

MINUTES

ZONING MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, NOVEMBER 22, 2005

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 Enrique Garcia, Steve Liedman, Jorge E. Mendia, Thomas Thornton, Patricia Weinman, Vice Mayor Robert L. Vernon and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Oldakowski led the Pledge of Allegiance.
3. **AGENDA:** The Manager requested the addition of a discussion regarding occupational licenses for Realtors and Brokers as Item 7D3. There was no objection to the agenda change.
4. **CONSENT AGENDA:** Councilmember Liedman made a motion to approve the following consent agenda. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The minutes of the November 8, 2005 Regular Council Meeting.

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A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING THE ATTACHED DISASTER RELIEF FUNDING AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS AND THE VILLAGE OF KEY BISCAYNE, PROVIDING FOR FEDERAL AND STATE DISASTER RELIEF FUNDING FOR DECLARED MAJOR DISASTER NO. FEMA-3259-EM-FL; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING IMPLEMENTATION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF KEY BISCAYNE, FLORIDA BY AMENDING CHAPTER 23 "RETIREMENT" AT SECTION 23-35 "CONTRIBUTIONS" TO SET THE EMPLOYEE CONTRIBUTION RATE AT 10.5%; PROVIDING THAT THIS ORDINANCE SHALL SUPERCEDE EMERGENCY ORDINANCE NO. 2005-15; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

The Attorney addressed the Council regarding this ordinance.

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

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 Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 "NOISE" OF THE VILLAGE CODE TO ENHANCE REGULATIONS AND RESTRICTIONS ON NOISE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This hearing is continued from the November 8, 2005 Regular Council Meeting.

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The Manager, Attorney and Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council regarding this ordinance.

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

The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive and Ed Meyer, 100 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

John Shubin with Shubin and Bass, representing the Ritz Carlton, addressed the Council regarding this ordinance.

Councilmember Thornton made a motion to amend **Section 17-3. Noises Exceeding Established Decibel Levels 2(f) Idling of Engines** as follows: The idling of any internal combustion engine in excess of the permitted decibel level during the following hours: after 7:00 p.m. and until 11:00 p.m. during the loading and unloading of items from a refrigerated truck for a period of 15 minutes or less; or at any time outside of the following permitted hours during the loading and unloading of passengers from a vehicle for a period of less than fifteen minutes. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING" OF THE CODE OF KEY BISCAYNE, FLORIDA BY AMENDING DEFINITIONS; AMENDING PERMITTED AND CONDITIONAL USES; AMENDING DEVELOPMENT REGULATIONS INCLUDING, BUT NOT LIMITED TO, HEIGHT, SETBACK AND FLOOR AREA RATIO REQUIREMENTS; AMENDING PERFORMANCE STANDARDS; AMENDING SUPPLEMENTAL REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES; AMENDING OFF-STREET PARKING REQUIREMENTS; AMENDING NON-RESIDENTIAL DISTRICT SIGN REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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The Manager, Attorney and Director Kurlancheek addressed the Council regarding this ordinance.

The Mayor opened the public hearing. David Coviello, 201 S. Biscayne Boulevard, Miami; Cecile Sanchez, 260 Cypress Drive; Camille Guething, 260 Seaview Drive; Bob Bristol, 610 Ridgewood Road; Luis Alcebo, 425 Grapetree Drive and Doug Kinsley, 785 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

Councilmember Liedman made a motion to keep the Committee's recommendation regarding **Section 30-101. Commercial Districts. (a) Maximum Size-Retail. 2. Retail uses:** No individual or multiple business entity(s) shall occupy more than 10,000 sq. ft. except for stores whose principal product is food for consumption off the premises. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Councilmember Liedman made a motion to amend **Section 30-101. Commercial Districts. (b) Development Regulations. Maximum number of Stories** to allow 3 stories regardless of the size of the site. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Councilmember Liedman made a motion to amend **Section 30-101. Commercial Districts. (b) Development Regulations. Floor Area Ratio (FAR) bonus for subterranean garage** to permit FAR bonus regardless of the size of the site. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Councilmember Liedman made a motion to amend **Section 30-101. Commercial Districts. (c) Setbacks** as follows: Sideyard Facing a Street: 0-5 ft. Based on Site Plan Review and Interior Sideyard: 0-30 ft. Based on Site plan Review. The motion was seconded by Councilmember Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Councilmember Garcia made a motion to amend **Section 30-101. Commercial Districts. (d)(5) Automotive repair** as follows: Automotive repair - .03 FAR bonus per auto bay not to exceed .09 and provide a bonus for a Service Station: this is a defined term which includes gasoline stations. Bonus: .02 per gasoline dispenser not to exceed .08. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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Vice Mayor Vernon made a motion to eliminate **Section 30-101. Commercial Districts. (e)(18) 70/30 Limitation**. The motion was seconded by Councilmember Liedman and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton and Vice Mayor Vernon voting Yes. Councilmember Weinman and Mayor Oldakowski voting No.

Vice Mayor Vernon made a motion to eliminate automobiles from **Section 30-101. Commercial Districts. (e)(7)**. The motion was seconded by Councilmember Thornton and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton and Vice Mayor Vernon voting Yes. Councilmember Weinman and Mayor Oldakowski voting No.

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND CESAR TRASOBARES CONCERNING PROFESSIONAL SERVICES FOR THE VILLAGE'S ART IN PUBLIC PLACES PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Vernon 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 Garcia, Liedman, Mendia, Thornton, Weinman and Vice Mayor Vernon voting Yes. Mayor Oldakowski was out of the Chamber at the time the vote was taken.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE AND HENNY GROSCHER-BECKER FOR COMMUNICATION CONSULTING SERVICES; AUTHORIZING VILLAGE MANAGER TO EXECUTE AND IMPLEMENT THE AGREEMENT; PROVIDING FOR EFFECTIVE DATE.

The Manager addressed the Council regarding this resolution.

Councilmember Mendia 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 Garcia, Liedman, Mendia, Thornton, Weinman and Vice Mayor Vernon voting Yes. Mayor Oldakowski was out of the Chamber at the time the vote was taken.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the Manager's contract.

Mayor Oldakowski made a motion appointing Councilmember Weinman as the Council's representative to discuss the terms of a new contract with the Manager. The motion was seconded by Vice Mayor Vernon and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Councilmember Weinman addressed the Council regarding a temporary skate park. It was the consensus of Council to direct staff to bring options to the Council at the next meeting.

Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this issue.

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 introducing Anthony Clemente and Patricia Carney with PBS&J who gave an update regarding the Sanitary Sewer Project.

The PBS&J representatives addressed the Council regarding the Sanitary Sewer Project.

Public Works Director, Armando Nunez also addressed the Council regarding the Sanitary Sewer Project.

Randolph G. White, Finance Director addressed the Council with financing options for the Sanitary Sewer Project.

The Manager also addressed the Council regarding the requirement of an Occupational License for Realtors and Brokers.

8. **OTHER BUSINESS/GENERAL DISCUSSION:** Vice Mayor Vernon addressed the Council thanking Councilmember Mendia for nominating him as Vice Mayor and the Council for electing him as Vice Mayor for another year.

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

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10. **ADJOURNMENT:** The meeting was adjourned at 10:45 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 6th day of December, 2005:

*Robert Oldakowski
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.