

MINUTES

ZONING MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, NOVEMBER 28, 2006

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, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
3. **AGENDA:** Councilmember Thornton requested the addition of a report regarding access to Fernwood from the property at 240 Crandon Boulevard as Item 7A2 and Councilmember Weinman requested the deferral of Item 7A1 to the December 5, 2006 Council Meeting. There was no objection to the agenda changes.
4. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the November 14, 2006 Regular Council Meeting. The motion was seconded by Vice Mayor Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.
5. **ORDINANCES:** There were no ordinances considered by Council.
6. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. Councilmember Thornton addressed the Council requesting an update on the temporary access to Fernwood Road for the property at 240 Crandon Boulevard for improvements in the rear parking lot. The Manager and Jud Kurlancheek, Building, Zoning and Planing Director addressed the Council regarding this issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council the proposed 2007 Council Meeting Schedule.

It was the consensus of Council to approve the 2007 Council Meeting Schedule as presented.

Village Manager. Councilmember Davey read the following statement, before the WRT presentation: AAs a citizen, and then as a candidate for Council, I have spoken with many Key Biscayne residents who are concerned about what they consider to be a lack of transparency and procedural fairness in government. During the campaign, transparency and procedural fairness were issues that I promised to address as a Councilmember.

Accordingly, with all due respect to this Council and to WRT,. It is my opinion that the process by which WRT was hired to make certain recommendations concerning the HR zoning district violates these principles and is an improper method for changing our development regulations and/or our master plan.

I am concerned that the assessment before us is the work of a single consultant and represents only one point of view. Although WRT met with some interested parties, there was no input from the general population. Moreover, the results with which we are being provided are WRT=s interpretations of parties=positions, and not the actual positions of those parties. It is my opinion that a public workshop which discusses only the assessment provided to us by WRT is insufficient to establish the transparency and fairness we desire for our community.

There are many issues presented in WRT=s assessment which should be studied by this Council, acting as the LPA, with public hearings and the utilization of a variety of data and opinions/. Therefore, it is my recommendation, that rather than a workshop on WRT=s assessment, the Council should set aside a future meeting as the LPA for public discussions on HR zoning. This will allow the full and frank public discussion of all concerns associated with the HR zoning district.

I do not intend this statement as a condemnation of WRT=s assessment. I appreciate the hard work that went into this report, and I believe that it should be a part of our review of the HR zoning district. However, i believe that the proper procedure should be for the LPA to conduct public hearings and to also consider other professional perspectives. This is an important issue, and the

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public deserves to have input in the process, as well as the right to review other perspectives. Thank you.®

The Manager presented to the Council the draft Hotel Resort Zoning District Assessment prepared by Wallace, Roberts and Todd (WRT) recommending to schedule a workshop to provide an opportunity to thoroughly review the report.

The Attorney addressed the Council regarding the process for the proposed Sonesta Project.

Alyn Pruett and Silvia Vargas with WRT made the presentation to the Council.

It was the consensus of Council to schedule a workshop on January 16, 2007 to thoroughly review the WRT Report and provide for public input.

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 8:20 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 5th day of December, 2006:*

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*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.***