

MINUTES

ZONING MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, FEBRUARY 23, 2016

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:00 p.m. Present were Councilmembers Franklin H. Caplan, Luis de la Cruz, Gary R. Gross, Michael E. Kelly, Edward London and Mayor Mayra P. Lindsay. Councilmember Theodore Holloway was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Councilmember Gross led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Councilmember Kelly encouraged residents to use the free Key Ride service provided by the Village, phone number 786-361-8657 and also reported that an app will be available some time during the month of March; Mayor Lindsay thanked the Winter Concert Committee for the beautiful Brazilian Extravaganza that took place this past Sunday and also reported that there will be an Opera Concert on Friday; Mayor Lindsay also addressed the Council regarding the Boat Show and the impact it had on the Key and thanked the Police and Fire Departments and Village Manager John Gilbert, the Council and the Legal Team for their efforts to mitigate the problem; Councilmember de la Cruz also addressed the Council regarding the Boat Show reporting that he attended the Show and that he thought it was a great, thanks to all the efforts that the Village made to make this event as less disruptive to our residents as possible.

4. **AGENDA:** Councilmember Caplan requested the addition of a discussion on the “Bad and the Ugly” from MAST PTSA Newsletter as Item 9A4; Councilmember Kelly requested the addition of the status of the new stop signs as Item 9A5 and Councilmember Caplan made a motion to add Public Comments after Item 5A.

At this time Councilmember Kelly made a motion to continue Item 7B2 to the March 8, 2016 Council Meeting at 7:00 p.m. The motion was seconded by Vice Mayor London.

The Attorney addressed the Council regarding this motion.

The Kelly motion was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Kelly, London and Mayor Lindsay voting Yes.

There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the February 9, 2016 Regular Council Meeting. The motion was seconded by Councilmember Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Kelly, London and Mayor Lindsay voting Yes.

At this time Public Comments were heard. The following residents addressed the Council: Megan London, 737 Ridgewood Road; Servando Parapar, 240 Cypress Drive; Michael Davey, 50 Ocean Lane Drive; Cristina Figueredo Zizold, 798 Crandon Boulevard; Carlos Fernandez, 615 Harbor Circle; Claire London, 736 Woodcrest Road; Katie Petros, 375 Redwood Lane; Natalia Reparaz, 301 Sunrise Drive and Jacquie Kellogg, 115 Sunrise Drive.

6. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearing were sworn in by the Clerk.

Public Hearing Number RV-36. The Applicant, Gerda Guggenheim, 120 Cape Florida Drive, is requesting the following variances: 1.) To exceed the maximum 9 ft. 3 in. projection of a dock from a bulkhead by 9 ft. 5 in. to permit a maximum projection of 18 ft. 8 in. and 2.) To exceed the maximum 18 ft. 6 in. projection of a mooring by 20 ft. 2 in. to install two mooring piles that are 38 ft. 8 in. from the bulkhead.

Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council recommending approval of the request since it is consistent with the review criteria.

Vice Mayor London made a motion to approve the variance. The motion was seconded by Councilmember Caplan.

February 23, 2016

The Mayor opened the public hearing. Denis Solano, P.E., Solver Structural Partnership, Inc., Miami, representing the applicant, Jose Guggenheim, California and Cristina Murciano, 120 Cape Florida Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this hearing. The Attorney also addressed the Council regarding these variances.

The variance was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Kelly, London and Mayor Lindsay voting Yes.

7. **ORDINANCES:** There were no ordinances considered on first reading by Council.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF THE REAL PROPERTY LOCATED AT 401 HAMPTON LANE, KEY BISCAYNE, FLORIDA 33149; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Michael Davey, 50 Ocean Lane Drive addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

The ordinance was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Kelly, London and Mayor Lindsay voting Yes.

Item 7B2 was continued to the March 8, 2016 Council Meeting.

8. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. Mayor Lindsay, with consensus of Council, appointed the following residents to the Water and Boat Safety Committee: Amy Easton, Janice Seagal, Natalie Estrella, Scott Sharp and James Leshaw.

February 23, 2016

Mayor Lindsay, with consensus of Council, also appointed the following resident to the Education Advisory Board: Julie Garcia.

Councilmember de la Cruz addressed the Council regarding the Village Green Playing fields. The Attorney addressed the Council reporting on the conversations held with the consultants regarding the Village Green Playing fields. There was extensive discussion from Council regarding this issue.

At this time Councilmember Caplan addressed the Council regarding the February 19th PTSA Newsletter. The Manager also addressed the Council regarding this article.

Councilmember Kelly requested an update from the Manager regarding the status of the new Stop signs. The Manager addressed the Council reporting that the signs will be completed by the end of March.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

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 8:42 p.m.

Respectfully submitted:



Conchita H. Alvarez, MMC
Village Clerk

February 23, 2016

Approved this 8th day of March, 2016:



Mayra Peña Lindsay
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.