

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 27, 2015

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 Luis F. de la Cruz, Theodore Holloway, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.

Mayor Lindsay requested a moment of silence in memory of Mr. Walter Reyes.

3. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay addressed the Council and the public expressing sincere condolences to the Reyes family on behalf of the Council and the Village of Key Biscayne and also wished a speedy and full recovery to Mr. Henry Hernandez.

4. Ms. Alice Bravo, Deputy City of Miami Manager addressed the Council regarding the proposed development at the City of Miami Marine Stadium. Cathy Rick-Joule, VP, NMMA Boat Shows Division also addressed the Council regarding the proposed development and the Boat Show.

There was extensive discussion from Council regarding the proposed development of the City of Miami Marine Stadium.

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The following persons addressed the Council: Carlos de la Cruz, 5 Harbor Point; Michael Davey, 50 Ocean Lane Drive and Don Worth, 1390 Ocean Drive, Miami Beach.

The Attorney addressed the Council regarding the different options that the Village Council has against the City of Miami to enjoin the commercial development and use of the portion of Virginia Key Park known as Marine Stadium.

The Attorney proposed to the Council the adoption of the following resolutions:

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE COMMENCEMENT OF LEGAL PROCEEDINGS AGAINST THE CITY OF MIAMI TO ENJOIN THE COMMERCIAL DEVELOPMENT AND USE OF THAT PORTION OF VIRGINIA KEY PARK KNOWN AS "MARINE STADIUM;" PROVIDING FOR THE INITIATION OF THE DISPUTE RESOLUTION PROCESS PURSUANT TO F.S. CHAPTER 164; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to approve the resolution. The motion was seconded by Councilmember Kelly and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA TO PASS AND ADOPT THE ATTACHED RESOLUTION LIMITING THE USE OF MARINE STADIUM; PROVIDING FOR TRANSMITTAL AND FOR AN EFFECTIVE DATE.

The Attorney read the following resolution by title. This resolution is the Exhibit "A" to the above resolution.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA RE-AFFIRMING THE RESTRICTIONS CONTAINED IN THE MARCH 12, 1963 COUNTY DEED TO THE CITY OF MIAMI FOR MARINE STADIUM AND DIRECTING THE MAYOR AND COUNTY ATTORNEY TO TAKE ALL ACTION NECESSARY TO STRICTLY ENFORCE THE TERMS OF SAID DEED; PROVIDING FOR

IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Holloway made a motion to approve the resolution. The motion was seconded by Councilmember Kelly and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

5. **AGENDA:**The Mayor requested to move the Community Center Expansion to the Consent Agenda. There was objection from Council to approve this request. The Manager requested the addition of an update on the Mobility Study as Item 10D4. There was no objection to the agenda change.

6. **APPROVAL OF MINUTES:** Councilmember de la Cruz made a motion to approve the minutes of the November 25, 2014 Zoning Meeting. The motion was seconded by Vice Mayor Caplan and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

7. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearings were sworn in by the Clerk.

Public Hearing Number CU-05. The Applicant, Winn Dixie Supermarket, 624 Crandon Boulevard, Unit 8, is requesting a conditional use application to establish a package (liquor store).

The Manager and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council recommending the approval of the conditional use.

Joe Verdome, 525 Okeechobee Blvd., Suite 1200, West Palm Beach, Florida, representing Winn Dixie, addressed the Council.

Mayor Lindsay made a motion to approve the request. The motion was seconded by Councilmember Kelly and approved by a 5-1 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember London voting No. Councilmember de la Cruz was out of the room at the time the vote was taken.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-32 "PROHIBITED WATER ACTIVITY" CREATING A VESSEL EXCLUSION ZONE WITHIN THE MASHTA FLATS AREA, AS FURTHER DESCRIBED ON EXHIBIT "A;" REPEALING ORDINANCE 2014-5; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

There was discussion from Council regarding this ordinance.

The Attorney addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk announced the second reading of the ordinance will be on February 10, 2015.

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

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

Mayor and Councilmembers. The Mayor, with consensus of Council, re-appointed Rosemary Sala, Timothy Stickney, Nancy Stoner, and Michele Estevez as Special Magistrates, appointed Michael Davey as Special Magistrate and re-appointed Christina Chartouni and Gabriel Chavarria as Alternate Magistrates. The appointment will be from November 2014 to November 2015.

Mayor Lindsay addressed the Council regarding the 2015 State Legislative Priorities. The Clerk will prepare a resolution for the February 10, 2015 Council Meeting adopting the proposed 2015 legislative priorities.

Councilmember Taintor addressed the Council regarding employment contracts. There was no consensus of Council at this time, to have employment contracts with the Village Attorney and the Village Clerk.

Councilmember Taintor also addressed the Council regarding golf cart parking spaces at the Beach Park along Ocean Drive. It was the consensus of Council to direct staff to bring back proposed golf cart parking spaces at the Beach Club.

Vice Mayor Caplan addressed the Council giving a brief report from Tallahassee on Amendment 1.

Councilmember Kelly requested an update on new workout equipment at the Community Center. The Manager and Park and Recreation Director Todd Hofferberth addressed the Council explaining

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that the floor of the gym will be upgraded at the same time that the equipment is also upgraded. It was the consensus of Council to go forward with this project as soon as possible.

Councilmember Kelly also addressed the Council regarding forming a Public Performance Space Committee. The Council will submit nominations to the Clerk for this Committee.

Councilmember Kelly addressed the Council regarding the existing Land Acquisition Committee. Staff will contact the existing Land Acquisition Committee members and report back to Council.

Councilmember Kelly also addressed the Council regarding Causeway Cyclist Safety and also addressed the Council regarding the safety of pedestrians and cyclists within the Village.

There was extensive discussion from Council regarding the above mentioned issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. At this time Item 10D2 was heard. The Manager and Paul Abbott addressed the Council regarding the process for the Community Center renovations.

It was the consensus of Council to move ahead with the Community Center renovations.

The Manager addressed the Council regarding the request for qualifications - Stormwater Improvement Implementation Plan. The Manager stated that after evaluating the five submittals the recommendation, in order of preference, is as follows: EAC Consulting, Inc., Craig A. Smith & Associates, Inc., Calvin, Giordano & Associates, Inc., APCTE (A&P Consulting Transportation Engineers, Corp.) and Ammann & Whitney, Inc.

Councilmember London made a motion to hire Craig A. Smith & Associates as the consulting firm for the Stormwater Implementation Plan. The motion died for lack of a second.

The Village Council shall select, in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required Engineering Services. It was the consensus of Council to select the following: EAC Consulting, Inc., Craig A. Smith & Associates, Inc. and Calvin, Giordano & Associates, Inc.

The Manager submitted to the Council, for informational purposes only, the following: Departmental Quarterly Reports.

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

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12. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
13. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and event was presented to the Council.
14. **ADJOURNMENT:** The meeting was adjourned at 10:26 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 10th day of February 2015:

Mayra Peña Lindsay
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.