

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, MAY 12, 2009

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:12 p.m. Present were Councilmembers Enrique Garcia, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Michael W. Davey and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Council, presented a Proclamation to the Village of Key Biscayne Fire Rescue Department recognizing their efforts on behalf of the Muscular Dystrophy Association. Firefighter/Paramedic Gary Carter accepted the proclamation on behalf of the Fire Rescue Department.
3. **PUBLIC COMMENTS:** The following residents addressed the Council: John and Virginia Rosser, 300 Redwood Lane and Mortimer Fried, 291 Harbor Court.
4. **AGENDA:** Councilmember Garcia addressed the Council regarding the closing of the State Park on weekends due to full capacity as it relays to traffic within the Village and the Manager requested the addition of a discussion regarding the presentation to Council of the Open Space and Recreation Report and the 530 Crandon Boulevard Charrette Report as Item 8D1. There was no objection to the agenda changes.

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5. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the April 28, 2009 Zoning Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING THE VILLAGE CODE BY CREATING ARTICLE VI, "LIGHTING REGULATIONS FOR MARINE TURTLE PROTECTION" OF CHAPTER 8 "ENVIRONMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE.**

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

The Attorney addressed the Council recommending that the Village Council amend the Village Code to create regulations in order to protect nesting turtles and their offspring.

The purpose of this ordinance is to reduce the impacts of artificial lighting on threatened and endangered sea turtles that nest on our beach. The ordinance will enable the Village to create a permit process for lighting of properties adjacent to our beach, activities and special events involving direct illumination to portions of the beach.

Also, the Village received notification from the Florida Department of Environmental Protection that the lighting ordinance was required as a result of the ongoing permit process for the Village's Dune Restoration Project and future Beach Renourishment Project.

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 Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING PURCHASE OF WORKOUT EQUIPMENT FOR THE VILLAGE OF KEY BISCAYNE COMMUNITY CENTER; AUTHORIZING VILLAGE MANAGER TO COMPLETE PURCHASE OF WORKOUT EQUIPMENT; PROVIDING FOR EFFECTIVE DATE.**

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Vice Mayor Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia.

The Manager and Parks and Recreation Director Todd Hofferberth addressed the Council recommending the approval of this resolution authorizing the purchase of workout equipment for the Community Center Wellness Facility.

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

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

Mayor and Councilmembers. Vice Mayor Davey requested that the ZORC report on their evaluation of possible changes to the development criteria for the Hotel Resort District.

Frank Caplan, Chairman of the ZORC, addressed the Council on this subject and also on the status of the review of the zoning code by the ZORC. Mr. Caplan committed to finish the report by September 1, 2009.

The Attorney and Building, Zoning and Planning Director Jud Kurlancheek also addressed the Council regarding the work of the ZORC.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council reporting that the Consultant is ready to present to the Council the Recreation and Open Space Report and the 530 Crandon Boulevard Charrette Report. It was the consensus of Council to schedule this item for the May 26, 2009 Zoning Meeting.

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 8:05 p.m.

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*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this \_ day of \_\_\_\_, 2009:*

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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.***