

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, FEBRUARY 23, 2010

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 Davey, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Vice Mayor Enrique Garcia and Mayor Robert L. Vernon. Councilmember Thomas Thornton was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.

Mayor Vernon led the Pledge of Allegiance.

2. **AGENDA:** Councilmember Davey requested the addition of an update on proposed repairs on Cape Florida as Item 6A2. There was no objection to the agenda change.

3. **APPROVAL OF MINUTES:** Vice Mayor Garcia made a motion to approve the minutes of the February 9, 2010 Regular Council Meeting. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Garcia and Mayor Vernon voting Yes.

Councilmember Davey made a motion to approve the minutes of the February 16, 2010 ZORC Workshop. The motion was seconded by Councilmember Gusman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Garcia and Mayor Vernon voting Yes.

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

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AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING A LAND ACQUISITION COMMITTEE; ESTABLISHING A NEW COMMITTEE AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

It was the consensus of Council to amend **Section 2. Creation of Committee. 5. Jurisdiction.** (b) by adding the word “primarily” before park and recreational purposes.

It was the consensus of Council to appoint Councilmember Kelly as a Council liaison to the Committee in an ex-officio, non-voting member capacity.

It was also the consensus of Council to include the following matters under **5. Jurisdiction.** (b): In preparing its recommendation, the Committee shall consider the following matters: (i) Review of the Village's previous efforts towards land acquisition including, but not limited to, the 2020 Vision Plan and 2007 Evaluation and Appraisal Report; (ii) Examination of short and long term financing options, including the potential impact on the Village's debt cap; (iii) Review of all available land acquisition options including the purchase or long term lease of small or large parcels as well as potential interlocal agreements with other governmental agencies; and (iv) Identification of potential current as well as future properties for acquisition.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Garcia and Mayor Vernon voting Yes.

The Clerk announced the second reading of this ordinance on March 16, 2010.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 26, ARTICLE II “GOLF CARTS” OF THE VILLAGE CODE OF ORDINANCES RELATING TO GOLF CART USE WITHIN THE VILLAGE; AMENDING SECTION 30-181 “LOCATION, CHARACTER AND SIZE OF REQUIRED PARKING SPACES” RELATING TO GOLF CART PARKING STALL SIZE; AMENDING SECTION 30-184 “AMOUNT OF REQUIRED OFF-STREET PARKING”

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RELATING TO GOLF CART PARKING; PROVIDING FOR NONCONFORMITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

It was the consensus of Council to amend **Section 26-23. Authorized Use.** (a) by removing "between sunrise and sunset" at the end of this sub-section.

It was also the consensus of Council to amend **Section 26-23. Authorized Use.** (c) as follows: "Golf Carts that are intended to be leased for any amount of time or to be sold shall only be stored on property that has a Main Permitted Use of a Motel, Hotel, or a use within the C-1 District involved in the retail sale of golf carts ~~of gasoline.~~"

It was also the consensus of Council to amend **Section 30-181. Location, character and size of required Parking spaces.** by amending the minimum dimensions for a golf cart parking space to 6 feet wide by 11 feet in length. And also amend subsection (r) by deleting the word "bollard" and inserting "safety barrier".

It was the consensus of Council to amend **Section 30-184. Amount of required off-street Parking.** (a) by amending the required golf cart spaces in the Hotel or Motel Use, the Offices Use and the Shopping Center Use to 3 golf carts per 100 vehicular parking spaces.

The ordinance was adopted on second second by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Garcia and Mayor Vernon voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ADOPT AND THE GOVERNOR TO SIGN LEGISLATION PROHIBITING TYPING, SENDING OR READING OF TEXT MESSAGES AND E-MAILS WHILE OPERATING A MOTOR VEHICLE, AND ONLY ALLOWING CELL PHONE USAGE WHILE DRIVING WHEN UTILIZING A HANDS-FREE DEVICE; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Garcia addressed the Council urging them to approve the resolution.

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Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Garcia 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 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND ESTRADA HINOJOSA & COMPANY, INC., CONCERNING FINANCIAL ADVISORY SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending approval of the professional services agreement between the Village and Estrada Hinojosa & Company concerning financial advisory services.

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

Lourdes Abadin, Financial Advisor to the Village with Estrada Hinojosa & Company, Inc. addressed the Council.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Garcia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the Google Fiber Optic Project for Communities. Google is planning to build and test ultra-high speed broadband networks in one or more trial locations across the country.

It was the consensus of Council to apply for this project which will experiment with new ways to help make Internet access better and faster for everyone.

Councilmember Davey addressed the Council regarding the status of the Cape Florida Project.

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

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

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Village Manager. The Manager addressed the Council giving an update on the Water and Sewer Project.

Ramon Castella with 3CTS addressed the Council regarding the progress of the Water and Sewer Project.

7. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
8. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
9. **ADJOURNMENT:** The meeting was adjourned at 8:15 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 9th day of March, 2010:

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.