

MINUTES
VILLAGE COUNCIL MEETING

TUESDAY, OCTOBER 9, 2012

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:46 p.m. Present were Councilmembers Michael W. Davey, Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **BRIEF COMMENTS BY COUNCIL:** Councilmember Davey addressed the Council and the public regarding the recent car burglaries recommending that residents lock their cars.

Councilmember Taintor addressed the Council regarding Workers Compensation for the sitting Village Council.

The Mayor reported that the Manager and several Department Heads attended a meeting of the Miami-Dade League of Cities.

3. **SPECIAL PRESENTATIONS:** Mayor Caplan presented a Proclamation to the Zambrano Family celebrating the 40th Anniversary of the Donut Gallery.

Bertha Goldenberg, P.E., Assistant Director to the Miami-Dade County Water and Sewer Department addressed the Council.

The Mayor addressed the Council regarding the proposed project for the Silver Sands.

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Santiago Echemendia, Attorney representing the Red Dragon Sands, Ltd. addressed the Council.

4. **PUBLIC COMMENTS:** The following residents addressed the Council: Ed Meyer, 798 Crandon Boulevard and Melissa White, 628 Ridgewood.

5. **AGENDA:** Mayor Caplan made a motion to hear Item 7B2 before Item 7B1 and Councilmember Taintor requested the addition of a discussion regarding Impact Fees as Item 9A8 and also requested to hear Items 9A4 and 9A6 prior to hearing Item 8B. There was no objection to the agenda changes.

6. **APPROVAL OF MINUTES:** There were no minutes submitted for Council approval.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING SECTION 8-202 "FEEDING OF OWNERLESS OR STRAY CATS" OF THE VILLAGE CODE OF ORDINANCES; PROHIBITING THE OUTDOOR FEEDING OF STRAY OR OWNERLESS CATS SO AS TO CAUSE THEM TO CONGREGATE IN NUMBERS ON OR NEAR A GIVEN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Davey made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Lindsay.

The Mayor opened the public hearing. Dr. Steve Eastman, 180 Crandon Boulevard and Jay Held, 210 Greenwood Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

Councilmember Taintor made a motion to continue the hearing on November 20, 2012. The motion was seconded by Vice Mayor Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTIONS 30-33(3) AND 30-73(G) OF THE VILLAGE CODE OF ORDINANCES, AMENDING THE SITE PLAN REVIEW PROCEDURES TO PROHIBIT THE APPROVAL OF ADDITIONAL DENSITY IN EXCESS OF DENSITY PREVIOUSLY APPROVED

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PURSUANT TO A VALID DEVELOPMENT ORDER; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly made a motion to adopt the ordinance on second reading. The motion was seconded by Mayor Caplan.

The Mayor opened the public hearing. Santiago Echemendia, Attorney representing the Red Dragon Sands, Ltd. and Charles Sieger, Miami addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

Councilmember Taintor proposed to add the words "if any" at the end of Section 4 (4). There was no objection to the request.

Councilmember Davey made a motion to defer the ordinance. The motion died for a lack of a second.

The ordinance was approved on second reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Garcia and Gusman voting No.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 30-103 "HOTEL RESORT DISTRICT;" PROVIDING FOR AMENDMENTS TO SECTION 30-103(A) RELATING TO THE PURPOSE AND USES; PROVIDING FOR AMENDMENTS TO SECTION 30-103(B) RELATING TO THE DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" RELATING TO THE REQUIRED OFF-STREET PARKING FOR HOTELS AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Santiago Echemendia, Attorney on behalf of the Silver Sands and Charles Viscito, 141 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

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The Attorney addressed the Council regarding this ordinance.

Councilmember Davey made an amending motion to reinstate the deleted language under District purpose and Development regulations, Density and to include the vested right procedures approved in the previous ordinance. The motion was seconded by Vice Mayor Kelly and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Garcia and Gusman voting No.

The ordinance, as amended, was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Garcia and Gusman voting No.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY SCHOOL DISTRICT'S CAPITAL BOND REFERENDUM TO MODERNIZE AND CONSTRUCT SCHOOLS, INCLUDING TECHNOLOGY UPGRADES AT ALL SCHOOLS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Luis Lauredo, 201 Crandon Boulevard and Charles Viscito, 141 Crandon Boulevard addressed the Council.

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

At this time Items 9A4 and 9A6 were heard. Vice Mayor Kelly addressed the Council regarding the Miami Tennis Cup.

The Mayor also addressed the Council regarding the Crandon Park Tennis Center.

Councilmember Garcia withdrew Item 8B.

Karen Llorente, on behalf of the KB Chamber of Commerce addressed the Council regarding the Tennis Center and the results of a survey conducted by the Chamber.

Charles Viscito, 141 Crandon Boulevard also addressed the Council regarding the expansion of the Tennis Center.

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

Mayor and Councilmembers. Mayor Caplan, with consensus of Council appointed Mr. Ramon Rodriguez as a Pension Board Trustee to replace the vacancy left by former Councilmember Steve Liedman.

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council giving an update on the Exclusion Zone.

The Manager also addressed the Council regarding the Key Biscayne Library hours of operation.

The Manager addressed the Council regarding security cameras. The Manager requested direction from Council regarding the installation of five cameras on Mashta Island.

Chief of Police Charles Press addressed the Council regarding the security cameras requested by the residents of Mashta, reporting that the approximate cost is \$150,000.

It was the consensus of Council to direct staff to report back to Council and report on the neighbors suggestions.

The Manager also addressed the Council regarding the Consultatio Voluntary Covenant reporting that the Village has received the second contribution of \$1,500,000.

Vice Mayor Kelly addressed the Council regarding a Senior Center Committee. It was the consensus of Council to contact Ed Stone to provide suggested participants and let it be a Mayor appointed Committee.

Mayor Caplan addressed the Council regarding setting a date for a Zoning, Planning and Community Design Workshop. It was the consensus of Council to hold this Workshop on Wednesday, November 28th at 7:00 p.m.

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

Councilmember Davey addressed the Council regarding several requests from Mashta Island residents, especially the fishing activities from the Mashta Bridge.

Village Attorney. The Attorney did not submit a report.

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Councilmember Davey made a motion to extend the meeting until 11:05 p.m. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Village Clerk. The Clerk addressed the Council reporting that the Community Center is very busy and the only available date for the Installation Ceremony is Saturday, November 17th at 7:00 P.M., followed by a reception around the pool. The Clerk is requesting approval from Council to hold the Installation Ceremony on this date.

The Clerk was directed to circulate new dates, among the Council, for the Installation Ceremony preferably a weekday.

At this time Councilmember Taintor addressed the Council regarding Impact Fees.

The Attorney addressed the Council regarding these fees.

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 11:07 p.m.

Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 23rd day of October, 2012:

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Franklin H. Caplan
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.