

MINUTES

ZONING MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, OCTOBER 23, 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, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Councilmember Patricia Weinman was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Former Councilmember Mortimer Fried led the Pledge of Allegiance.
3. **SPECIAL PRESENTATION:** John C. Gilbert, Chief of Fire Rescue and the Manager addressed the Council and recognized the newly appointed Deputy Chief of Fire Rescue Eric Lang. The Mayor, on behalf of the Council, congratulated Deputy Chief Lang.
4. **AGENDA:** The Clerk requested the addition of the first reading of an ordinance concerning the purchase of 85 West Enid Drive as Item 7A1; Councilmember Liedman requested to hear the report from Mr. Burgess Chambers, Portfolio Manager for Police Officers/Firefighters Pension Fund immediately after the approval of the minutes and also requested the addition of an update on the ZORC as Item 9A3; Councilmember Davey requested the addition of a discussion regarding a dog park as Item 9A2; Councilmember Thornton requested the addition of an update regarding the Sewer Project as Item 9A4 and the Attorney, at the request of the applicants, requested the continuance of the variance applications for 210, 230, 300 and 310 Harbor Drive (Items 6B, 6C, 6D and 6E) to the

November 27, 2007 Zoning Meeting. Building, Zoning and Planning Director Jud Kurlancheek addressed the Council recommending that such action be subject to each applicant paying for full application fees and all of the required public notices. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the October 4, 2007 Final Budget Hearing. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Garcia made a motion to approve the minutes of the October 9, 2007 Regular Council Meeting. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

At this time, Councilmember Liedman addressed the Council regarding the Police Officers/Firefighters Pension Fund and introduced Mr. Burgess Chambers, Portfolio Manager for the Pension. Mr. Chambers addressed the Council and reported on the investment performance of the fund.

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

Hearing Number RV - 25. TRC Real Estate Investment Inc., 800 Crandon Boulevard, the applicant is requesting to waive seven (7) of the required thirty-four (34) parking spaces.

Building, Zoning and Planning Director Jud Kurlancheek addressed the Council recommending approval of the variance subject to the planting of two oak trees to replace those that have been removed and the replacement of the other oak trees with those that meet the following conditions: 1.) Soil within 5 feet of all trees in the parking lot shall be removed and replaced with new soil that is free of rocks and debris. The trees are to be planted in holes that are 4 ft. deep and 5 ft. in diameter; 2.) The new trees shall have a trunk diameter of 3 inches, 6 ft. of clear trunk, and 14 ft. height; 3.) The owner shall demonstrate to staff that the irrigation system is in working condition and that it is automatically activated when watering is required and 4.) The above work shall be completed and approved by the Village in 60 days.

Richard Garcia, Miami, with Richard Garcia & Associates, Traffic Engineer for the applicant addressed the Council.

Councilmember Davey made a motion to approve the variance with the above staff recommendations. The motion was seconded by Vice Mayor Mendia.

The Mayor opened the public hearing. Manuel Cambo, 621 Harbor Drive; Michele Estevez - Hayes, 800 Crandon Boulevard; Cassia Silva, 791 Crandon Boulevard and Max Puyanic, 480 S. Mashta Drive addressed the Council. The Mayor closed the public hearing.

The application was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

Hearing Number RV-22. The applicant 210 Harbor, LLC, 210 Harbor Drive, is requesting the following: a.) Permit two corners of a dock to extend outside of the D -5 triangle. One of the corners has an area of 52 sq. ft. and the other has an area of 93 sq. ft.; b.) Waive the D -5 triangle limit for watercraft in order to dock a watercraft completely outside of the D -5 triangle limit. c.) Waive the 25 foot limit of dock extension in to Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

At the request of the applicant, this application is continued to the November 27, 2007 Zoning Meeting.

Hearing Number RV-23. The applicant Falcon Financing, LTD./Philippe Touret, Director, 230 Harbor Drive is requesting the following: a. Permit two corners of a dock to extend outside of the D-5 triangle. One of the corners has an area of 52 sq. ft. and the other has an area of 93 sq. ft. b. Waive the D-5 triangle limit for watercraft in order to dock a watercraft completely outside of the D - 5 triangle limit. c. Waive the 25 foot limit of dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

At the request of the applicant, this application is continued to the November 27, 2007 Zoning Meeting.

Hearing Number RV-24. The applicant Jorge F. Lazo Trust, 310 Harbor Drive is requesting the following: a. Waive the D-5 triangle limit for watercraft in order to dock a watercraft outside of the D-5 triangle limit; b. Waive the 25 foot limit for a dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

At the request of the applicant, this application is continued to the November 27, 2007 Zoning Meeting.

Hearing Number RV - 26. The applicant Victor Henriquez, 300 Harbor Drive is requesting the following: a. Permit two corners of a dock to extend outside of the D-5 triangle. One of the corners has an area of 52 sq. ft. and the other has an area of 80 sq. ft. b. Waive the D -5 triangle limit for watercraft in order to dock a watercraft completely outside of the D -5 triangle limit. c. Waive the 25 foot limit of dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

At the request of the applicant, this application is continued to the November 27, 2007 Zoning Meeting.

Hearing Number RV - 27. The applicant, J. Barclay Collins, 621 N. Mashta Drive is requesting the following: a. Waive the 10 foot limit for a dock extension into Hurricane Harbor from the bulkhead in order to construct a dock 14 feet into Hurricane Harbor.

Councilmember Davey made a motion to approve the application, as submitted. The motion was seconded by Vice Mayor Mendia.

Mark Fried, attorney representing the applicant, addressed the Council regarding this application.

The Mayor opened the public hearing. Nancy Doke-Harrison, 669 S. Mashta Drive addressed the Council. The Mayor closed the public hearing.

Director Kurlancheek addressed the Council recommending denial of the application because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

The application, as submitted, was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE PURCHASE OF LAND AND IMPROVEMENTS LOCATED AT 85 WEST ENID DRIVE IN THE VILLAGE (THE "PROPERTY"); AUTHORIZING THE VILLAGE TO PURCHASE THE PROPERTY AS DESCRIBED HEREIN; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR FINANCING CONDITION; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Garcia made a motion to adopt the ordinance on first 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 Manager addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

The second reading of the ordinance will be on November 13, 2007.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,800,000 OF LAND ACQUISITION REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

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 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

8. **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 EIGHTEEN THOUSAND THREE-HUNDRED EIGHT DOLLARS AND SIXTEEN CENTS (\$18,308.16), FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF EIGHT (8) SETS OF HEAD AND BODY PROTECTIVE ARMOR AGAINST SEMI-AUTOMATIC ASSAULT WEAPONS FROM LAW ENFORCEMENT SUPPLY COMPANY; PROVIDING FOR EFFECTIVE DATE.

The Manager and Chief of Police Charles Press addressed the Council regarding this resolution.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Thornton and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, 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 BISCAVNE, FLORIDA, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED NINE -THOUSAND DOLLARS (\$9,000.00), FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF SIX (6) COLT AR-15 M4 SEMI-AUTOMATIC .223 CALIBER RIFLES FROM SRT SUPPLY; PROVIDING FOR EFFECTIVE DATE.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, 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 BISCAVNE, FLORIDA, CONCERNING STREET LIGHTING FOR GRAPETREE DRIVE (THE "PROJECT"); AUTHORIZING THE PROJECT; AUTHORIZING AGREEMENT BETWEEN THE VILLAGE AND FPL FOR DESIGNING, SUPPLYING AND INSTALLING STREET LIGHTING EQUIPMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

Manuel Arias, 450 Grapetree Drive addressed the Council.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, 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 BISCAVNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAVNE AND CESAR TRASOBARES CONCERNING PROFESSIONAL SERVICES FOR THE VILLAGE'S ART IN PUBLIC PLACES PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council regarding this resolution.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Liedman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, 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 BISCAIYNE, FLORIDA, CONCERNING THE PRO VISION AND INSTALLATION OF LANDSCAPE AND IRRIGATION IMPROVEMENTS FOR HARBOR DRIVE (THE "PROJECT"); AWARDING PROJECT WORK TO GORGEOUS LAWNS INC., (THE "CONTRACTOR") AUTHORIZING VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR THE PROJECT; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager, Armando Nunez, Public Works Director and Ramon Castella with C3TS addressed the Council regarding this resolution.

Cecile Sanchez, 260 Cypress Drive and Craig Hardie, 432 Ridgewood Road, with the Landscape Committee, addressed the Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton and Vice Mayor Mendia voting Yes. Mayor Vernon was out of the room at the time the vote was taken.

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

Mayor and Councilmembers. Councilmember Davey addressed the Council regarding a dog park and the possibility of using the Beach Park for this use. It was the consensus of Council to direct staff to look into this issue.

Councilmember Liedman requested an update on the Zoning Ordinance Review Committee (ZORC). Director Kurlancheek reported on the progress of the ZORC. The Attorney addressed the Council regarding the proposed amendments to the Code as it relates to the presentation of these changes to the voters.

Councilmember Thornton requested an update on the progress of the Sanitary Sewer Project. Ramon

Castella with C3TS addressed the Council regarding this project.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

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

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 9:20 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 13th day of November, 2007:

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.