

MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 28, 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, 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. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
3. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Council, recognized the Village's U12 boys soccer team who won the Regional Cup Championship and placed second in the Florida State Championship, a first for an Island under 12 team and also recognized the U11 boys soccer team who were the Champions for the Miami Lakes Tournament. Both teams presented their trophies to the Mayor and Council.
4. **AGENDA:** Councilmember Gusman requested the addition of a discussion regarding the C-Pass Lane at the Rickenbacker Toll Booth Plaza as Item 8A5. There was no objection to the agenda change.

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5. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the April 14, 2009 Regular Council Meeting. The motion was seconded by Councilmember Garcia 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER II, "ADMINISTRATION" OF THE CODE OF KEY BISCAYNE, FLORIDA CREATING NEW ARTICLE XIX, "K-8 EDUCATION ADVISORY BOARD"; ESTABLISHING A NEW BOARD AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

It was the consensus of Council to delete paragraphs (2) and (3) under Section 2-241 Jurisdiction, subsection (a).

The ordinance, as amended, was adopted on first 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.

The Clerk announced the second reading for May 26, 2009.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ACCEPTING DONATION OF ART WORK TO THE VILLAGE OF KEY BISCAYNE IN ACCORDANCE WITH THE RECOMMENDATION OF THE ART IN PUBLIC PLACES BOARD OF THE VILLAGE; AND PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council recommending to accept the donation of artwork as recommended by the Art in Public Places Board. The donor is Interamerican Consulting Group Inc. (Cecilia P. Arboleda)

Cesar Trasobares, Consultant for the Art in Public Places Board addressed the Council regarding this donation.

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.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; CONCERNING COMPLETION OF BEDIA PLAZAS (THE "ART PROJECT"), A CONTINUATION OF THE VILLAGE'S CRANDON BOULEVARD PHASE III PROJECT; PROVIDING FOR AUTHORIZATION OF THE ART PROJECT; APPROVING RECOMMENDED SITES FOR THREE MINI-PLAZAS; APPROVING PROFESSIONAL SERVICES AGREEMENT FOR THE ART PROJECT; PROVIDING FOR IMPLEMENTATION OF THE ART PROJECT; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council recommending that the consideration of placing artwork in the sidewalk in front of 530 Crandon Boulevard be deferred until the Council makes a decision on the use of that property.

Art in Public Place Consultant Trasobares also addressed the Council regarding this project.

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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY

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BISCAYNE, FLORIDA, ESTABLISHING A PLANNING POLICY RELATING TO THE HOLIDAY COLONY SUBDIVISION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion from Council regarding this resolution.

The Attorney also addressed the Council regarding this resolution.

The resolution failed by a 1-6 voice vote. The vote was as follows: Councilmember Kelly voting Yes. Councilmembers Garcia, Gusman, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting No.

8. REPORTS AND RECOMMENDATIONS: The following items were discussed:

Mayor and Councilmembers. Mayor Vernon addressed the Council regarding the proposed security system for the Ocean Front Park.

Todd Hofferberth, Parks and Recreation Director and Armando Nunez, Public Works Director addressed the Council regarding the security of the Ocean Front Park.

Raoul Robau, 300 Sunrise Drive; Maria Cristina Bell, 300 Sunrise Drive; Alma Garay, 290 Sunrise Drive and Bill Stephens, 159 East Enid Drive addressed the Council.

It was the consensus of Council to direct staff to go ahead with the security card system for the Ocean Front Park.

Vice Mayor Davey requested the deferral of the ZORC report on HR District to the May 12, 2009 Council Meeting. There was no objection to the request.

Councilmember Garcia requested an update on the seagrass restoration and beach renourishment projects.

The Manager addressed the Council giving an update on the seagrass restoration and beach renourishment projects. The Manager reported that the Consultants and the Village are working closely with DEP and other agencies involved, hoping that the timeline can be expedited.

Councilmember Garcia also requested an update on the red light cameras project.

The Attorney addressed the Council regarding the impending State legislation regarding this

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project. The Manager also addressed the Council regarding the issue of Miami-Dade County preventing the Village from installing the red light cameras on Crandon Boulevard.

Councilmember Gusman addressed the Council regarding the closure of the C-Pass lane at the Rickenbacker Toll Booth this past weekend.

The Manager addressed the Council reporting that he had been in touch with the County Manager in order to better coordinate the different activities on the causeway.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding the solid waste fee accounts and the large amount of receivables on this account.

It was the consensus of Council to direct staff to look into different methods for collecting these fees.

The Manager gave a legislative issues update as a result of his trip to Tallahassee.

The Manager presented to the Council a draft of the proposed dumpster ordinance, recommending that the air conditioning requirement for dumpsters that receive foodstuffs be removed from the ordinance and replaced with a requirement that they be emptied on a daily basis.

Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council regarding this ordinance.

It was consensus of Council to direct staff to revise the proposed ordinance and bring it back at a future Council Meeting.

9. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

11. **ADJOURNMENT:** The meeting was adjourned at 9:45 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 12th day of May, 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 VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.