

MINUTES
ZONING MEETING

TUESDAY, OCTOBER 23, 2012

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, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor Kelly and Mayor Caplan thanked Councilmembers Garcia and Gusman for their years of service to the community. Mayor Caplan also reported on the ribbon cutting ceremony of the tot lot, which took place a few minutes before this meeting.
4. **AGENDA:** Councilmember Davey requested the addition of a presentation regarding the Miami Tennis Cup Tournament immediately after the approval of the minutes. There was no objection to the request.

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5. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the October 9, 2012 Regular Council Meeting. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

At this time Leo Brito, 775 Curtiswood Drive and Julian Wortelboer, 101 Ocean Lane made a presentation to the Council regarding the Miami Tennis Cup Tournament. The Tournament will take place at the end of November at the Crandon Park Tennis Center.

There was extensive discussion from Council regarding the Miami Tennis Cup Tournament.

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

Hearing Number RV - 34. The applicant, Sunrise Manor Inc., 250 - 260 Sunrise Drive is requesting the following variance: waive 13.1 feet of the required 20 foot width for a two-way parking aisle in order to provide a two-way parking aisle with a width of 6.9 feet in an existing parking lot.

Building, Zoning and Planning Director, Jud Kurlancheek addressed the Council recommending the approval of the variance associated with an existing parking lot at 250-260 Sunrise Drive. The recommendation is subject to the following. 1.) The placement of landscaping at the end of each angled parking space along the side property line including ground cover and one (1) palm tree per space. The parking lot plan shall include the landscaping requirement and be approved by the BZP Director prior to the issuance of permit to re-strip the lot and 2.) The recording of a covenant on a form approved by the Village Attorney stating that the applicant holds the Village harmless in the event of insurance claims arising from the width of the driveway or design of the parking lot to be presented to the Village prior to the issuance of a building permit for the re-striping and landscaping of the parking lot.

Mark Fried, Attorney representing the applicant, addressed the Council.

Councilmember Davey made a motion to approve the variance subject to the above mentioned conditions. The motion was seconded by Councilmember Gusman.

The Mayor opened the public hearing. Whitney MacEachern, President of the Condo Association addressed the Council. The Mayor closed the public hearing.

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

7. **ORDINANCES:** There were no ordinances considered by Council.
8. **RESOLUTIONS:** The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF SCHOOL IMPROVEMENT REVENUE BONDS, SERIES 2012, OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,575,000 FOR THE PURPOSE OF PROVIDING A PORTION OF THE FINANCING OF A PERMANENT SECONDARY EDUCATIONAL FACILITY AND RECREATIONAL FIELDS FOR VILLAGE RESIDENTS LOCATED AT THE MAST ACADEMY CAMPUS AS WELL AS NECESSARY RENOVATIONS OF THE KEY BISCAIYNE K-8 CENTER, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDING THE SALE OF THE BONDS TO TOTAL BANK; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the adoption of the Resolution setting forth the terms of the \$5,575,000 School Improvement Revenue Bonds, Series 2012 to provide a portion of the financing of a permanent secondary education facility and recreational fields for Village residents located at the MAST Academy Campus as well as necessary renovations of the Key Biscayne K-8 Center.

Lourdes Abadin with Estrada Hinojosa, Financial Advisor for the Village addressed the Council.

Charles Viscito, 141 Crandon Boulevard addressed the Council.

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

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

Mayor and Councilmembers. Mayor Caplan addressed the Council regarding the Crandon Park Tennis Center. There was extensive discussion regarding this item. It was the consensus of

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Council to authorize the Mayor to continue to negotiate with IMG.

Vice Mayor Kelly addressed the Council regarding AED'S in the Community. It was the consensus of Council to form a Council appointed Committee of (7) seven members to study this and make recommendations to Council. Councilmembers were requested to submit names to the Clerk.

Councilmember Davey addressed the Council regarding a volunteer beach renourishment advocate. Mr. John Walsh has volunteered to help, as a facilitator, with the beach renourishment permitting process.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council recommending to renew the audit service contract with Marcum, LLP.

Councilmember Davey made a motion to authorize the Village Manager to renew the audit service contract with Marcum LLP. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Manager addressed the Council giving an update regarding the Ridgewood Gumbo Limbo Whitefly. Based on the consultant findings and recommendations, the Administration will continue with the current programs to control Whitefly infestation.

Mr. Fred Hein from TruGreen, Village Pest Control Contractor and Mr. John Sutton, Village Arborist are recommending to stop the injections and start a drenching program.

There was extensive discussion from Council regarding the current programs to control Whitefly infestation.

Marco Ruttimann, 725 Ridgewood Road; Marcelo Radice, 412 Warren Lane and Adriana Von Simson, 749 Ridgewood Road addressed the Council.

The Manager also addressed the Council giving an update on street signs reporting that the Village currently has an inventory of 484 Street signs (121 intersections) throughout the island. The Weber Studio has prepared the designs pro bono for the Village. At the May 22nd Council Meeting the Council asked Mr. Weber to modify the designs. Mr. Weber and staff met with street sign fabricator Graphlex Signs regarding the street signs. Graphlex Signs has prepared

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specification for two sign designs.

It was the consensus of Council to go with the criss-cross signs. The Manager will bring a proposal to Council for their approval.

The Manager also addressed the Council, introducing D Squared Engineering, Corp. reference a Green initiative on the Key.

Derek Duzoglou, President of D Squared Engineering, Corp. addressed the Council.

The Manager addressed the Council regarding the removal and replacement of drainage outfall 0-16 located at 260 Harbor Drive.

The Manager is recommending that the Council award the construction contract to Ballarena Construction for the Removal and Replacement of Drainage Outfall 0-16 located at 260 Harbor Drive.

Supervisor of Public Works Tony Brown addressed the Council regarding this issue.

Councilmember Davey made a motion to award the construction contract to Ballarena Construction for the Removal and Replacement of Drainage Outfall 0-16 located at 260 Harbor Drive. The motion was seconded by Councilmember Lindsay and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** At this time Councilmember Davey thanked Councilmembers Garcia and Gusman for their service to the Community.

11. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council

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

13. **ADJOURNMENT:** The meeting was adjourned at 10:48 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC

Village Clerk

Approved this 20th day of November 2012:

Franklin H. Caplan

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.