

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAIYNE, FLORIDA

TUESDAY, JUNE 5, 2007

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, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Ms. Theresa Hodges led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Fausto Gomez with Gomez Barker Associates, Inc. Intergovernmental Representative for the Village addressed the Council and introduced Manny Reyes from his office.

Representative Luis Garcia presented a check to the Council in the amount of \$500,000 for the Sanitary Sewer Project.

Mr. Michael Futterman, CPA, Director for Rachlin Cohen & Holtz LLP Certified Public Accountants made a presentation to the Council regarding the 2006 Comprehensive Annual Financial Report.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Theresa Hodges, 255 Glenridge Road; Cecile Sanchez, 260 Cypress Drive and Camille Guething, 260 Seaview Drive.

6. **AGENDA:** The Manager requested the addition of a discussion of a letter to the editor of the Islander News regarding the upcoming referendum as Item 11A3 and also requested consensus of Council to hold a Special Council Meeting prior to the Budget Workshop scheduled for June 12, 2007. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the May 22, 2007 Regular Council meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE CODE, "ADMINISTRATION," ARTICLE III, "CODE ENFORCEMENT," TO PROVIDE FOR A BOARD OF SPECIAL MAGISTRATES IN LIEU OF INDIVIDUAL SPECIAL MAGISTRATES; REVISING THE VILLAGE'S ALTERNATE CODE ENFORCEMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR EFFECTIVE DATE.**

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

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

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Hearing Number CU - 01. The applicant, Biscayne Wine Group, LLC, 200 Crandon Boulevard, Suite 100 (Key Colony Place) is requesting a conditional use application to establish a package (liquor) store.

Building, Zoning and Planning Director addressed the Council regarding this application recommending approval with no conditions.

Lucia Dougherty with Greenberg Traurig, Miami representing Biscayne Wine Group addressed the Council regarding this request.

Vice Mayor Mendia made a motion to approve the application to establish a Package (Liquor) Store as a Conditional Use at 200 Crandon Boulevard, Suite 100. The motion was seconded by Councilmember Liedman.

The Mayor opened the public hearing. Ed Stone, 145 Hampton Lane addressed the Council. The Mayor closed the public hearing.

The request was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Hearing Number CU - 02. The applicant, Ellinis Corp., 328 Crandon Boulevard, #122 -123 (Galleria Shopping Center) is requesting a conditional use application to establish a Package (Liquor) Store.

Councilmember Garcia made a motion to approve the application to establish a Package (Liquor) Store as a Conditional Use at 328 Crandon Boulevard, #122 -123. The motion was seconded by Councilmember Weinman.

Director Kurlancheek addressed the Council regarding this application recommending approval with no conditions.

The Mayor opened the public hearing. Nick Mavris, 328 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The request was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

10. **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, CONCERNING LIGHTING EQUIPMENT FOR THE PLAYING FIELD LOCATED ON THE NORTH END OF THE**

**VILLAGE GREEN; AUTHORIZING PURCHASE AND INSTALLATION OF LIGHTING EQUIPMENT; AUTHORIZING CONTRACT BETWEEN THE VILLAGE AND MUSCO SPORTS LIGHTING, LLC FOR SUPPLYING AND INSTALLING LIGHTING EQUIPMENT; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Vice Mayor Mendia.

Camille Guething, 260 Seaview Drive; Gilian Soleil, 325 Fernwood Road; Ginny Valls, 325 Fernwood Road and Marcelo Radice, 412 Warren Lane addressed the Council.

Todd Hofferberth, Parks and Recreation Director addressed the Council regarding the purchase and installation of lighting improvements to the field located at the north end of the Village Green.

It was the consensus of Council to direct staff to look at the Village Green, the school and Calusa Park as possible sites for installing lighting equipment and report back to Council.

Councilmember Liedman withdrew his motion.

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 WOODCREST TO FERNWOOD PORTION OF HARBOR DRIVE IMPROVEMENT PROJECT; AUTHORIZING FOURTH CHANGE ORDER TO CONSTRUCTION CONTRACT BETWEEN THE VILLAGE AND M. VILA AND ASSOCIATES, INC., IN ORDER TO PROVIDE FOR CERTAIN WORK ON HARBOR DRIVE AS EXTENSION OF WORK TO BE DONE BY THE CONTRACTOR OF THE CRANDON BOULEVARD IMPROVEMENTS - PHASE II AND III PROJECTS; PROVIDING FOR APPROVAL OF CHANGE ORDER NO. 4 TO CONTRACT FOR CONSTRUCTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.**

The Manager and Director Kurlancheek addressed the Council recommending approval of the resolution which provides for Change Order No. 4 to the Crandon Boulevard Project to construct drainage, curb, pavers and sidewalk improvements on Harbor Drive from the Fernwood Road Circle to the Woodcrest Road Circle.

Ramon Castella with C3TS addressed the Council regarding this resolution.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Weinman.

Vice Mayor Mendia made an amending motion to select straight end parking for the project. The motion was seconded by Councilmember Thornton and approved by a 5 -2 voice vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmembers Davey and Liedman voting No.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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 CONSTRUCTION OF CRANDON BOULEVARD UTILITY CROSSINGS AS AN ADDITION TO THE WORK OF THE CRANDON BOULEVARD CONTRACTOR IN ORDER TO AVOID CONFLICT WITH THE PENDING WATER, SEWER AND RECLAIMED WATER PROJECT; AUTHORIZING FIFTH CHANGE ORDER FOR CONSTRUCTION CONTRACT BETWEEN THE VILLAGE AND M. VILA AND ASSOCIATES, INC., IN ORDER TO PROVIDE FOR UTILITY CROSSING WORK AS ADDITIONAL WORK OF CRANDON BOULEVARD IMPROVEMENTS – PHASE III PROJECT; PROVIDING FOR APPROVAL OF CHANGE ORDER NO. 5 TO CONTRACT FOR CONSTRUCTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.**

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

Ramon Castella with C3TS addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING WORK AUTHORIZATION FOR THE SERVICES OF THE FIRM OF CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (“C3TS”); PROVIDING FOR C3TS TO PERFORM ENGINEERING FINAL DESIGN SERVICES, BID PHASE SERVICES, AND CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR HARBOR DRIVE PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.**

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Thornton.

Ramon Castella with C3TS addressed the Council regarding this resolution.

Cecile Sanchez, 260 Cypress Drive addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Weinman addressed the Council regarding a proposed green initiative for Key Biscayne and introduced Dr. Henny Groschel -Becker. Dr. Groschel-Becker addressed the Council regarding things the Government can do now to increase energy efficiency and conserve resources.

It was the consensus of Council to direct staff to bring a budget and time line for the implementation of the green initiative.

Councilmember Weinman also addressed the Council requesting the appointment of an alternate liaison to the Miami-Dade League of Cities.

It was the consensus of Council to make themselves available on a rotating basis to try and attend the Miami-Dade League of Cities meetings.

The Manager addressed the Council regarding a proposed letter (attached for the record) to the editor of the Islander News from Mayor and Council regarding the upcoming referendum.

Vice Mayor Mendia made a motion to approve the letter to the editor of the Islander News. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and the Attorney addressed the Council regarding the appraisal from Slack, Johnston and Magenheimer for the property at 85 West Enid Drive recommending that the Council direct staff to negotiate with the County for purposes of purchasing the property.

Councilmember Davey made a motion to direct staff to formally notify the County that the Village intends to purchase the property at 85 West Enid Drive. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Garcia and Mayor Vernon excused themselves from the meeting at 9:10 p.m.

As requested by Council, staff met with the EAR Committee for purposes of obtaining their recommendations on how the Village should meet concurrency for recreation and open space. The Committee met five times and approved the recommendations as presented today. The Manager is recommending that the Council approve the EAR Committee's recommendations and direct staff to incorporate them into the EAR.

Frank Caplan, Chairman of the EAR addressed the Council regarding the recommendations of the Committee (attached for the record).

The following persons addressed the Council: Betty Sime Conroy, 785 Crandon Boulevard; Alan Fein, 525 Allendale Road; Michael Kelly, 395 Gulf Road; Basha Hicks, 1121 Crandon Boulevard; Hector Formoso-Murias, 471 N. Mashta Drive; Kathy King, 745 Fernwood Road; Camille Guething, 260 Seaview Drive; Arturo Aballi, 91 Island Drive; Charles Viscito, 141 Crandon Boulevard; Steve Simon, 335 Harbor Lane and Carter McDowell, Miami, attorney representing SBR-Fortune.

There was extensive discussion from Council regarding the recommendations made by the EAR Committee.

Councilmember Liedman made a motion to accept the EAR Committee's report and recommendations as submitted. The motion was seconded by Councilmember Thornton and failed by a 3-2 roll call vote. The vote was as follows: Councilmembers Liedman, Thornton and Vice Mayor Mendia voting Yes. Councilmembers Davey and Weinman voting no.

Councilmember Weinman made a motion to hold two work shops or a Civic Charrette on concurrency some time in September. The motion was seconded by Councilmember Davey and failed by a 2-3 roll call vote. The vote was as follows: Councilmembers Davey and Weinman voting Yes. Councilmembers Liedman, Thornton and Vice Mayor Mendia voting No.

Councilmember Davey made a motion to hold one Charrette on concurrency some time after school starts. The motion was seconded by Councilmember Weinman and approved by a 5 -0 voice vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes.

12. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
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 10:55 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 2nd day of July, 2007:*

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*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.***