The Corradino Group who addressed the Council regarding a Village wide traffic analysis.

Chief of Fire Rescue Eric Lang addressed the Council regarding CPR, a celebration of life. Chief Lang recognized Carolina Labrador, who had just taken the CPR class, saved the life of Juan Carlos Diminich, who was working on the Xmas. tree lot next to the KB Community Church. Pastor Dennis Eastling, with the Key Biscayne Community Church, also addressed the Council regarding the importance of CPR and invited the Council and the community to a Celebration of Life event that will take place on Sunday, at the Church.

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4. **AGENDA:** Vice Mayor Davey requested the addition of traffic study next steps discussion as Item 10A2; Mayor Caplan requested the addition of a request to re-visit the Calusa Park plan submitted to the Council a few years ago as Item 10A3 and Councilmember Taintor requested to hear the resolutions before the ordinances. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the February 25 Zoning Meeting, as amended. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Vice Mayor Davey made a motion to approve the minutes of the March 4, 2014 Regular Council Meeting, as amended. The motion was seconded by Mayor Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

At this time Items 9A and 9B were heard.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (“VILLAGE”), PROVIDING FOR RATIFICATION OF THE 2013-2016 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE KEY BISCAYNE PROFESSIONAL FIREFIGHTER’S ASSOCIATION, LOCAL 3638, FOR THE BARGAINING UNIT CONSISTING OF FIREFIGHTER/PARAMEDICS, DRIVER ENGINEERS AND FIRE LIEUTENANTS; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Clerk read the following resolution, by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (“VILLAGE”), PROVIDING FOR RATIFICATION OF THE 2013-2016 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE KEY BISCAYNE PROFESSIONAL FIREFIGHTER’S ASSOCIATION, LOCAL 3638, FOR THE BARGAINING UNIT CONSISTING OF FIRE CAPTAINS; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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Vice Mayor Davey made a motion to approve the resolutions. The motion was seconded by Mayor Caplan.

The Manager and Village Attorney Brett Schneider addressed the Council regarding these agreements.

There was extensive discussion from Council regarding the agreements.

The two resolutions were approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey 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, AMENDING SECTION 30-100 "SINGLE-FAMILY AND TWO-FAMILY DISTRICTS" AND SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" OF THE VILLAGE CODE OF ORDINANCES, IN ORDER TO AMEND DEVELOPMENT STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY HOMES; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council regarding this ordinance with proposed changes to the Zoning Code.

The Mayor opened the public hearing. Ed Sanchez, 260 Cypress Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

Councilmember Lindsay made a motion to continue the second reading of this ordinance to the May 13th Council Meeting. The motion was seconded by Mayor Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 BY DELETING REFERENCE TO SECTION 17-8 IN SECTIONS 17-2(19) AND 17-7(D), AND REPEALING SECTION 17-8 "BURGLAR ALARMS" IN ITS ENTIRETY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

The motion to adopt the ordinance on second reading was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey 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, CREATING THE EDUCATION ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor 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 motion to adopt the ordinance on second reading was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Due to a scrivener's error the agenda for this meeting did not include Items 7 and 8.

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

Mayor and Councilmembers. Mayor Caplan addressed the Council regarding the Education Advisory Board appointments.

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The Mayor, with consensus of Council, appointed the following residents to this Board: Kristen Guess, Brett Moss, Lili Warner, Anne Rothe, Jennifer Stearns Buttrick and Gwen Wurm. Mayor Caplan will be the liaison to this Committee.

Vice Mayor Davey addressed the Council regarding the traffic study next steps.

Vice Mayor Davey made a motion to direct the Manager to negotiate an agreement with the Corradino Group for a Village wide traffic study and bring it before Council at the April 8th Meeting. The motion was seconded by Councilmember Lindsay.

There was extensive discussion from Council regarding the negotiation of the agreement without going through the RFP process.

Vice Mayor Davey withdrew his motion.

Mayor Caplan made a motion to direct the Manager to negotiate an agreement with the Corradino Group for a Village wide traffic study and bring it before Council at the April 8th Meeting. The motion was seconded by Councilmember Lindsay and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmember London and Vice Mayor Davey voting No.

Mayor Caplan addressed the Council regarding re-visiting the Calusa Park Plan that was presented to the Council a few years back by Mayor Vernon.

At this time the Village Manager's report was heard.

Village Manager. The Manager addressed the Council regarding the upcoming Sony Open Tennis Tournament.

The Manager updated the Council on the latest MOT for the Bear Cut Bridge and also on the pedestrian/bicyclist enforcement on the new dedicated pedestrian/bicycle lane on Bear Cut Bridge.

Chief of Police Charles Press addressed the Council regarding the attendance to the upcoming Tennis Tournament and also reported on the Key Biscayne Regatta and thanked all the different agencies that participated in this event.

The Manager and Mayor Caplan addressed the Council regarding the consent decree for the Virginia Key Waste Management Treatment Plant.

Village Attorney. The Attorney did not submit a report.

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Village Clerk. The Clerk did not submit a report.

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

*Respectfully submitted:*

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

*Approved this 8th day of April 2014:*

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*Franklin H. Caplan*  
*Chairman*

***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.***