

MINUTES

ZONING MEETING  
KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 26, 2011

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 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 Genaro “Chip” Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
3. **AGENDA:** Vice Mayor Kelly requested the deferral of Item 5B1 to the May 24, 2011 Zoning Meeting and Mayor Caplan requested the addition of a brief comment regarding the passing of Mr. Frank Burke as Item 7A7. There was no objection to the agenda changes.
4. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the April 12, 2011 Regular Council Meeting. The motion was seconded by Councilmember Gusman 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.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, CREATING SECTION 7-1 "VACATION RENTALS" OF THE CODE OF ORDINANCES; PROHIBITING VACATION RENTAL BUSINESSES; PROVIDING FOR AN AMORTIZATION PERIOD; 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 Garcia.

The Mayor opened the public hearing. Patricia Romano, 361 Beechwood; Michele Estevez, 798 Crandon Boulevard; Mario Garcia-Serra, Attorney representing the owners at 285 Sunrise; Willy Borroto, 241 Harbor Drive; Eduardo and Molly Alfonso, 711 South Mashta Drive; Esteban Formoso, 300 Sunrise Drive; Teresita Shelton, 300 Sunrise Drive; Georgina Pratts, 300 Sunrise Drive; Cecile Sanchez, 260 Cypress Drive; Vicky Simons, 269 Cranwood Drive; Josefina Quirch, 301 Sunrise Drive and Claudia Selva, 300 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

The Attorney and the Manager addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to direct staff to amend the ordinance for second reading pursuant to the discussions by Council.

The ordinance was approved, on first reading, by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk announced the second reading of this ordinance on May 24, 2011.

With consensus of Council Item 7A4 was heard. Councilmember Taintor addressed the Council regarding out of control parties on the Key. It was the consensus of Council to direct staff to bring back recommendations to Council on how to regulate this issue.

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

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

Mayor and Councilmembers. Mayor Caplan addressed the Council regarding the 2010 Census reporting that our population has increased approximately 17% in the last 10 years.

Mayor Caplan also addressed the Council reporting on the Youth Athletics.

Councilmember Gusman addressed the Council regarding mosquito control. Armando Nunez, Director of Public Works addressed the Council regarding this issue reporting that Miami-Dade County controls this process. Residents that have mosquito problems should call 311 and place the complaint to the County.

Vice Mayor Kelly addressed the Council regarding the problem with the White Fly plague and their problem with the neighbors that are not treating the plants. The Manager and Director Nunez also addressed the Council regarding this problem.

Councilmember Taintor also addressed the Council regarding Village boundaries on Biscayne Bay recommending that the Village establish these boundaries at the same time we obtain the permit for the proposed buoys on the Nixon beach. It was the consensus of Council to direct staff to look into this issue.

Councilmember Taintor also addressed the Council regarding DERM/Mashta flat. It was the consensus of Council to try and get DERM to declare the Mashta flat as an environmental endangered area.

Mayor Caplan addressed the Council regarding the passing of Mr. Frank Burke and his contributions to this country and to the community.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk addressed the Council regarding her attendance to the International Institute of Municipal Clerks annual conference in Nashville, Tennessee from May 9-13, 2011.

Village Manager. The Manager addressed the Council reporting that the Standard and Poor's, a credit rating agency, has re-evaluated the Village's credit rating and has raised it to a "AA" from "AA-" and they state, "...based on our opinion of the Village's history of maintaining a very strong financial position despite the economic downturn. The outlook is stable."

The Manager also addressed the Council giving an update on the Sun Pass conversion of the Rickenbacker Causeway Toll.

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8. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
9. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
10. **ADJOURNMENT:** The meeting was adjourned at 9:35 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 10th day of May, 2011:*

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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.***