MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, NOVEMBER 14, 2006

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, Steve Liedman, Jorge E. Mendia, Thomas Thornton, Patricia Weinman and Mayor Robert L. Vernon. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. **INVOCATION:** Rabbi Yoel Caroline from Chabad of Key Biscayne gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Councilmember Davey led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** John C. Gilbert, Fire Rescue Chief introduced the new members of the Village of Key Biscayne Fire Rescue Department to the Council. The new members were sworn in by the Clerk.

Fire Chief Gilbert recognized Executive Fire Officer of the National Fire Academy Lieutenant Tania Martinez. The Mayor, on behalf of the Council, congratulated the new members of the Fire Rescue Department and Lieutenant Martinez.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Camille Guething, 260 Seaview Drive and Cecile Sanchez, 260 Cypress Drive.

6. **AGENDA:** Councilmember Weinman requested the addition of a discussion regarding garbage on alleys as Item 10A2 and also requested a discussion regarding appointments for the Health and Safety Committee as Item 10A3; Councilmember Garcia requested the addition of a Sanitary Sewer Project update as Item 10A4; Councilmember Mendia requested to hear Item 10A1 immediately after the Consent Agenda; the Clerk requested to hear Item 10C1 immediately after Item 6 and also requested the addition of a motion to accept the 2006 Municipal Election Certification as Item 10C6. There was no objection to the agenda changes.

At this time Item 10C1 was heard. Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Councilmember Weinman nominated Councilmember Mendia. The nomination was seconded by Councilmember Garcia. The Mayor closed the floor for nominations.

A vote was taken on the nomination of Councilmember Mendia. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Vernon voting Yes.

7. **CONSENT AGENDA:** Councilmember Garcia made a motion to approve the following consent agenda. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The minutes of the October 24, 2006 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING FLEET MANAGEMENT SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND MIAMI-DADE COUNTY FOR MAINTENANCE AND FUELING OF VILLAGE VEHICLES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING PURCHASE OF WORK-OUT EQUIPMENT FOR THE VILLAGE OF KEY BISCAYNE COMMUNITY CENTER; AUTHORIZING PURCHASE AND INSTALLATION OF EQUIPMENT; AUTHORIZING CONTRACT BETWEEN THE VILLAGE AND GYM SOURCE FOR SUPPLYING AND INSTALLING EQUIPMENT; PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING THE ACQUISITION OF FIRE VEHICLES FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO PURCHASE FIRE EQUIPMENT, TO-WIT: FIVE (5) FIRE VEHICLES; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING AND APPROVING MASTER LEASE AGREEMENT AND RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.

At this time Item 10A1 was heard. Vice Mayor Mendia addressed the Council regarding the discussion to amend the Village's Code to include definitions for condo-hotels and the reasoning behind this discussion. The discussion will be postponed to a later date.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE ZONING ORDINANCE REVIEW COMMITTEE; PROVIDING, AMONG OTHER THINGS, THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS, RULES OF PROCEDURE AND THE DUTIES AND RESPONSIBILITIES OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Garcia made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Weinman.

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

Councilmember Thornton made an amending motion to change the composition of the Board by adding two (2) more residents for a total of four (4) residents. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Mayor opened the public hearing. Marika Formoso, 471 N. Mashta Drive; Hector Formoso-Murias, 471 N. Mashta Drive; Michael Kelly, 395 Gulf Road; Max Puyanic, 480 S. Mashta Drive; Bradley Newsom, 345 Pacific Road; Karen Beber Futernick, 325 Pacific Road; Michael Kahn, 881 Ocean Drive; Arturo Aballi, 91 Island Drive; Edgardo Defortuna 860 Harbor Drive and Eduardo Sanchez, 260 Cypress Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Davey made an amending motion to exclude the HR District from **Section 2-215. Jurisdiction.** The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The ordinance, as amended, was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The second reading of this ordinance will be on December 5, 2006.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE FLORIDA, AMENDING THE CODE OF ORDINANCES BY ESTABLISHING SECTION 6-4, "DEMOLITION OF STRUCTURES", OF CHAPTER 6 "BUILDINGS AND BUILDING REGULATIONS"; PROVIDING FOR RULES AND PROCEDURES REGULATING THE DEMOLITION OF BUILDINGS AND STRUCTURES WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Garcia made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Weinman.

The Attorney and Director Kurlancheek addressed the Council regarding this ordinance.

> The Mayor opened the public hearing. Hector Formoso-Murias, 471 N. Mashta Drive; Carter McDowell, Attorney representing the Sonesta Property; Michael Kelly, 395 Gulf Road; Julio Padilla, 325 Atlantic Road; Camille Guething, 260 Seaview Drive and Patricia Romano, 361 Beechwood Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

Councilmember Garcia withdrew his motion. There was no objection to the withdrawal.

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 $4,000,000 OF ROAD IMPROVEMENT REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon 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" OF THE CODE OF KEY BISCAYNE, FLORIDA BY AMENDING DEVELOPMENT REGULATIONS FOR SINGLE FAMILY AND TWO-FAMILY DISTRICTS, LIMITING MAXIMUM FLOOR AREA RATIO REQUIREMENTS FOR DEVELOPMENT ON TWO OR MORE LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Garcia made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Thornton.

Director Kurlancheek addressed the Council recommending approval of this ordinance.

The Mayor opened the public hearing. Michael Kahn, 881 Ocean Drive addressed the Council. The Mayor closed the public hearing.

The ordinance was adopted on second reading by as 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADVISING THE UNITED STATES CONGRESS THAT THE VILLAGE COUNCIL SUPPORTS THE ADOPTION OF HOUSE BILLS 4366 AND 4836, AND TO THE EXTENT CONSISTENT THEREWITH, RELATED SENATE BILLS 3117 AND 3115 WHICH ESTABLISH A PROGRAM TO PROVIDE REINSURANCE FOR STATE NATURAL CATASTROPHE INSURANCE PROGRAMS AND AMEND THE INTERNAL REVENUE CODE TO CREATE CATASTROPHE SAVINGS ACCOUNTS; PROVIDING FOR DISTRIBUTION OF RESOLUTION; PROVIDING FOR EFFECTIVE DATE.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE FURTHER PROCUREMENT OF ENGINEERING SERVICES FOR THE DUNE RESTORATION PROJECT OF THE VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT, FROM THE FIRM OF COASTAL SYSTEMS INTERNATIONAL, INC.; PROVIDING FOR APPROVAL OF WORK AUTHORIZATION AS AMENDMENT OF EXISTING CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Thornton.

The Manager and Public Works Director Armando Nunez addressed the Council regarding this resolution.

Tim Blankenship with Coastal Systems International, Inc. addressed the Council.

It was the consensus of Council to direct staff to start the process for a new beach renourishment project.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Weinman addressed the Council regarding problems with garbage on alleys suggesting that the ZORC should look into this problem.

Councilmember Weinman also addressed the Council regarding the appointment of the members of the Safety and Health Committee requesting that Councilmembers submit the names of residents interested in serving in this Committee.

Councilmember Garcia requested an update on the proposed Sanitary Sewer Project. The Manager and Public Works Director Nunez addressed the Council regarding this project.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council, for their information, Village Charter Section 7.06 related to the appointment of the Charter Commission at the December 5th Council Meeting.

The Clerk also submitted to the Council the proposed 2007 Council Meeting Schedule. The Council proposed some changes to the schedule and requested that the Clerk revise the schedule and present it again at the November 28, 2006 Zoning Meeting.

Pursuant to Sections 3 and 4 of Ordinance 92-14 adopted by Village Council on June 23, 1992 established the Village's Code Enforcement procedures including the appointment of Special Magistrates. The Special Magistrates are appointed by the Council for a one year term.

It was the consensus of Council to reappoint Mr. Dennis O'Hara, Ms. Rosemary Sala, Ms. Jennifer Leal and Mr. Mortimer Fried as Special Magistrates for a one year term.

The Office of the Mayor issued the following proclamation during the month of November: proclaiming the week of November 27 through December 4, 2006 as "Childhood Cancer Awareness Week".

The Clerk presented to the Council the certification of the November 7, 2006 Municipal Election results.

Councilmember Davey made a motion accepting the Clerk's certification of the November 7, 2006 Municipal Election results. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Village Manager. The Manager did not submit a report.

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

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 9:37 p.m.

November 14, 2006

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 28th day of November, 2006:

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Robert L. Vernon
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.