

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, APRIL 10, 2007

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 Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia 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. **SPECIAL PRESENTATIONS:** The Chairman of the Charter Revision Commission, Councilmember Steve Liedman presented the Final Report of the Commission to the Village Council. The Commission is proposing two amendments to the Village Charter and also granted the Council the option of placing the proposed amendments on the ballot for the next scheduled election.

Dr. Robert Maggs, Bob Bristol and Ed Meyer addressed the Council regarding the newly formed Historical Society.

3. **PUBLIC COMMENTS:** The following residents addressed the Council: Alan Fein, 525 Allendale Road; Charles Viscito, 141 Crandon Boulevard; Tim Stickney, 285 Woodcrest Road; Bill Earle, 280 Harbor Drive; Dr. Alex Zaccharia, 245 Harbor Drive; Michael Kahn, 881 Ocean Drive; Eileen Pope, 235 Harbor Drive and Camille Guething, 260 Seaview Drive.

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4. **AGENDA:** The Manager requested the deferral of Item 7F to the May 15, 2007 Council Meeting. There was no objection to the request.

5. **CONSENT AGENDA:** Vice Mayor Mendia made a motion to approve the following consent agenda. The motion was seconded by Councilmember Garcia 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 March 13, 2007 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DECLARING AS SURPLUS 14 LG LCD TELEVISIONS WITH 14 PEERLEES LCD PEDESTAL STANDS OWNED BY THE VILLAGE AND AUTHORIZING THE VILLAGE MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF SUCH SURPLUS PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPORTING THE U.S. CONFERENCE OF MAYORS RESOLUTION ENDORSING THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT; PROVIDING AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE V "SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS", SECTION 30-101 "COMMERCIAL DISTRICTS" TO PROVIDE THAT PACKAGE STORE SHALL BE A CONDITIONAL USE IN THE C-1 LOW-INTENSITY COMMERCIAL DISTRICT; AMENDING ARTICLE II "DEFINITIONS", SECTION 30-11 "DEFINITIONS" OF THE CODE OF ORDINANCES TO PROVIDE A DEFINITION OF "PACKAGE STORE"; AMENDING ARTICLE IV "ADMINISTRATION OF THE ZONING ORDINANCE", SECTION 30-72 "CONDITIONAL USE PROCEDURES" TO AMEND THE CRITERIA AND REQUIREMENTS APPLICABLE TO CONDITIONAL USE APPROVALS; AMENDING SECTION 30-112 "SUPPLEMENTAL USE REGULATIONS" TO AMEND THE PROCEDURES FOR APPROVAL OF PACKAGE STORES WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Liedman made a motion to adopt the ordinance on first reading. The motion was

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seconded by Councilmember Thornton.

The Mayor opened the public hearing. Nick Mavris, 201 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

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

The ordinance 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 May 15, 2007.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE II, OCCUPATIONAL LICENSE TAX, OF CHAPTER 25 TAXATION TO CONFORM WITH RECENT REVISIONS TO FLORIDA STATUTE CHAPTER 205 BY CHANGING THE TERM OCCUPATIONAL LICENSE TO LOCAL BUSINESS TAX RECEIPT; MAKING COLLATERAL CONFORMING AMENDMENTS TO OTHER AFFECTED PROVISIONS OF THE VILLAGE CODE INCLUDING SECTIONS 30-11, 30-63, 30-66, 30-72, 30-100, 30-102 AND 30-197; 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.

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 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmember Thornton was out of the room at the time the vote was taken.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY

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BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING LANDSCAPE SERVICES AGREEMENT BETWEEN VALLEYCREST LANDSCAPE MAINTENANCE, INC., (AVALLEYCREST@) AND THE VILLAGE OF KEY BISCAYNE, PROVIDING FOR THE VILLAGE TO OBTAIN THE SERVICES OF VALLEYCREST FOR MAINTENANCE OF LANDSCAPING OF VILLAGE GREEN AND VILLAGE PLAYING FIELDS, INCLUDING PLAYING FIELD AT THE ST. AGNES CATHOLIC CHURCH AND PLAYING FIELD AT THE KEY BISCAYNE COMMUNITY SCHOOL; AUTHORIZING IMPLEMENTATION OF AGREEMENT; PROVIDING AN EFFECTIVE DATE.

The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this resolution.

Councilmember Garcia made a motion to adopt the resolution. The motion was seconded by Vice Mayor Mendia 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:

RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER, AS PROVIDED BY PETITION OF ELECTORS, IN ACCORDANCE WITH SECTION 6.02 OF THE VILLAGE CHARTER; SUBMITTING PROPOSED CHARTER AMENDMENT FOR THE CREATION OF A NEW SECTION 4.15 OF THE CHARTER, TO BE ENTITLED APPROVAL BY VOTE OF ELECTORS REQUIRED FOR AMENDMENTS TO LAND DEVELOPMENT REGULATIONS@; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENT TO BE HELD ON TUESDAY, THE 12TH DAY OF JUNE, 2007, BY MAIL BALLOT PROCEDURE; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Attorney addressed the Council regarding this resolution.

Councilmember Weinman made a motion to adopt the resolution. The motion was seconded by Councilmember Thornton.

There was extensive discussion from Council regarding this resolution.

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The following residents addressed the Council: Camille Guething, 260 Seaview Drive; Max Puyanic, 480 S. Mashta Drive; Michael Kelly, 395 Gulf Road; Ed Sanchez, 260 Cypress Drive and Jim Leavitt, 240 Island Drive.

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.

The Clerk read the following resolution by title:

RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS PROPOSED AMENDMENTS TO THE VILLAGE CHARTER, AS PROVIDED BY THE REPORT OF THE CHARTER REVISION COMMISSION, IN ACCORDANCE WITH SECTION 7.06 OF THE VILLAGE CHARTER; SUBMITTING PROPOSED CHARTER AMENDMENTS FOR THE AMENDMENT OF SUBSECTION (A)(ii) AREFERENDUM@ OF SECTION 5.02 AINITIATIVE AND REFERENDUM@ OF THE VILLAGE CHARTER, TO PROVIDE A TIME FRAME FOR COMMENCEMENT OF ANY REFERENDUM PROCEEDINGS ON ORDINANCES AUTHORIZING CAPITAL PROJECTS IN EXCESS OF \$500,000; AND FOR THE AMENDMENT OF SECTION 7.06 ACHARTER REVISION@, TO REVISE DESCRIPTION OF CERTAIN ELECTIONS AT WHICH CHARTER AMENDMENTS PROVIDED IN THE FUTURE BY VILLAGE CHARTER REVISION COMMISSIONS MAY BE PLACED ON A BALLOT; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION OF CURRENT CHARTER AMENDMENTS TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 12TH DAY OF JUNE, 2007, BY MAIL BALLOT PROCEDURE; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Weinman made a motion to adopt the resolution. The motion was seconded by Councilmember Thornton.

Max Puyanic, 480 S. Mashta Drive addressed the Council.

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.

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The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING FIREWORKS DISPLAY CONTRACT BETWEEN FIREWORKS BY GRUCCI, INC., AND THE VILLAGE OF KEY BISCAYNE CONCERNING FIREWORKS DISPLAY FOR JULY 4TH, 2007; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Weinman made a motion to adopt the resolution. The motion was seconded by Councilmember Thornton.

The Manager and Director Hofferberth addressed the Council regarding this resolution.

Jim Brewster, 101 Ocean Lane Drive addressed the Council.

It was the consensus of Council to choose Option B Display for a fee of \$90,000.

The Attorney addressed the Council regarding page 2 of the agreement stating that the balance of the Fee shall be due and payable on or before July 5, 2007 and not June 5, 2007 as it appears in the contract.

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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, TO TAKE ACTION TO PERMIT THE RECONFIGURATION OF CALUSA PARK; PROVIDING FOR AN EFFECTIVE DATE.

Director Hofferberth addressed the Council regarding this resolution.

Councilmember Garcia made a motion to adopt the resolution. The motion was seconded by Councilmember Liedman.

Luis de la Cruz, 640 Allendale Road addressed the Council.

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

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Yes.

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

Mayor and Councilmembers. Mayor Vernon addressed the Council regarding the appointment of Mr. Frank Caplan to the Zoning Ordinance Review Committee due to the resignation of Mr. Robert Mollinari.

It was the consensus of Council to appoint Mr. Frank Caplan to the ZORC.

Councilmember Weinman addressed the Council regarding the need to install permanent lights at the north end of the Village Green to allow for sports in the evening.

Luis de la Cruz, 640 Allendale Road and Marcelo Radice, 412 Warren Lane addressed the Council.

Councilmember Weinman made a motion to direct staff to draft a resolution approving the installation of permanent lights at the North end of Village Green. The motion was seconded by Vice Mayor Mendia 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.

Councilmember Weinman also addressed the Council regarding the expansion of the Community Center.

It was the consensus of Council to direct staff to get a proposal, at no cost to the Village, from the architect and the consultant for the expansion of the Community Center.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council a list of Key Biscayne elections and voter turnout.

The Office of the Mayor issued the following proclamations during the month of April: proclaiming the month of April as AWater Conservation Month@ and proclaiming the week of May 7-12, 2007 as ANOAA Week@.

Village Manager. The Manager addressed the Council regarding the availability of the property at 200 Harbor Drive and the possibility of the Village purchasing this bayfront property. There was extensive discussion from Council regarding this property, but no action was taken.

The Manager presented to the Council a Building, Zoning, and Planning Department public service message.

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The Manager addressed the Council regarding the requirement by contract of evaluating her performance.

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

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

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

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 16th day of April, 2007:

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.