

MINUTES

LOCAL PLANNING AGENCY
KEY BISCAIYNE, FLORIDA

MONDAY, FEBRUARY 5, 2019

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 p.m. Present were Councilmembers Luis Lauredo, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey. Councilmember Edward London was not present. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Davey led the Pledge of Allegiance.
3. **ORDINANCES:** A public meeting and recommendation of Village Council sitting as the Local Planning Agency on the following proposed ordinance:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING CHAPTER 30, ARTICLE II, "DEFINITIONS" TO PROVIDE DEFINITIONS RELATED TO MEDICAL MARIJUANA; AMENDING CHAPTER 30, ARTICLE V, "SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATION" TO AMEND THE LIST OF PERMITTED CONDITIONAL AND PROHIBITED USES IN COMMERCIAL DISTRICTS TO ADDRESS MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Davey made a motion to defer the adoption of the ordinance to March 19, 2019. The motion was seconded by Vice Mayor McCormick.

Councilmember Lauredo addressed the Council regarding his objection to deferring the proposed ordinance to March 19, 2019.

Councilmembers Moss, Petros and Segurola addressed the Council regarding allowing for public comments prior to voting on the motion to defer the adoption of the ordinance to March 19, 2019.

There was extensive discussion by Council regarding deferring the approval of this ordinance due to the absence of Councilmember London.

The Attorney addressed the Council regarding deferring the adoption of the ordinance to March 19, 2019.

The Chairman opened the public hearing. The following residents addressed the Council: Ann Taintor, 170 Ocean Lane Drive; Derek Duzoglou, 155 Sunrise Drive; Luis Noboa, 150 Cape Florida; Lucia Castellanos, 175 Hampton Lane; Maya Conway, 151 Crandon Boulevard; Azul Correa Dibar, 425 Ridgewood Road; Bibiana Domit, 607 Crandon Boulevard; Eduardo Von Simson, 101 Ocean Lane Drive; Dr. Liane Frank, 485 Woodcrest Road; Dieter Sauer, 155 Ocean Lane Drive; Laudy Ibarra, 482 Fernwood Road; JoAnn Pisacane, 155 Ocean Lane Drive; Luz Stella Houlzet, 7 Coconut Lane; Adriana Gómez; Chris Macolini, 199 Ocean Lane Drive; José Hidalgo, 500 Harbor Drive; Brigitte Nachtigall, 931 Harbor Drive; Luisa Conway, 151 Crandon Boulevard; Eduardo Michelsen, 175 Hampton Lane; Cindy Navidar, 425 Ridgewood Road and Carlos Coto, 799 Crandon Boulevard. The Chairman closed the public hearing.

At this time, Mayor Davey and the Attorney addressed the public regarding the purpose of the proposed ordinance.

Councilmember Laredo addressed the public regarding by adopting the ordinance at this time there is no possibility to rescind the decision by Council.

There was extensive discussion by Council regarding the adoption of the ordinance.

The motion on the table to defer the adoption of the ordinance to March 19, 2019 failed by a 2-4 roll call vote. The vote was as follows: Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros and Ignacio Segurola voting No.

The Attorney addressed the Council regarding amending the ordinance to add as a prohibited use medical marijuana dispensaries in accordance with Section 381.986 Florida Statutes the dispensing of marijuana in any form by any person or business is prohibited.

Councilmember Laredo made a motion to recommend amending the ordinance to add as a prohibited use medical marijuana dispensaries in accordance with Section 381.986 Florida Statutes the dispensing of marijuana in any form by any person or business is prohibited, as it is consistent with the Master Plan. The motion was seconded by Councilmember Petros and approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

4. **ADJOURNMENT:** The meeting was adjourned at 7:11 p.m.

Respectfully submitted:

*Jennifer Medina, CMC
Village Clerk*

Approved this ____ day of _____ 2019:

*Michael W. Davey
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.