

MINUTES

ZONING MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, MARCH 24, 2009

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:07 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. **AGENDA:** Councilmember Gusman requested to hear Item 6A3 after Item 6A1. There was no objection to the agenda change.
3. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the March 10, 2009 Regular Council Meeting. The motion was seconded by Councilmember Kelly 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.
4. **ORDINANCES:** There were no ordinances on first reading considered by Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AMENDING SECTION 30-100 "SINGLE FAMILY AND TWO-FAMILY DISTRICTS" RELATING TO DOCKS AND MOORING PILES; PROVIDING FOR SEVERABILITY;

PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The second reading of this ordinance is continued from the February 10, 2009 Council Meeting.

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

Santiago Echemendia with Tew Cardenas, Attorney representing the owner at 200 Harbor Drive and Captain Alvaro Regil, on behalf of the same owner addressed the Council.

Amy Huber, Attorney with Shubin and Bass representing the owners at 210, 230, 300 and 310 Harbor Drive also addressed the Council.

Dick Bunnell with Bunnell Foundation, Inc., on behalf of the owners at 210, 230, 300 and 310 Harbor Drive, addressed the Council regarding docks.

The Mayor opened the public hearing. James Taintor, 355 Harbor Drive and Commodore Ed London, on behalf of the Yacht Club addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council explaining that the proposed ordinance is before the Village Council as a result of the mediation with the affected property owners.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to amend section b. Specific Regulations (2) as follows: No more than two mooring piles and one watercraft are permitted outside of the 60 degree triangle.

It was also the consensus of Council to amend section b. Specific Regulations (5) as follows: No dock or mooring pile shall project within 60 ~~50~~ ft. of a breakwater.

Mayor Vernon made an amending motion to eliminate the weight of a watercraft requirement in section b. Specific Regulations (7). The motion was seconded by Councilmember Garcia and approved by a 4-3 voice vote. The vote was as follows: Councilmembers Garcia, Mendia, Thornton and Mayor Vernon voting Yes. Councilmembers Gusman, Kelly and Vice Mayor Davey voting No.

It was the consensus of Council to amend section b. Specific Regulations (8) as follows: "A watercraft shall not exceed a maximum of 50 ft. LOA. ~~in length, which shall be measured from one end (stern or bow) of the hull to the other end along the center line of the hull.~~"

It was the consensus of Council to amend section b. Specific Regulations (9) as follows: The maximum distance between mooring piles shall be ~~55~~ 50 feet and the maximum length of the dock, running parallel to the property line shall not exceed 50 ft."

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The ordinance, as amended, 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.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REVISING SERVICE FEES FOR THE COLLECTION OF SOLID WASTE AND THE PROVIDING OF RECYCLING SERVICES; AMENDING FEES PROVIDED BY RESOLUTION NO. 2005-3; REPEALING RESOLUTION NO. 2005-3; AND PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council recommending the adoption of the resolution which provides for an annual fee in the amount of \$495.00 per household for regular service of collection of solid waste and recycling services to residential customers withing the Village.

The Mayor opened the public hearing. Cecile Sanchez, 260 Cypress Drive addressed the Council. The Mayor closed the public hearing.

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.

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

Mayor and Councilmembers. The Mayor addressed the Council regarding the appointments to the Golf Cart Safety Board.

The Mayor, with consensus of Council, appointed the following residents: Ed Stone, Dr. Rafael Perez, Michele Estevez and Romain Bignon to a two year term and appointed Nelson Zambrano, Allene Nicholson and Jane Morris to a one year term.

The Mayor thanked all the residents who expressed an interest in serving on this Board.

The Mayor addressed the Council regarding a request from the Children's Campaign Inc. to endorse their campaign "Bachelor Degreed Teachers for all Pre-K Classrooms in Florida by 2013".

It was the consensus of Council to authorize the Mayor to endorse the Children's Campaign by

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signing a proclamation which endorses this cause.

Councilmember Mendia addressed the Council regarding the evaluation of the Proposed Municipal Charter High School and Council's next step.

Former Councilmember Cliff Brody, 180 Harbor Drive; former Councilmember Martha Broucek, 170 Ocean Lane Drive; Gwen Wurm, 131 Buttonwood Drive; Gretchen Clark, 201 Crandon Boulevard; Former Councilmember Betty Sime Conroy, 785 Crandon Boulevard; Chris Blackman, 727 Crandon Boulevard; Former Councilmember Mortimer Fried, 291 Harbor Court; Ed London, 50 West Mashta Drive; Angel Martin, 151 Crandon Boulevard; Jacqueline Kleis, 785 Crandon Boulevard; Kathy Farias, 707 Crandon Boulevard; Margaret Crystal, 177 Ocean Lane Drive; Former Councilmember Steve Liedman, 785 Crandon Boulevard; Camille Guething, 260 Seaview Drive; Cecile Sanchez, 260 Cypress Drive; Jon Heider, 791 Crandon Boulevard; Robert Duzoglou, 785 Glenridge Road; Carlos Nieto, 141 Crandon Boulevard; Ed Sanchez, 260 Cypress Drive; Jim Leavitt, 240 Island Drive; Charles Viscito, 141 Crandon Boulevard and Manny Cambo, 621 Harbor Drive addressed the Council.

There was extensive discussion from Council regarding this issue. The Manager also addressed the Council regarding this issue.

Councilmember Kelly made the following motion: "This Council believes that the role of the government of the Village of Key Biscayne is of non-involvement in the creation or administration of a Municipal Charter High School". The motion was seconded by Councilmember Garcia and failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Garcia, Kelly and Mayor Vernon voting Yes. Councilmembers Gusman, Mendia, Thornton and Vice Mayor Davey voting No.

Vice Mayor Davey made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Kelly 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.

Councilmember Mendia made a motion to direct the Manager to provide the Council with an updated budget summary projection which will include beach renourishment, the sanitary sewer project and the purchase of the employee parking lot and to contact charter school operators, private and/or governmental, to review the FNI operations budget to provide information on the true costs of running a charter high school which meets the expectations of our community.. The motion was seconded by Mayor Vernon and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Gusman, Mendia, Thornton and Vice Mayor Davey voting Yes. Councilmembers Kelly and Garcia voting No.

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Vice Mayor Davey addressed the Council regarding the appointment of the High School Advisory Board.

Vice Mayor Davey requested deferral of his item regarding the creation of a permanent Advisory Board for Community Education Initiatives. There was no objection to the request.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of March: United HomeCare Services on their 35th anniversary.

Village Manager. The Manager reported that the Village of Key Biscayne has received the Distinguished Budget Presentation Award from the Government Finance Officers Association. This award is the highest form of recognition in governmental budgeting and represents a significant achievement by the Village.

The Manager also addressed the Council giving a status report on the Beach Park Security.

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 11:10 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 14th day of April, 2009:

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

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VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.