MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, MAY 15, 2007

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 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 Richard Jay Weiss.

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

3. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Village Council, presented a Proclamation to the American Legion Auxiliary proclaiming the week of May 21-28, 2007 as Poppy Week in Key Biscayne.

5. **PUBLIC COMMENTS:** Charles Viscito, 141 Crandon Boulevard; Ed Sanchez, 260 Cypress Drive and Cecile Sanchez, 260 Cypress Drive addressed the Council.

6. **AGENDA:** The Clerk requested the addition of a discussion of the advertisement for new village manager by Mr. Colin Baenziger as Item10A6; Councilmember Liedman requested an update on dune renourishment as Item 10A7; Councilmember Weinman requested the deferral of Item 10A3

and the addition of a discussion regarding school concurrency to replace Item 10A3 and Vice Mayor Mendia requested the addition of discussion regarding golf cart access to Fernwood Drive as Item 10A7. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the April 16, 2007 Zoning meeting, the minutes of the April 19, 2007 Special Council meeting and the minutes of the May 3, 2007 Special Council meeting. 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.

8. **ORDINANCES:** 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 AMENDING SECTION 25-6 " ADDITIONAL HOMESTEAD EXEMPTION FOR SENIOR CITIZENS" OF ARTICLE I, "IN GENERAL", OF CHAPTER 25 "TAXATION" TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF THE HOMESTEAD EXEMPTION FOR LOW-INCOME SENIORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR DELIVERY TO THE PROPERTY APPRAISER AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and the Attorney addressed the Council regarding this ordinance.

> The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive addressed the Council. The Mayor closed the public hearing.

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 22, 2007.

The Clerk read the following ordinance on second 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 Weinman made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Davey.

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

> 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.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MAYOR TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH THE MIAMI-DADE DEPARTMENT OF HUMAN SERVICES TO APPLY FOR, RECEIVE, EXPEND AND AMEND FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A RECORD IMPROVEMENT PROGRAM.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Weinman.

The Manager addressed the Council regarding this resolution.

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, AUTHORIZING AND AWARDING CONSTRUCTION CONTRACT BETWEEN THE VILLAGE AND METRO EQUIPMENT SERVICE, INC. (THE "CONTRACTOR") TO PROVIDE FOR THE CONSTRUCTION OF VILLAGE OF KEY BISCAYNE ZONE 1 AND ZONE 4 WATER MAIN REPLACEMENT, SANITARY SEWER SYSTEM, AND MDWASD PUMP STATION 131 UPGRADE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

The Manager and Ramon Castella with C3TS addressed the Council regarding this resolution.

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, APPROVING WORK AUTHORIZATION FOR THE SERVICES OF THE FIRM OF CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. ("C3TS"); PROVIDING FOR C3TS TO PERFORM OWNER REPRESENTATION, CONSTRUCTION PROJECT MANAGEMENT, ADMINISTRATION AND INSPECTION SERVICES FOR ZONES 1 AND 4 OF THE VILLAGE'S SANITARY SEWER, POTABLE WATER, AND REUSE WATER PROJECT, AND CERTAIN LIMITED PRE-BID SERVICES FOR ZONES 2 AND 3 OF THE PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

Ramon Castella with C3TS and Ramon Lopez, Village's Project Manager addressed the Council regarding this resolution.

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. The Mayor addressed the Council regarding street lights on Grapetree Drive.

Mayor Vernon made a motion to approve preliminary design and engineering fees from FPL for street lights on Grapetree Drive. 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 Mayor addressed the Council regarding the expiration of the lease agreement at 85 West Enid Drive/employee parking lot. The Manager addressed the Council regarding this issue and will bring back to Council a proposal to purchase this property from Miami-Dade County at the June 5th meeting.

Councilmember Weinman addressed the Council regarding school concurrency. The Attorney also addressed the Council regarding school concurrency stating that under state law, in Florida there is no school concurrency requirement at the moment.

Councilmember Weinman addressed the Council regarding leasing certain square footage within the parking lot at the Presbyterian Church to provide a skate park.

> Maria Giuffrida, 166 Harbor Drive and Michael Wenzel, 166 Harbor Drive addressed the Council.

It was the consensus of Council to direct staff to meet with Reverend David Moran from the Presbyterian Church regarding the possibility of leasing certain square footage within the parking lot at the Presbyterian Church to provide a skate park.

Councilmember Weinman made a motion to instruct staff to work with the EAR Subcommittee to provide Council with a five year plan towards meeting concurrency, guided by our existing Comprehensive Plan, Master Plan and Goals and Objectives, indicating a funding source and strategy. 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.

It was the consensus of Council to place the EAR on the June 5, 2007 Regular Council Meeting agenda.

At this time Colin Baenziger with Colin Baenziger & Associates addressed the Council regarding the advertising for the new village manager and the tentative project schedule.

The Council and the Attorney made some suggestions to Mr. Baenziger regarding the advertisement and also amended the project schedule. A new advertisement and project schedule will be provided to Council. It was the consensus of Council to place the advertisement on the Home Page of the Village's web site.

Councilmember Liedman requested an update on the dune renourishment.

Public Works Director Armando Nunez addressed the Council regarding the renourishment.

Vice Mayor Mendia addressed the Council regarding Fernwood Drive access for golf carts.

Directors Kurlancheek and Nunez addressed the Council regarding this issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a plan schedule for the June 12, 2007 Special Mail Ballot Election.

Village Manager. The Manager addressed the Council regarding the information piece on the proposed Charter amendment that if passed, would require voter approval for many "amendments to land development regulations." The Council, for clarification purposes, made some changes to the information piece.

Lisa Sedelnick with Sabia Communications addressed the Council regarding the information piece.

It was the consensus of Council to also place an ad in the Islander News and in La Isla and also post the advertisement on the Village's website.

The Manager and Ramon Castella with C3TS addressed the Council regarding the proposed Harbor Drive improvements from the Yacht Club to the Fernwood Road traffic circle.

Councilmember Liedman made a motion to approve Harbor Drive improvements from the Yacht Club to the Fernwood Road traffic circle. The motion was seconded by Councilmember Garcia and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmember Davey voting No.

Councilmember Liedman made a motion to choose option 2 with angle parking, with the change of the bus stop and eliminating plazas on the residential side. The motion was seconded by Mayor Vernon and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmember Davey voting No.

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 9:10 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 22nd day of May, 2007:

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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.