

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, OCTOBER 27, 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 Davey and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.

Mayor Vernon led the Pledge of Allegiance.

2. **AGENDA:** Councilmember Kelly requested the addition of a brief discussion regarding the proposed business summit as Item 7A3; Councilmember Gusman requested the addition of a discussion regarding a dog park at 530 Crandon Boulevard as Item 7A4 and Vice Mayor Davey requested the addition of a discussion regarding golf cart registration as Item 7A5.

Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding Hearing Number RV-30. The applicant is requesting the deferral of the hearing to the November 24, 2009 Zoning Meeting. There was no objection to the agenda changes.

Councilmember Kelly made a motion to defer the Zoning Hearing to the November 24, 2009 Zoning meeting. The motion was seconded by Vice Mayor Davey 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.

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3. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the September 8, 2009 First Budget Hearing. 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.

Councilmember Kelly made a motion to approve the minutes of the September 22, 2009 Second Budget Hearing. The motion was seconded by Vice Mayor Davey 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 Garcia made a motion to approve the minutes of the October 13, 2009 Regular Council Meeting. The motion was seconded by Councilmember Gusman 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.

Vice Mayor Davey made a motion to approve the minutes of the October 20, 2009 Recreation and Open Space/530 Crandon Boulevard Workshop. The motion was seconded by Councilmember Gusman 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. **BUILDING, ZONING AND PLANNING:** This item was deferred to the November 24, 2009 Zoning Meeting.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING SECTION 2-62 ("LATE PAYMENT CHARGE, SPECIAL ASSESSMENT LIEN FOR DELINQUENT SOLID WASTE AND RECYCLING SERVICE FEES") OF ARTICLE IV ("FINANCE") OF CHAPTER 2 ("ADMINISTRATION") OF THE CODE OF KEY BISCAYNE, FLORIDA REGARDING A ONE-TIME WAIVER OF SOLID WASTE AND RECYCLING LATE FEES AND INTEREST; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

The Manager addressed the Council recommending approval of the ordinance authorizing the amendment of Section 2-62 (b) of the Village Code for a one-time waiver of solid waste and recycling late payment and interest charges.

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

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Councilmember Kelly made an amending motion that the amnesty program apply only to years 2004-2008 and does not apply to 2009. The motion was seconded by Vice Mayor Davey and failed by a 3-4 voice vote. Councilmembers Garcia, Kelly and Thornton voting Yes. Councilmembers Gusman, Mendia, Vice Mayor Davey and Mayor Vernon voting No.

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

The ordinance was adopted on second reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Mendia, Vice Mayor Davey and Mayor Vernon voting Yes. Councilmembers Kelly and Thornton voting No.

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE BONDS, SERIES 2009, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,200,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF WATER AND SEWER SYSTEM IMPROVEMENTS WITHIN THE VILLAGE, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDED THE SALE OF THE BONDS TO SUNTRUST BANK; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN 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 approval of the resolution which sets forth the terms of the bonds in accordance with the commitment letter from SunTrust. The proceeds of the bonds will be used to fund part of the Village's contribution towards the sewer improvement.

Lourdes Abadin with Estrada Hinojosa, Finance Advisor for the Village addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: The vote was as

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follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the use of the entrance message board by the Key Biscayne Chamber of Commerce.

The Clerk addressed the Council regarding the historical guidelines used to determine what goes on the Board.

Councilmember Kelly made a motion to allow the Chamber to use the Entrance Board for generic slogans. The motion was seconded by Vice Mayor Davey 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.

The Mayor addressed the Council regarding the need to appoint a new member to the Youth Athletics Board due to the resignation of Mr. Robert Bailey.

The Mayor, with consensus of Council, appointed Ms. Jackie Kellogg to the Youth Athletics Advisory Board for the remainder of Mr. Bailey's term until February 26, 2010.

Councilmember Kelly addressed the Council regarding the proposed Business Summit hosted by the Chamber of Commerce. It was the consensus of Council to appoint Councilmember Kelly as liaison with the Chamber for this event. Councilmember Kelly, after meeting with the Chamber, will report back to Council with a proposal for this event.

Councilmember Gusman addressed the Council regarding the temporary use of the property at 530 Crandon Boulevard as a dog park.

Vice Mayor Davey addressed the Council regarding the process for golf cart registration.

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 giving an update on the Seagrass Mitigation and Restoration.

Tim Blankenship with Coastal Systems International and Bob Mulcahy with CSA

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addressed the Council reporting on the progress of the Seagrass Mitigation and Restoration.

8. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
9. **SCHEDULE OF FUTURE MEETINGS AND EVENTS:** A schedule of future meetings and events was presented to the Council.
10. **ADJOURNMENT:** The meeting was adjourned at 8:25 p.m.

Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 10th day of November, 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.