MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 22, 2014

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Theodore Holloway, Michael E. Kelly, Mayra Lindsay, Edward London (arrived 7:15 p.m.), James S. Taintor, Vice Mayor Michael W. Davey (arrived at 7:20 p.m.) and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.

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

3. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council and the public regarding the traffic situation on Saturday; Councilmember Holloway addressed the Council and the public, as a result of Mondays' horrible accident on the causeway, reminding everyone to drive safely; Councilmember Lindsay addressed the Council and the public thanking the good samaritans that put their lives in danger to save the lives of the people that were trapped in the car and also congratulated Chief of Fire Rescue Eric Lang, who is being recognized by Miami-Dade County College, with a very prestigious award and also recognized Chief of Police Charles Press, who also received this honor in the past.

4. **AGENDA:** Councilmember Kelly requested the addition of a discussion to re-consider competitive bidding for the traffic study as Item 9A4; Mayor Caplan requested the deferral of item 9A3 and the Manager requested the addition of an update and introduction to the Village Engagement Academy Program as Item 9D1. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Councilmember Lindsay made a motion to approve the minutes of the April 8, 2014 Regular Council Meeting, as amended. The motion was seconded by Mayor Caplan and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes.

At this time Items 7A1 and Item 8A were heard.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY RELATING TO THE TERMS OF PREPAYMENT AND THE BOND TAKEOUT FINANCING FOR THE MAST CAMPUS AND KEY BISCAYNE K-8 CENTER IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; 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 ordinance was adopted by a 5-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor 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, AUTHORIZING THE CREATION OF A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM AND AGREEING TO JOIN THE GREEN CORRIDOR PACE DISTRICT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Caplan addressed the Council regarding this resolution. There was discussion from Council regarding this resolution.

The Attorney addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor and Mayor Caplan voting Yes.

6. **BUILDING, ZONING AND PLANNING:** The applicant, the Village Manager, 530 Crandon Boulevard, is requesting to consider a dog park as the main permitted use on the property.

The Manager and Building, Zoning and Planning Director addressed the Council stating that if the Council choose to further designate a more specific use or uses for the property; those designations must be consistent with the following review criteria (Section 30-102(d)(1) of the Village's Zoning and Land Development Regulations): 1. The proposed use is consistent with the uses listed in the District Purpose; 2. Considering among other factors a recommendation by the Village Manager (if any); 3. The public need and, 4. The existing land use pattern in the area.

> The Mayor opened the public hearing. The following residents addressed the Council: Dwight Hewett, 555 Crandon Boulevard; Cliff Brody, 180 Harbor Drive; Christina Chartouni, 340 Harbor Drive; Oria Perez, 575 Crandon Boulevard; Maria Fenton, 575 Crandon Boulevard; Conchita Suarez, 201 Crandon Boulevard; Katie Petros, 365 Redwood Lane; Elaine Gross, 211 Island Drive; Mortimer Fried, 291 Harbor Court; Sally Brody, 180 Harbor Court; Jose Salgado, 201 Galen Drive; Isabella Perez, 250 Cranwood Drive; Ricardo Angelone; Virginia Angelone; Betty Sime Conroy, 785 Crandon Boulevard; Ginny Valls, 325 Fernwood Drive; Alex Miller, 575 Crandon Boulevard; Jo Ann Pisacane, 155 Ocean Lane Drive; Allene Nicholson, 769 Allendale Road; Valentina Zalles, 375 West Enid Drive; Dr. Steve Eastman, 180 Crandon Boulevard; Susan Han, 685 Curtiswood; Adela Batista, 600 Grapetree Drive and Ann Taintor 355 Harbor Drive. The Mayor closed the public hearing.

Vice Mayor Davey made a motion to establish the main permitted use of 530 Crandon Boulevard as a permanent dog park. The motion was seconded by Councilmember London.

Councilmember London made an amending motion to establish the permitted use of 530 Crandon Boulevard as a multi-use park with a designated dog facility. The motion was seconded by Vice Mayor Davey and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London and Vice Mayor Davey voting Yes. Councilmembers Lindsay, Taintor and Mayor Caplan voting No.

There was extensive discussion from Council regarding the permitted use of 530 Crandon Boulevard.

The motion to establish the main permitted use of 530 Crandon Boulevard, as amended, was approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London and Vice Mayor Davey voting Yes. Councilmembers Lindsay, Taintor and Mayor Caplan voting No.

It was the consensus of Council to direct the Manager to solicit design firms that would go through a competitive process and either bring a recommendation to Council or for the Council to select the firms. The Manager will bring back before Council some ideas to accomplish the design of 530 Crandon Boulevard.

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

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding the Noise Ordinance as it relates to the Mashta Flats.

Chief Press addressed the Council regarding the noise at the Mashta Flats. There was extensive discussion from Council regarding this issue. It was the consensus of Council to direct staff to come back and think of the feasibility of a broader more elastic MOU.

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council giving an update and introduction to the Village Engagement Academy. Orientation will be held on Wednesday, April 23 at 7:00 p.m. in the Council Chamber. Workshops will be held at the Key Biscayne Yacht Club on Thursday, May 8th, May 22nd and June 5th.

Mayor Caplan addressed the Council and the public with a follow-up on the Miami-Dade Commission on Ethics & Public Trust Report. The Mayor noted that while he found some of the investigator's conclusions valid, others appeared to be outside the board's discretion and not based on facts.

Councilmember Kelly addressed the Council regarding reconsidering the vote that approved an agreement with the Corradino Group in order to go through a competitive bidding process.

The Attorney addressed the Council regarding the process to reconsider the Corradino Group agreement resolution approved on April 8th by Council.

The Manager also addressed the Council regarding the Corradino Group agreement.

Councilmember Kelly made a motion to reconsider the approval of the Corradino traffic study resolution. The motion was seconded by Vice Mayor Davey and approved by a 4-3 roll call vote.

The vote was as follows: Councilmembers Holloway, Kelly, London and Vice Mayor Davey voting Yes. Councilmembers Lindsay, Taintor and Mayor Caplan voting No.

The above mentioned resolution will be placed on the May 13th Council Meeting Agenda for reconsideration by Council.

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 future meetings and events was presented to the Council.

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

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 13th day of May 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.