

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, NOVEMBER 29, 2016

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:00 p.m. Present were Councilmembers Franklin H. Caplan, Luis de la Cruz, Gary R. Gross, Allison McCormick, Brett G. Moss, Kathleen Petros and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen H. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Councilmember McCormick led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** The Mayor wished everyone a Happy Thanksgiving, stating that we have a lot to be thankful here in this community and also welcomed the new Councilmembers. Councilmember de la Cruz and Councilmember Gross also welcomed the new Councilmembers.
4. **AGENDA:** Mayor Lindsay requested the addition of appointments to the Education Advisory Board as Item 9A7; Councilmember Caplan requested the addition of a discussion regarding the opening/cutting ribbon ceremony of Hampton Park as Item 9A8. There was no objection to the agenda changes.

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5. **APPROVAL OF MINUTES:** Councilmember Caplan made a motion to approve the minutes of the November 1, 2016 Regular Council Meeting, as amended. The motion was seconded by Councilmember Moss and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, McCormick, Moss, Petros and Mayor Lindsay voting Yes.

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

Public Hearing Number RV-37. The applicants, Claudio Insenga and Annamaria Perrone, 360 Harbor Drive, are requesting to exceed the 40 ft. maximum protection of a dock from a bulkhead by 15 ft. in order to permit a dock that projects 55 ft. from the bulkhead.

Councilmember Caplan made a motion to approve the variance. The motion was seconded by Councilmember de la Cruz.

The Manager and Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council recommending approval of the variance as it is consistent with the Zoning and Land Development Regulations.

The Mayor opened the public hearing. Bill Hunning, Manager for 380 Harbor Drive, Mario Garcia Serra, Attorney and Lazaro Diaz, representing the owners addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this variance. The Attorney also addressed the Council regarding this variance.

Councilmember Caplan made an amending motion to add a condition of no mooring piles. The motion was seconded by Councilmember Gross and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, McCormick, Moss, Petros and Mayor Lindsay voting Yes.

The variance, as amended, was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, McCormick, Moss and Petros voting Yes. Mayor Lindsay voting No.

Public Hearing Number. SP-26. The Applicant, the Village Manager, 530 Crandon Boulevard, is requesting approval of a site plan for a park.

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

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Councilmember Moss.

Councilmember Caplan made a motion to defer this public hearing to the first Council Meeting in February 2017. The motion was seconded by Councilmember de la Cruz and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, McCormick, Moss, Petros and Mayor Lindsay voting Yes.

The Manager addressed the Council regarding the hearing. At this time Gianni Feoly, with Calvin Giordano & Associates, addressed the Council explaining the different options for the conceptual site plan design and Salman Rathore, with the Corradino Group, addressed the Council regarding the traffic report.

Parks and Recreation Director Todd Hofferberth also addressed the Council regarding the park site plan.

There was extensive discussion from Council regarding the above reports. The Attorney also addressed the Council regarding the above reports.

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT WITH FIREWORKS BY GRUCCI, INC. FOR JULY 4TH FIREWORKS DISPLAYS; AND PROVIDING FOR EFFECTIVE DATE.

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

The Manager and Parks and Recreation Director Hofferberth addressed the Council recommending approval of the resolution authorizing the Village Manager to negotiate and enter into a contract with Fireworks by Grucci, Inc. to perform the services required to produce the Village's Fourth of July fireworks display.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, McCormick, Moss, Petros and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember de la Cruz addressed the Council regarding adaptive traffic signals on Crandon Boulevard.

Joe Corradino with the Corradino Group and Chief of Police Charles Press addressed the Council regarding the above subject.

It was the consensus of Council to direct the Manager to contact Commissioner Suarez and also directed the Attorney to work on an interlocal agreement with the County regarding the traffic signals on Crandon Boulevard. Also directed the Manager to bring back, at the first meeting in January, an interim solution.

The Attorney also addressed the Council regarding the traffic signals and drafting an interlocal agreement with the County.

Councilmember Gross proposed to review all Committees, appoint Committee members when needed/appropriate and consider dissolving Committees that are no longer necessary. The Mayor addressed each Committee and requested nominations, for those that are missing members, to be submitted to the Clerk. There was extensive discussion from Council regarding the Land Acquisition Committee. It was the consensus of Council to schedule a workshop on Tuesday, February 7, 2016 on the Land Acquisition Committee. The Manager and the Attorney also addressed the Council regarding this Committee.

Councilmember de la Cruz addressed the Council regarding the adoption of a resolution urging the United States Army Corps of Engineers, the Florida Department of Environmental Protection and the South Florida Water Management to expedite Phase II of the Biscayne Coastal Wetlands Project. The Clerk was directed to forward to Council those resolutions sent to the Clerk's Office by other municipalities. The Attorney was directed to draft a resolution reflecting the above.

The Mayor appointed Kenneth Coto, with consensus of Council, to the Youth Athletic Advisory Board. Councilmember de la Cruz will be the Council liaison to this Committee.

The Mayor addressed the Council regarding legislative priorities at the State and local level. The Mayor proposed to add beach renourishment and obtain some kind of dispensation so that we are able to add more sand to our beach. The Mayor also proposed to add water projects and traffic lights.

The Mayor requested that Councilmembers submit nominations to the Clerk for the Education Advisory Board.

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Councilmember Caplan addressed the Council regarding the schedule for the opening of Hampton Park. There was discussion from Council regarding the opening of the park. It was the consensus of Council to schedule the opening of the park some time in January.

Village Attorney. The Attorney, on behalf of Special Counsel, requested an Executive Session on December 6, 2016 at 6:00 p.m. related to the cases styled Village of Key Biscayne vs City of Miami, Case No. 15-2997, Village of Key Biscayne vs NMMA, Case No. 15-9160 and Village of Key Biscayne vs City of Miami, Case No. 2015-200-AP-01.

Village Clerk. The Clerk presented to the Council the Certification of the November 8, 2016 Municipal Election results. The Clerk is requesting a motion to approve her Certification of the November 8, 2016 Municipal Election results.

Councilmember Caplan made a motion to accept the Clerk's Certification of the November 8, 2016 Municipal Election results. The motion was seconded by Councilmember Moss and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, McCormick, Moss, Petros and Mayor Lindsay voting Yes.

Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Mayor Lindsay nominated Councilmember Caplan. The nomination was seconded by Councilmember Petros. The Mayor closed the floor for nominations.

The motion to elect Councilmember Caplan as the new Vice Mayor was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, McCormick, Moss, Petros and Mayor Lindsay voting Yes.

The Clerk presented to the Council the proposed 2017 Village Council Meeting schedule. There was discussion from Council regarding the proposed meeting schedule. The Mayor requested to add another meeting in October. This meeting will be held on October 24, 2017. It was the consensus of Council to also add a Land Acquisition Workshop on Tuesday, February 7, 2017 at 7:00 p.m.

Village Manager. The Manager did not submit a report.

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

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

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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 10:25 p.m.

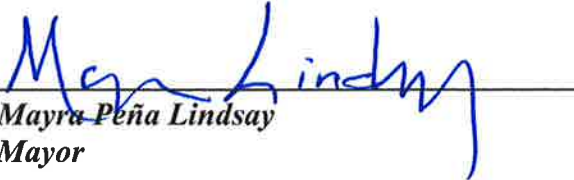
Respectfully submitted:



Conchita H. Alvarez, MMC
Village Clerk



Approved this 10th day of January, 2017:



Mayra Peña 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.