

MINUTES

ZONING MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, FEBRUARY 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 7:41 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. **AGENDA:** There were no changes to the agenda.

3. **APPROVAL OF MINUTES:** Vice Mayor Vernon made a motion to approve the minutes of the February 8, 2005 Regular Council Meeting. 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 101 HARBOR DRIVE FROM VR (VILLAGE RESIDENTIAL) TO I (INSTITUTIONAL); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE.

Councilmember Mendia made a motion to adopt the ordinance on first reading. The motion was

February 22, 2005

seconded by Councilmember Garcia.

The Manager and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council recommending that the Petition for Change of Zoning be approved. This affirmative recommendation on the Petition for Change of Zoning should in no way be understood to mean that a recommendation will be made in favor of the variances.

Mark Quinlivan, South Miami, Appraiser for the Village of Key Biscayne addressed the Council.

Lucia Dougherty and Mario Garcia-Serra, Greenberg Traurig attorneys representing the applicant; Guillermo Olmedillo, Coral Gables, Planner for the applicant; Michael Cannon, Integra Realty Resources, Appraiser for the applicant; Arthur Teitlebaum, Anti-Defamation League and Derek L. Gaubatz, Washington, D.C., The Becket Fund for Religious Liberty addressed the Council.

Santiago Echemendia, Tew Cardenas Rebak Kellog Lehman DeMaria Tague Raymond & Levine, P.A., representing the neighbors addressed the Council.

The Attorney addressed the Council regarding this application.

The Mayor opened the public hearing. John Festa, 695 Harbor Lane; Carolyn Koslen, 100 Sunrise Drive; Megan Andrews, 110 Buttonwood Drive; Frank Caplan, 101 Crandon Boulevard; Steven Caller, Lexington, Kentucky; Kiko Sarasua, 442 Hampton Lane; Steve Finnk, 240 Crandon Boulevard; Otto Borroto, 161 Crandon Boulevard; Ana Picaza Soler, 120 Buttonwood Drive; Mel Rubin, 651 Curtiswood Drive; Roberto Beraja, 781 Crandon Boulevard; Deborah de Leon, 100 Buttonwood; Gene Stearns, 180 Cape Florida Drive; Chuck Alter, 77 Crandon Boulevard; Patricia Verbeeck, 401 Glenridge Road; Leonarde Sommer, M.D., 1111 Crandon Boulevard; Ed Stone, 145 Hampton Lane; Sandra Goldstein, 611 Ocean Drive; Sari Martinez, 101 Buttonwood Drive; Alan Fein, 525 Allendale Road; Rabbi Yoel Caroline, 211 Greenwood Drive; Carlos Coto, 799 Crandon Boulevard; Sighi Drassinover, 1121 Crandon Boulevard; Airemel Caroline, 211 Greenwood Drive; Joe Rasco, 310 West Heather Drive; Ray Sullivan, 625 Harbor Circle; Julio Avello, 421 S. Mashta Drive; Jennifer Buttrick, 180 Buttonwood Drive; Carol Diaz-Castro, 140 Hampton Lane; Polly Fischer, 251 Crandon Boulevard; Jay Held, 210 Greenwood Drive; James S. Taintor, 355 Harbor Drive; Stephen Binhak, 151 Crandon Boulevard; David Block, 166 Harbor Drive; Matthew Buttrick, 180 Buttonwood Drive; Nelson Slosbergas, 699 Glenridge Road; Rebecca Metsch, 251 Crandon Boulevard; Evan Kestenberg, 240 Crandon Boulevard and Roy Larson, 137 Buttonwood Drive. The Mayor closed the public hearing.

Vice Mayor Vernon made a motion to extend the meeting to midnight. The motion was seconded by

February 22, 2005

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.

There was extensive discussion from Council regarding this application.

Councilmember Mendia made a motion to extend the meeting to 12:15 a.m. 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.

Staff was directed to research whether there exists a legal method of authorizing the religious use without the need to rezone or grant variances for the site.

The ordinance was adopted on first reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes. Councilmember Garcia voting No.

The second reading of this ordinance will be on March 15, 2005.

At this time Items 5A, 5B, 5C and 5D were heard.

5. **RESOLUTIONS:**

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE EXPENDITURE OF NINETY-SEVEN THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$97,840), FROM THE FEDERAL ASSET SHARING FUND TO COVER THE COSTS OF A COMPUTER AIDED DISPATCH AND COMPREHENSIVE INTEGRATED RECORDS AND MANAGEMENT SYSTEM (CAD/RMS) FROM USA SOFTWARE INCORPORATED.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND DOLLARS (\$21,000), FROM THE LAW ENFORCEMENT TRUST FUND TO COVER THE COSTS OF SOFTWARE SUPPORT, TRAINING AND LICENSING FEES FOR THE PROPOSED COMPUTER AIDED DISPATCH AND COMPREHENSIVE INTEGRATED RECORDS AND MANAGEMENT SYSTEM (CAD/RMS) FROM USA SOFTWARE INCORPORATED.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF

February 22, 2005

THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING CONSTRUCTION OF HARBOR DRIVE DRAINAGE IMPROVEMENTS; PROVIDING FOR EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND TWO-HUNDRED FORTY FOUR DOLLARS (\$17,244.80), FROM THE LAW ENFORCEMENT TRUST FUND TO COVER THE COSTS OF AND INSTALLATION FOR A VIDEO SECURITY SYSTEM FROM PRO-TECH INTERNATIONAL SECURITY SYSTEMS, INCORPORATED, FOR THE VILLAGE COMMUNITY CENTER.

Councilmember Thornton made a motion to approve the above resolutions. 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE VISION PLAN AND EVALUATION AND APPRAISAL REPORT COMMITTEE; PROVIDING, AMONG OTHER THINGS, THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS, RULES OF PROCEDURE AND THE DUTIES AND RESPONSIBILITIES OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Director Kurlancheek addressed the Council regarding this ordinance.

Vice Mayor Vernon made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Weinman and adopted on first reading 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 second reading of this ordinance will be on April 26, 2005.
The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE CODE, "ADMINISTRATION," ARTICLE III, "CODE ENFORCEMENT," AMENDING SECTION 2-31, "DEFINITIONS," AMENDING SECTION 2-32, "CIVIL OFFENSES AND PENALTIES," AMENDING SECTION 2-33, "QUALIFICATIONS OF SPECIAL MASTERS, APPOINTMENT AND REMOVAL; COMPENSATION," AMENDING SECTION 2-34, POWERS OF SPECIAL MASTERS," AMENDING SECTION 2-35, "VILLAGE ATTORNEY TO SERVE AS COUNSEL,"

AMENDING SECTION 2-36, "AUTHORITY TO INITIATE ENFORCEMENT PROCEEDINGS," AMENDING SECTION 2-37, "ENFORCEMENT PROCEDURES," DELETING SECTION 2-38, "CONTENTS AND SERVICE OF WARNING," AMENDING SECTION 2-39, "CONTENTS AND SERVICE OF NOTICE," AMENDING SECTION 2-40 "RIGHTS OF VIOLATORS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY AND CORRECT OR TO APPEAL," AMENDING SECTION 2-41, "SCHEDULING AND CONDUCT OF HEARING," AMENDING SECTION 2-42, "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AMENDING SECTION 2-43, "RECOVERY OF UNPAID CIVIL PENALTIES; UNPAID PENALTY TO CONSTITUTE A LIEN; FORECLOSURE," AMENDING SECTION 2-44, "APPEALS OF SPECIAL MASTER'S ORDER," AMENDING SECTION 2-46, "ADDITIONAL ENFORCEMENT POWERS," AND DELETING SECTION 2-47, "SCHEDULE OF CIVIL PENALTIES" OF THE VILLAGE CODE; ADOPTING AN ALTERNATE CODE ENFORCEMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR EFFECTIVE DATE.

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

The ordinance was adopted on first reading 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 second reading of this ordinance will be on April 26, 2005.

6. REPORTS AND RECOMMENDATIONS: The following items were discussed:

Mayor and Councilmembers. There were no items discussed.

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 explaining the use of a consent agenda.

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

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

9. ADJOURNMENT: The meeting was adjourned at 12:15 a.m.

February 22, 2005

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 8th day of March, 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.