

MINUTES

ZONING MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, JANUARY 22, 2013

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

Mayor Caplan led the Pledge of Allegiance.

2. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** Miami Dade County Mayor Carlos Gimenez and Antonio Cotarelo, Miami-Dade County Engineer addressed the Council giving an update on the Rickenbacker/Bear Cut Bridge repairs.

Gene Stearns, Attorney on behalf of IMG and also as a Key Biscayne resident, addressed the Council regarding the Bridge as it relates to the upcoming Sony Ericsson Tennis Tournament and the impact on the residents of the Village of Key Biscayne.

David Rocker, 791 Crandon Boulevard addressed the Council.

After this presentation the Local Planning Agency Meeting was held.

This meeting was reconvened at 8:15 p.m.

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3. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council regarding a letter submitted to the Mayor's Initiative regarding gun control. Councilmember Kelly addressed the Council regarding the Nixon Beach and boats anchored outside the no swim zone and people swimming to the beach and also addressed the Council regarding the judge's decision on the case of a Key Biscayne resident killing a bicyclist on the bridge. Councilmember Taintor addressed the Council regarding a request to Miami-Dade County to contemplate building a new Bear Cut Bridge. Councilmember Davey addressed the Council regarding problems over the weekend with Pump Station 136 and also addressed the Council regarding his opposition to the proposed conversion of the K-8 Community School to a Charter School. Councilmember London addressed the Council regarding Pump 136 and the Bear Cut Bridge.

4. **AGENDA:** Councilmember Taintor requested the addition of a discussion regarding Bear Cut Bridge as Item 8A1; Councilmember Kelly requested to hear a report from the Biscayne Bay Waterkeeper together with Item 8A4 and also requested the addition of a discussion regarding the 3 minute rule as Item 8A10. There was no objection to the agenda changes.

5. **CONSENT AGENDA:** Councilmember Davey requested to remove Item 5B from the consent agenda.

Councilmember Kelly made a motion to approve the following consent agenda. The motion was seconded by Mayor Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember Davey was out of the room at the time the vote was taken.

The minutes of the January 8, 2013 Regular Council Meeting.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING METRO EXPRESS, INC. FOR THE VILLAGE'S SIDEWALK MAINTENANCE AND REPAIR PROJECT; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT CONSISTENT WITH THE TERMS SET FORTH IN THE PROPOSAL ATTACHED AS EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE II "DEFINITIONS", AT SECTION 30-11, RELATED TO REGULATIONS OF SIGNS, AND ARTICLE VIII "SIGNS", AT SECTIONS 30-190, 30-191, 30-193, 30-196, 30-197, 30-198, 30-199 AND 30-200, TO AMEND THE REGULATIONS REGARDING PLACEMENT OF SIGNS WITHIN

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PUBLIC RIGHTS-OF-WAY, AND TO PROVIDE UPDATED PROCEDURES AND STANDARDS FOR SIGNS GENERALLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The Attorney addressed the Council regarding this ordinance.

Councilmember Davey made an amending motion to eliminate the number of signs in the non-residential district. The motion was seconded by Councilmember London and failed by a 3-4 voice vote. The vote was as follows: Councilmembers Davey, London and Vice Mayor Lindsay voting Yes. Councilmembers Holloway, Kelly, Taintor and Mayor Caplan voting No.

The ordinance was adopted on second reading by a 5-1 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember Davey voting No. Councilmember London was out of the room at the time the vote was taken.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" BY AMENDING ARTICLE II "DEFINITIONS," SECTION 30-11, BY CREATING A "PERMANENT HARDSCAPE FEATURE" DEFINITION, AND AMENDING ARTICLE IX "LANDSCAPE REGULATIONS," SECTION 30-235, RELATING TO TREE REMOVAL PERMIT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this ordinance. There was extensive discussion from Council regarding this ordinance.

Mayor Caplan made a motion to continue this ordinance to the February 12, 2013 Council Meeting. The motion was seconded by Vice Mayor Lindsay and failed by a 3-4 roll call vote. The vote was as follows: Councilmembers London, Taintor and Mayor Caplan voting Yes. Councilmembers

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Davey, Holloway, Kelly and Vice Mayor Lindsay voting No.

The Mayor opened the public hearing. Marcelo Radice, 412 Warren Lane; Solange Teran, 280 Hampton Lane; Eduardo Von Simson, 749 Ridgewood Road, Gina Coleman, on behalf of the Landscape Committee; Ed Sanchez 260 Cypress Drive and Cecile Sanchez, 260 Cypress Drive addressed the Council. The Mayor closed the public hearing.

The Manager addressed the Council regarding the ordinance.

Vice Mayor Lindsay made a motion to continue the second hearing of this ordinance on February 12, 2013. The motion was seconded by Mayor Caplan and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmembers Kelly and London voting No.

At this time Item 8A2 was heard.

Councilmember London made a motion to table Item 7A until after the discussion on policing county owned Rickenbacker Causeway. The motion was seconded by Councilmember Davey and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmembers Kelly and Taintor voting No.

Councilmember London made a motion to reconsider the expenditure for policing county owned Rickenbacker Causeway and Park Roads. The motion was seconded by Councilmember Davey.

The Attorney addressed the Council regarding the London motion.

Chief of Police Charles Press made a presentation to Council regarding the Traffic Squad.

The London motion failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Davey, London and Vice Mayor Lindsay voting Yes. Councilmembers Holloway, Kelly, Taintor and Mayor Caplan voting No.

Councilmember Davey made a motion to remove Item 7A from the table. The motion was seconded by Vice Mayor Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE

EXPENDITURE OF AN AMOUNT NOT TO EXCEED TWENTY-FOUR THOUSAND DOLLARS (\$24,000.00), FROM THE FEDERAL ASSET SHARING FUND TO COVER THE COSTS OF EQUIPPING THE NEWLY FORMED POLICE MOTORCYCLE SQUAD; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR EFFECTIVE DATE.

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

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

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding the presentation made earlier by Miami-Dade County Mayor Gimenez. It was the consensus of Council that Mayor Caplan send a letter to Mayor Gimenez supporting the proposal for a new Bear Cut Bridge.

Councilmember Taintor addressed the Council regarding dedicated bike lanes. Councilmember Taintor proposed to allow the Manager to pursue dedicated bike lanes from Bear Cut bridge to the Village limits, along Crandon Boulevard in Crandon Park.

Vice Mayor Lindsay addressed the Council regarding the status of the Virginia Key Sewage Treatment Plant including: a.) Tentative plans for repairs; b.) Status of consent decree; c.) Federal lawsuit and exhibits; d) Proposed letter from Key Biscayne requesting information on issues concerning Key Biscayne.

Julie Dick, 251 Crandon Boulevard addressed the Council.

The Attorney also addressed the Council regarding the Virginia Key Sewage Treatment Plant.

It was the consensus of Council to direct the Village Attorney to send a letter to EPA regarding the concerns of the residents of the Village of Key Biscayne on the status of the Virginia Key Sewage Treatment Plant.

Village Attorney. The Attorney did not submit a report.

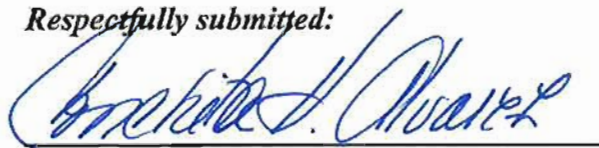
Village Clerk. The Clerk submitted to the Council a report highlighting the activities of the Office of the Village Clerk throughout calendar year 2012.

Village Manager. The Manager did not submit a report.

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9. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
10. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
11. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
12. **ADJOURNMENT:** The meeting was adjourned at 11:15 p.m.

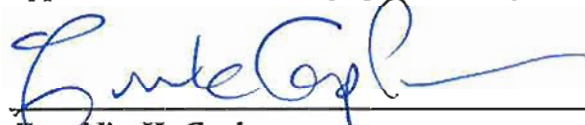
Respectfully submitted:



Conchita H. Alvarez, MMC
Village Clerk



Approved this 12th day of February 2013:



Franklin H. Caplan
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.