

MINUTES

VIRTUAL REGULAR COUNCIL MEETING TUESDAY, APRIL 28, 2020

6:00 P.M.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 6:00 p.m. Present were Councilmembers Luis Lauredo, Edward London, Allison McCormick, Katie Petros, Ignacio J. Segurola, Vice Mayor Brett Moss and Mayor Michael W. Davey. Also present were Village Manager Andrea Agha, Interim Village Clerk Peter J. Kulpa and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Davey led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Davey stated that this was the Council's third virtual ZOOM Meeting and Councilmembers and staff had their video working. The Mayor also stated that Emergency Order 21-20 was issued by the County opening parks and some other recreational areas not including beaches and that there has been a consistency between the Mayors of beach communities to open up beaches as a united front. Councilmember Lauredo addressed the Council with the fact that the Crandon Park Golf Course will also be opening. Councilmember Petros addressed the Mayor inquiring if there was any news on the opening of the walking paths on the East side of Crandon Park to which the Mayor stated that was one of the priorities of the Park Manager and the County will get back to him when there is more information. Councilmember Lauredo addressed the Council recognizing all essential employees working not only in healthcare but also in the food service, logistics and other services. Councilmember Petros spoke to the need to keep our local post office open and serving this community. Councilmember McCormick addressed the Council regarding the need for recognition of our island residents for keeping infection rates so low compared to other communities in the area.
4. **AGENDA:** Councilmember Segurola requested the addition of two discussion items regarding Village business support fund and task force along with a Village quarantine exit plan and timetable.

Mayor Davey requested the addition of a discussion item regarding Village communications and the digital entry sign.

Councilmember London requested the addition of a discussion regarding a possible amendment to an emergency order on condominium construction.

Councilmember Petros requested the combination of newly added discussion items 12A6 and 12A8. The Village quarantine exit plan and amending the Emergency Order regarding condominium construction.

The Manager requested the removal of item 11B and moving of item 12D4 to directly after 12D1.

There was no objection to the agenda changes.

5. **PUBLIC COMMENTS:** The following persons addressed the Council: Alen Fein, 525 Allendale Drive; Michelle Estevez, 798 Crandon Boulevard; Sam Schrager, 607 Ocean Drive; Sharyn Brotz, 77 Crandon Boulevard; Mike Schmale, 455 Ridgewood Road and Mari Gutierrez, 785 Crandon Boulevard.

6. **APPROVAL OF MINUTES:** Councilmember Laredo made a motion to approve the minutes from the February 11, 2020, April 2, 2020 and April 7, 2020 Council Meetings. The motion was seconded by Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Laredo, London, McCormick, Petros, Seguro, Vice Mayor Moss and Mayor Davey voting Yes.

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

Councilmember London made a motion to approve the site plan. The motion was seconded by Councilmember Laredo.

Public hearing number SP 29, RV 40. The applicant, the Most Revered Thomas G. Wenski Archbishop of the Archdiocese of Miami is requesting approval of a site plan of a one story 20,494 square ft. Church, a one story 12,203 square foot gymnasium, a two story 5,527 square foot classroom building, and related site improvements at 100 Harbor Drive along with the approval of the following variances:

a. **Porte cochere front setback:** Approval of a variance to construct a porte cochere with encroachment of 30'11" into a required 50 ft. front setback;

b. **Building height:** Approval of a variance to exceed the maximum height limit of 35 ft. by seven ft. in order to construct a church with a 42 ft. height to top of beam;

c. **Rooftop accessory height limit:** Approval of a variance to exceed 35% height extension limit of 12'3" above the district height limit of 35 ft. for rooftop amenities, i.e. 47'3" limit above BFE, by 23'2" in order to construct a belfry topped by an 8'2" cross totaling 70'5" above base flood elevation 11'0" NGVD;

d. **Floor area ratio:** Approval of a variance to exceed 25% maximum floor area ratio by 15% in order to construct buildings totaling 40% inclusive of volume space square footage;

e. **Parking lot front setback:** Approval of a variance to waive four ft. of the required 7'6" parking lot front setback in order to provide parking spaces 3'6" from the front Harbor Drive property line;

f. Parking lot rear setback: Approval of a variance to waive five ft. of the required 10 ft. rear setback in order to provide a parking lot 5 ft. from the rear property line adjacent to Crandon Park;

g. Parking aisle front setback: Approval of a variance to waive four ft. of the required five ft. front setback in order to provide a parking aisle adjacent to the porte cochere tapering to a minimum of one ft. from the front property line;

Following was an extensive prerecorded presentation by the BZP Plan Reviewer William Fehr with the recommendation of approving the site plan and the seven variances.

Mario Garcia Serra, the attorney representing St. Agnes presented to the Council an extensive prerecorded presentation. A question and answer session ensued directly after the presentation.

The Mayor opened the public hearing. Arthur Brito, 77 Crandon Boulevard; Sylvia Tarafa, 660 Ocean Drive; Michelle Estevez, 798 Crandon Boulevard; Robert Vernon, 475 Ridgewood Road; Geraldo Veraboldi, 77 Crandon Boulevard; Ana Rasco, 310 W. Heather Drive; Joe Rasco, 310 W. Heather Drive; Ernesto Alvarez, 261 Island Drive; Nichole Aldridge, 210 Harbor Drive; Pastor Dennis Eastling, 355 Glenridge Road and Tim Stickney, 285 Woodcrest Road. The Mayor closed the public hearing.

Mayor Davey requested more information regarding the traffic plan for the site. Erik Szynaski, with the Corradino Group, gave a detailed explanation on the traffic plan. Councilmember Petros expressed her concerns on the height variance for the property and possible negative impacts to the surrounding properties. There was extensive discussion from Council on the site plan approval.

Councilmember Laredo made a motion to approve variance 1. The motion was seconded by Vice Mayor Moss and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Petros, Laredo, London, McCormick, Vice Mayor Moss and Mayor Davey voting Yes. Councilmember Segurola voting No.

Councilmember Laredo made a motion to approve variance 2. The motion was seconded by Mayor Davey and approved by a 5-2 roll call vote. The vote was as follows. Councilmembers Laredo, London, McCormick, Vice Mayor Moss and Mayor Davey voting Yes. Councilmembers Segurola and Petros voting No.

Councilmember Laredo made a motion to approve variance 3. The motion was seconded by Councilmember London and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Petros, Laredo, London, McCormick, Vice Mayor Moss and Mayor Davey voting Yes. Councilmember Segurola voting No.

Councilmember Laredo made a motion to approve variance 4. The motion was seconded by Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Petros, Laredo, London, McCormick, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

Councilmember Laredo made a motion to approve variance 5. The motion was seconded by Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers

Petros, Lauredo, London, McCormick, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

Councilmember Lauredo made a motion to approve variance 6. The motion was seconded by Councilmember McCormick and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Petros, Lauredo, London, McCormick, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

Councilmember Lauredo made a motion to approve variance 7. The motion was seconded by Vice Mayor Moss and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Petros, Lauredo, London, McCormick, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

Councilmember Lauredo made a motion to approve the site plan. The motion was seconded by Councilmember London and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Petros, Lauredo, London, McCormick, Vice Mayor Moss and Mayor Davey voting Yes. Councilmember Segurola voting No.

8. **ORDINANCES:** There were no ordinances considered by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING EMERGENCY EXPENDITURES RELATING TO THE NOVEL CORONAVIRUS/COVID-19; PROVIDING FOR RATIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council acknowledging Village staff through this difficult time. The Manager reported that two new emergency orders have been issued. Emergency Order 20-6 requiring facial coverings within the Village and Emergency Order 20-7 restricting non-motorized vehicular travel within the Village boundaries.

The Manager introduced Dr. Kumar from the University of Miami and stated that he is available to answer any questions Council may have. The Manager continued with a report on expenditures related to COVID-19.

Chief of Police Charles Press gave a short update on strategies, enforcement and expenditures with regards to COVID-19 and recognized his department on their effort and moral while dealing with COVID-19. There was a question and answer session between Council and Chief Press.

Chief of Fire Rescue, Eric Lang, addressed the Council on how his department is handling the COVID-19 situation. Chief Lang reported that one of the largest issues is that people are not calling 911 for large lifechanging reversable conditions and that may end in a tragedy. Chief Lang stated that two of his staff have tested negative for COVID-19 even after showing symptoms. There was a question and answer session between the Council and Chief Lang.

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There was an extensive discussion from Council the resolution specifically on the University of Miami testing and research program for COVID-19. At this point Dr. Kumar answered questions from Council.

Vice Mayor Moss made a motion to have the Key Biscayne Community Foundation continue testing, including anyone with symptoms, up to 500 tests and we will reimburse the Foundation. The motion was seconded by Councilmember London and failed by a 3-4 roll call vote. The vote was as follows. Councilmembers McCormick, London and Vice Mayor Moss voting Yes. Councilmembers Lauredo, Petros, Segurola and Mayor Davey voting No.

Mayor Davey made a motion to adopt the testing strategy proposed by the Manager's Office. The motion was seconded by Councilmember Lauredo.

There was extensive discussion from Council on the details of the motion. A friendly amendment was made by Councilmember McCormick to pull the UM part for a separate vote.

Dr. Kumar along with the Manager addressed the Council to clarify certain questions that Council had regarding UM's research clause in the memo attached to the resolution.

Councilmember Petros made a friendly amendment to include the research study in the motion but not to exceed \$40,000.

The resolution, as amended, was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Lauredo, McCormick, Petros, Segurola, Vice Mayor Moss and Mayor Davey voting Yes. Councilmember London voting No.

Vice Mayor Moss made a motion to extend the meeting to 11:30 pm The motion was seconded by Mayor Davey and approved by a 7-0 voice vote. The vote was as follows. Councilmembers Lauredo, London, McCormick, Petros, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

Mayor Davey called for a Special Council Meeting for Tuesday May 5, 2020 at 6:00 pm.

The Manager gave a presentation on the opening procedures and upcoming emergency orders. There was extensive discussion from Council on the reopening of the Village and specifically to the reopening of the beaches and tennis courts.

Councilmember Segurola made a motion to reopen the beaches and the tennis courts on Key Biscayne following Miami Dade County's lifting of restrictions and timing on the discretion of the condominium associations but not to be more restrictive. The motion was seconded by Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Lauredo, London, McCormick, Petros, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

Councilmember Lauredo made a motion that when the County opens the Crandon Park Beach the Village would follow suit. The motion was seconded by Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Lauredo, London, McCormick, Petros, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

There was extensive discussion from Council on opening the parks and multifamily building construction.

Councilmember London made a motion to allow exterior construction of multifamily buildings with the approval of the condominium association and as long as they abide by the rules for construction set out by the Village during the COVID-19 Pandemic. The motion was seconded by Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Laredo, London, McCormick, Petros, Seguro, Vice Mayor Moss and Mayor Davey voting Yes.

10. **ADJOURNMENT:** The meeting was adjourned at 11:30 p.m.

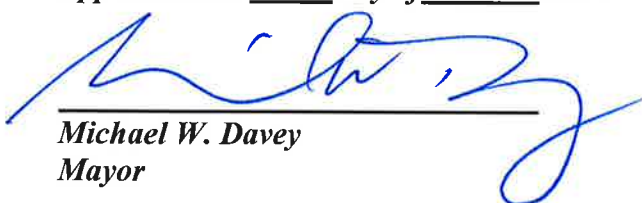
Respectively Submitted:



Peter J. Kulpa
Interim Village Clerk



Approved this 9th day of June 2020:



Michael W. Davey
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 (F.S.286.0105).