

MINUTES

ZONING MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, MAY 27, 2014

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 p.m. Present were Councilmembers Theodore Holloway (via SKYPE), Michael E. Kelly, Mayra P. Lindsay, Edward London (arrived at 7:50 p.m.), James S. Taintor, Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Deputy Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.

The Mayor made a motion to allow Councilmember Holloway to participate (via SKYPE) during the meeting due to a hardship. The motion was seconded by Vice Mayor Davey. The motion passed by a 6-0 voice vote. The vote was as follows: Councilmembers Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

3. **BRIEF COMMENTS BY COUNCIL:** Councilmember Kelly addressed the public regarding the poor conditions of the beach; Vice Mayor Davey thanked the presenters that participated during the Memorial Day Service at the Village Green; Mayor Caplan wished Councilmember Lindsay, Chief of Police Charles R. Press and Gina Coleman a Happy Birthday.

4. **SPECIAL INTRODUCTIONS:** Hank Sanchez-Resnik and Cristina Ramirez addressed the Council regarding the Bike Key Biscayne application.

The Mayor and Manager addressed the Council regarding the Village receiving the Bronze-level designation from the League of American Bicyclists as a bicycle-friendly community.

Derek Duzoglou gave a presentation to Council regarding the Green Sustainability Plan.

There was extensive discussion from Council regarding the Green Sustainability Plan. It was the consensus of Council to accept this plan submitted to Council by the Green and Sustainability Committee.

5. **AGENDA:** The Mayor requested to hear Item 8A1 and Item 9E immediately after the consent agenda items and the removal of Item 10A3; Councilmember Lindsay requested the removal of Item 10A2 and also requested the addition of a discussion item regarding the status of the garden district as Item 10A7; Councilmember Taintor requested to pull Item 7A from the consent agenda; Vice Mayor Davey requested the removal of Item 10A5. There were no objections to the agenda changes.

6. **APPROVAL OF MINUTES:** There were no minutes considered by Council.

7. **CONSENT AGENDA:** There were no items considered by Council.

At this time, Items 8A1 and 9E were heard.

8. **ORDINANCES:** The Deputy 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 WHICH LIMITS THE MASHTA FLAT AREA, AS FURTHER DESCRIBED ON EXHIBIT "A," WITHIN THE VILLAGE'S MUNICIPAL BOUNDARIES TO NON-MOTORIZED VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

At this time, the Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO ADOPT AN EMERGENCY RULE ESTABLISHING A VESSEL EXCLUSION ZONE WITHIN THE MASHTA FLAT AND TO COMMENCE FORMAL RULEMAKING RELATED TO THE SAME; PROVIDING FOR TRANSMITTAL; AND

PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief of Police addressed the Council recommending approval of this ordinance and resolution.

There was extensive discussion from Council regarding the activity currently taking place within the Mashta Flats.

The Mayor addressed the Council regarding amending the language within the ordinance to state “permanently disabling” in place of “life changing” and also to make reference to the degradation of the marine environment within the third whereas of the ordinance. There were no objections to these changes.

Councilmember London addressed the Council regarding revising Section 4-32(3) of the ordinance to read “only mechanical means of propulsion”. There were no objections to this change.

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

The motion to adopt the ordinance, as amended, on first reading, was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Deputy Clerk announced the second reading of the ordinance will be on June 10, 2014.

It was the consensus of Council to amend the language within the resolution stating the Mashta Flats to be designated “a motorized vessel exclusion zone”.

The resolution was approved, as amended, by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE SOCIAL MEDIA ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

May 27, 2014

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

Councilmember Kelly addressed the Council regarding this ordinance.

It was the consensus of Council to add “unless extended by the approval of the Council” to Section 2(5.b) of the ordinance.

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

There was extensive discussion from Council regarding this ordinance.

The motion to adopt the ordinance, as amended, on second reading, was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100 “SINGLE-FAMILY AND TWO-FAMILY DISTRICTS” AND SECTION 30-184 “AMOUNT OF REQUIRED OFF-STREET PARKING” OF THE VILLAGE CODE OF ORDINANCES, IN ORDER TO AMEND DEVELOPMENT STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY HOMES; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Lindsay.

The Director of Building, Zoning, Planning and Public Works Jud Kurlancheek addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Willie Borroto, 11 Ocean Lane Drive, gave a presentation to Council regarding this ordinance. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to allow all generators a minimum 5 foot setback from any property line stated within page 8 subsection (10d). Additionally, to allow pool equipment, pursuant to section 30-100(f), be at least 2 feet from any side property stated within page 10 subsection (27).

The motion to adopt the ordinance, as amended, on second reading, was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmember London voting No.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH THE CORRADINO GROUP, INC. FOR THE PREPARATION OF A MOBILITY STUDY WITHIN THE VILLAGE; PROVIDING FOR AN EXEMPTION OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Attorney addressed the Council regarding the approval of this resolution.

There was extensive discussion from Council regarding the bidding process.

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

Vice Mayor Davey made a motion to issue a request for proposals for a mobility study. The motion was seconded by Councilmember London and approved by 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

At this time Item 10D1 was heard.

The Manager addressed the Council regarding a motion to authorize the Village Manager to issue the request for qualifications for the development of a multi-purpose civic center park at 530 Crandon Boulevard.

Councilmember Taintor addressed the Council regarding revising the submittal deadline. Also, to include the prior history within Section 2.1 of the planning proposals presented to Council for the 530 Crandon Boulevard property and lastly, to determine whether Section 3.1© is necessary.

Mayor Caplan addressed the Council regarding including knowledge of localized experience within Section 1.2(E) and also made reference to the importance of Section 1.7 and Section 3.3.

May 27, 2014

Councilmember Davey made a motion to authorize the Manager to issue the request for qualifications for the development of a multi-purpose civic center park at 530 Crandon Boulevard as amended by Council. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

At this time Item 9B was heard.

The Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE RECREATIONAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND KEY BISCAYNE SOCCER CLUB FOR THE CREATION AND ADMINISTRATION OF A YOUTH SOCCER PROGRAM; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Lindsay made a motion to approve the resolution. The motion was seconded by Councilmember Kelly.

The Manager and the Director of Parks and Recreation Todd Hofferberth addressed the Council regarding the approval of this resolution.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE LEASE AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND KEY BISCAYNE BEACH CLUB INC., A FLORIDA NONPROFIT CORPORATION, FOR THE LEASE OF CERTAIN REAL PROPERTY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding the approval of this resolution.

May 27, 2014

Mayor Caplan addressed the Council regarding revising the language in the lease agreement referring to the Beach Club ownership.

The resolution was approved, as amended, by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE AGREEMENT WITH UNIVERSAL BEACH SERVICE CORP. FOR BEACH CLEANING, MAINTENANCE AND BEAUTIFICATION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

Mayor Caplan made a motion to extend the meeting 10 minutes. The motion was seconded by Councilmember Kelly and approved by 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Clayton R. Peart, Vice President of Universal Beach Services Corporation, gave a presentation to Council regarding the beach cleaning, maintenance and beautification services.

Councilmember Kelly gave a presentation to Council regarding the poor conditions of the Village beach.

There was extensive discussion from Council regarding the conditions of the Village beach.

Councilmember Lindsay made a motion to extend the meeting 5 minutes. The motion was seconded by Mayor Caplan and approved by 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

It was the consensus of Council to allow the Manager to continue with Universal Beach Services Corporation for an additional two week trial period and proceed to terminate if the vendor does not meet the Village's expectations to clean, maintain and beautify the Village's beach.

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

Mayor and Councilmembers. The report was deferred to the next Council Meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager's report was heard.

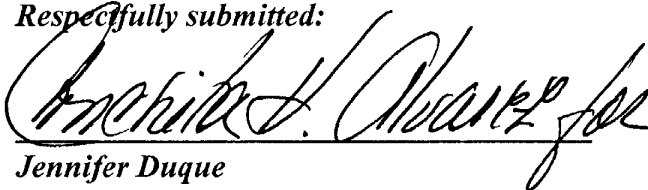
11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

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 events was presented to the Council.

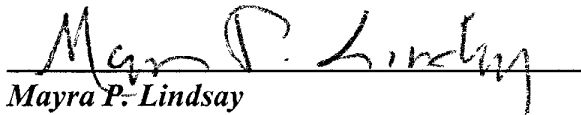
14. **ADJOURNMENT:** The meeting was adjourned at 11:15 p.m.

Respectfully submitted:

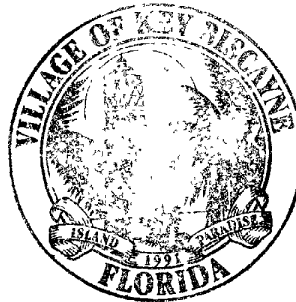


Jennifer Duque
Chief of Staff/Deputy Village Clerk

Approved this 10th day of March 2015:



Mayra P. 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.