

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAAYNE, FLORIDA

TUESDAY, OCTOBER 12, 2010

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, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Enrique Garcia 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. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no Special Presentations.
5. **AGENDA:** Councilmember Gusman requested the deferral of Item 10A1 to the December 7, 2010 Council Meeting; Councilmember Kelly requested the addition of a discussion regarding the trailers on 530 Crandon Boulevard as Item 10A4 and Councilmember Mendia requested to withdraw the discussion on the D-5 Triangle under Item 8B1. There was no objection to the agenda changes.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Jim Taintor, 355 Harbor Drive; Conchita Suarez 201 Crandon Boulevard; Mortimer Fried, 291 Harbor Court and Tony Camejo, 151 Crandon Boulevard, representing the Board of Directors and Homeowners Association of Emerald Bay.

7. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the September 28, 2010 Second Budget Hearing. The motion was seconded by Vice Mayor Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

At this Items 9A and 9B were heard.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN ACCESS EASEMENT BETWEEN THE VILLAGE AND ST. MICHAEL PROPERTY HOLDINGS INC., PERMITTING GOLF CART AND PEDESTRIAN ACCESS AND IMPROVEMENTS ON A PORTION OF THE PROPERTY LOCATED AT 104 CRANDON BOULEVARD; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THIS EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of an Access Agreement and improvements to the property at 104 Crandon Boulevard (Key Executive Building). The cost of the improvements is estimated at \$4,000.00.

Camille Guething, 260 Seaview Drive addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING TRANS FLORIDA DEVELOPMENT CORP. FOR THE WEST WOOD DRIVE TRAFFIC CALMING IMPROVEMENTS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH TRANS FLORIDA DEVELOPMENT CORP.; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager is recommending that the Village Council award the West Wood Drive Traffic Calming Improvements contract to the lowest responsible bidder, Trans Florida Development Corp. in the amount of \$100,109.10.

Alicia M. Verea-Feria, Project Manager with Tetra Tech addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

At this time Item 8B1 was heard.

8. **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 BISCAYNE, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS" BASED UPON THE ZONING ORDINANCE REVIEW COMMITTEE'S (ZORC) RECOMMENDATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Elect Frank Caplan, Chairman of the ZORC Committee and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding this ordinance.

The Attorney also addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Jim Taintor, 355 Harbor Drive; Charles Viscito, 141 Crandon Boulevard; Kathye Sunsjer, on behalf of the Key Biscayne Chamber of Commerce and Mortimer Fried, 291 Harbor Court addressed the Council. The Mayor closed the public hearing.

It was the consensus of Council to amend the Island Residential and Village Estate districts as follows: 7.5 minimum sideyard setback, sum of sideyards to be 30% of lot width and maximum sideyard setback shall not exceed 30 ft. This applies to interior side setback, and side facing a

street.

It was also the consensus of Council to amend Section 5 of the ordinance by adding the following language at the end of this section: Notwithstanding the foregoing, a development that complies with the following two conditions shall be subject to Chapter 30 of the Code of Ordinances as it existed prior to the adoption of this Ordinance for purposes of site plan review and approval: (1) On or before April 1, 2011, the development obtains site plan approval as a part of the building permit process or pursuant to Section 30-80 of the Code of Ordinances as it existed prior to the adoption of this Ordinance; and (2) On or before October 3, 2011, the development obtains a building permit for such a site plan.

The ordinance, as amended, was adopted by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Vice Mayor Garcia addressed the Council regarding a public service video regarding the use of seat belts. The video was shown to the Council and the public.

Vice Mayor Garcia made a motion to allow the broadcasting of a public service video regarding the use of seat belts on Channel 77. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

Councilmember Davey requested a status report on the Land Acquisition Committee. Councilmember Kelly and Mayor Elect Frank Caplan, as Chairman of this Committee addressed the Council giving a progress report.

Councilmember Kelly addressed the Council regarding the two trailers placed on 530 Crandon Boulevard.

The Manager and Parks and Recreation Director Todd Hofferberth also addressed the Council regarding the trailers for the Haunted House.

Village Attorney. The Attorney addressed the Council requesting an Executive Session regarding the Beck vs. Key Biscayne litigation.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of October: proclaiming the month of October as “Breast Cancer Awareness Month”.

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Village Manager. The Manager did not submit a report.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
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 9:45 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 26th day of October, 2010:

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.