

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, APRIL 14, 2009

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Enrique Garcia, Robert Gusman, Michael E. Kelly, Thomas Thornton, Vice Mayor Michael W. Davey and Mayor Robert L. Vernon. Councilmember Jorge E. Mendia was absent. Also present were Acting Village Manager Jud Kurlancheek, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.

At this time the Acting Manager reported to the Council that Village Manager Genaro "Chip" Iglesias had traveled to Tallahassee to meet with legislators on several issues related to the Village.

4. **SPECIAL PRESENTATIONS:** Fire Chief John C. Gilbert and Police Chief Charles Press recognized South Bay Group for their sponsorship of the First Annual Public Safety Day and also recognized Mr. Brando Boccardi for donating his services (D.J.) for Public Safety Day.

5. **PUBLIC COMMENTS:** There were no speakers present.

6. **AGENDA:** Vice Mayor Davey requested the addition of a discussion regarding the HR District as Item 10A2, requested the addition of a report regarding Electronic Recycling as Item 10A3 and also requested the addition of a report regarding his meeting with Congresswoman Ileana Ross-Lehtinen as item 10A4. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the March 24, 2009 Zoning Meeting. The motion was seconded by Councilmember Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

8. **ORDINANCES:** The Clerk read the following ordinance on first 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.**

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

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

The second reading of this ordinance will be announced at a later date.

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

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

Mayor and Councilmembers. Vice Mayor Davey addressed the Council regarding Education Compacts with the Miami-Dade County School Board.

It was the consensus of Council to direct staff to draft legislation that will create an Education Advisory Board to provide recommendations to the Council and Manager regarding enhancement of K-8 education within the Village.

Vice Mayor Davey also addressed the Council regarding the procedure for second reading of the proposed ordinance amending the HR District and the review of the same by the ZORC.

The Attorney also addressed the Council regarding the required two readings on the proposed amendments to the HR Districts.

At this time Frank Caplan, Chairman of the ZORC addressed the Council regarding this issue.

It was the consensus of Council to schedule the second reading of the ordinance amending the HR District for May 12, 2009.

Vice Mayor Davey announced that the Village will hold its second Electronics Recycling Drive on Saturday, April 18, 2009 from 8:30 a.m. to 1:30 p.m. The drop-off location is on West Enid Drive (between Village Green Way and Fernwood/Village Hall).

Vice Mayor Davey also addressed the Council regarding a meeting he had with Congresswoman Ileana Ross-Lehtinen reporting that the Congresswoman informed him that there is no money for beach renourishment.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Acting Manager addressed the Council reporting on the review of the Hotel Resort District by the ZORC Committee.

ZORC Chairman Caplan addressed the Council regarding the status of the review by the Committee of the HR District. Also present was ZORC Member Basha Hicks.

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The Acting Manager and Parks and Recreation Director Todd Hofferberth addressed the Council recommending that the Village Council review the recommendations provided by the Youth Athletics Advisory Board. Staff agrees with the recommendations of the Board regarding the prioritization of resources, establishing regular season athletic dates, and guidelines for off season programs. These recommendations could be implemented immediately. The scholarship proposal will have an impact on the athletic program budget. Staff would like to return before Council with a detailed review of the financial implications of this recommendation prior to the implementation.

At this time, Dr. Robert Bailey, Chairman of the Youth Athletic Advisory Board, addressed the Council regarding the athletic program and the proposed sports scholarship program.

Director Hofferberth also addressed the Council reporting on the Ocean Front Park Security System providing a time line, RFP status and a staffing cost report.

It was the consensus of Council to further discuss the Ocean Front Park Security System at the April 28, 2009 Council Meeting.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** At this time the Mayor, on behalf of the Council, congratulated the Clerk on attaining the most highly regarded and prestigious designation of Master Municipal Clerk.

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 8:34 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 28th day of April, 2009:*

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*Robert L. Vernon  
Mayor*

*April 14, 2009*

***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.***