

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, FEBRUARY 9, 2010

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 9:55 p.m. Present were Councilmembers Michael 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. **SPECIAL PRESENTATIONS:** There were no special presentations.
3. **PUBLIC COMMENTS:** The following resident addressed the Council: Mary Jo Pinedo, 365 Atlantic Road.
4. **AGENDA:** There were no changes to the agenda.
5. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the January 26, 2010 Zoning Meeting. The motion was seconded by Councilmember Davey.

Councilmember Mendia made an amending motion to page three of the minutes by adding the following to the second to last paragraph: to also direct staff to look into parking spaces for golf carts as a buffer in front of restaurants with outside seating with no buffer between the patrons

and the parking lot.

The minutes, as amended, were 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AMENDING THE FUTURE LAND USE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT; AMENDING THE HOUSING ELEMENT; AMENDING THE INFRASTRUCTURE ELEMENT; AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; AMENDING THE RECREATION AND OPEN SPACE ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The following is incorporated from the LPA meeting held prior to this meeting:

A continuation public hearing from the January 26, 2010 Local Planning Agency Meeting and recommendation of the Village Council sitting as the Local Planning Agency on the above proposed ordinance.

The Local Government Comprehensive Planning Act requires each municipality to complete an Evaluation and Appraisal Report (EAR) of their Master Plan. The next step in the process is to amend the Master Plan to comply with the recommendations that were approved in the EAR. These changes affect the following elements in our Master Plan: Traffic Circulation, Housing, Infrastructure, Conservation and Coastal Management, Intergovernmental Coordination, Capital Improvements, Recreation and Open Space, and Future Land Use. The amendment process starts with the Local Planning Agency and Village Council hearing. The decision of these agencies are then forwarded to DCA who will provide the Council with their comments. Following receipt of the DCA comments, the Council will hold a second hearing. The process takes approximately six to nine months.

Councilmember Davey made a motion to recommend to the Council the adoption of the ordinance amending the Master Plan. The motion was seconded by Vice Mayor Garcia.

The Manager and Building Zoning and Planning Director Jud Kurlancheek addressed the Council regarding the proposed amendments.

February 9, 2010

The Chairman opened the public hearing. Stephen Olmore, 750 Fernwood Road; Ed Meyer, 798 Crandon Boulevard; Paul Malavenda, 785 Fernwood Road; Mary Jo Pinedo, 365 Atlantic Road; Rafael Rojas, 971 Crandon Boulevard and Julio Padilla, 325 Atlantic Road addressed the Council. The Chairman closed the public hearing.

Proposed changes to the Future Land Use Map for the Pankey Institute (from Medium Density Multiple Family Residential to Public and Institutional), Public Library (from Medium Density Multiple Family Residential to Public and Institutional), Key Biscayne K-8 Center (from Public Recreation and Open Space-building portion site to Public and Institutional), Village Lake Park (from Low Density Multiple Family Residential to Public Recreation and Open Space) and the Village Beach Park (from Multiple Family Residential and Hotel Resort to Public Recreation and Open Space) were approved by a 7-0 voice vote. The vote was as follows: Councilmember Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Chairman Vernon voting Yes.

Proposed change to the Future Land Use Map for 701-798 Fernwood Road (from Two Family Residential to Single Family Residential) was approved by a 5-2 voice vote. The vote was as follows: Councilmembers Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmembers Davey and Gusman voting No.

Proposed change to the Future Land Use Map for L'Esplanade (from Low Density Multiple Family Residential to Commercial) was approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia and Vice Mayor Garcia voting Yes. Councilmembers Kelly, Thornton and Chairman Vernon voting No.

Councilmember Kelly made a motion to move the Houses of Worship Category from the Single Family Home Category to the Office and Commercial Category. 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 Chairman Vernon voting Yes.

It was the consensus of Council to amend **Policy 1.2.2** under the Transportation Element as follows: The Village shall consider pedestrian, bikeway and golf cart access points at the rear property lines of commercial properties which are bounded on the rear property line by Fernwood Road.

It was the consensus of Council to amend **Policy 1.61** under the Transportation Element as follows: The Village shall, to the extent financially feasible, explore and develop programs to encourage non-motorized and golf cart transportation by continued improvements and enhancements to its pedestrian, bikeway and golf cart systems.

February 9, 2010

It was also the consensus of Council to remove **Policy 1.3.1** under the Infrastructure Element, since it no longer applies.

It was the consensus of Council to eliminate “and a community center” from **Policy 1.3.4** under the Recreation and Open Space Element, since this goal was achieved.

It was the consensus of Council to eliminate the word “semi” from **Objective 1.4 Open Space** under the Recreation and Open Space Element.

It was also the consensus of Council to eliminate the word “residential” from **Policy 1.41** under the Recreation and Open Space Element.

It was the consensus of Council to eliminate the Solid Waste paragraph in **Policy 1.21** under the Intergovernmental Coordination Element, since it no longer applies.

It was the consensus of Council to eliminate the Solid Waste paragraph in **Policy 1.21** under the Capital Improvements Element, since it no longer applies.

The motion to recommend to the Council the adoption of the ordinance amending the Master plan was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Davey made a motion to adopt the ordinance on first reading, as recommended by the Local Planning Agency. The motion was seconded by Vice Mayor Garcia.

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

The ordinance was adopted on first reading 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.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND AWARDED CONSTRUCTION CONTRACT FOR THE INSTALLATION OF TWO (2) ARTISTIC TERAZZO PLAZAS INCLUDED IN THE ART IN PUBLIC PLACES PROJECT TO MIGUEL LOPEZ JR. INC.; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE

February 9, 2010

DATE.

The Manager addressed the Council recommending approval of the contract and award the construction work to Miguel Lopez, Inc. for the installation of artwork designed by Jose Bedia near the bus shelter at the Library and the pathway in the northeast portion of the Village Green.

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

Director Kulancheek and Ramon Castella with C3TS addressed the Council regarding this project.

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.

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

Mayor and Councilmembers. Councilmember Davey addressed the Council regarding establishing a dog run on the northern portion of the Village Green.

The Manager addressed the Council regarding the cost associated with the establishment of a dog run within the Village. Staff's research found that the estimated cost will be between \$49,825 to \$62,775.

The following residents addressed the Council: Joanna Wragg, 365 Redwood Lane; Ed London, 50 W. Mashta Drive; Claire London, 736 Woodcrest Road; Adib Chartouni, 324 Crandon Boulevard; Jill Stephens, 159 East Enid Drive; Dr. Steve Eastman, 180 Crandon Boulevard; Susi Westfall, 525 Allendale Road and Mortimer Fried, 291 Harbour Court.

There was extensive discussion from Council regarding this issue, but no action was taken.

Councilmember Kelly addressed the Council regarding the creation of a Land Acquisition Committee.

Councilmember Davey made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember Kelly 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.

The Attorney addressed the Council regarding the proposed legislation to create a Land Acquisition Committee.

February 9, 2010

It was the consensus of Council to direct staff to draft legislation that will create a Land Acquisition Committee.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of January: honoring the life and memory of Derrick Thomas.

Village Manager. The Manager did not submit a report.

The Clerk reminded the public and the Council that a ZORC Workshop will be held next Tuesday, February 16, 2010 at 7:00 p.m. in the Council Chamber.

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

10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

11. **ADJOURNMENT:** The meeting was adjourned at 11:05 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 23rd day of February, 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.