

MINUTES
ZONING MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

Tuesday, March 19th, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 8:10 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein, Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Acting Village Manager James Ward, Village Clerk Conchita H. Alvarez and Village Attorneys Stephen J. Helfman, Joseph Serota and Elaine Cohen.

2. **AGENDA:** The Clerk requested the addition of a resolution authorizing the Manager to execute an agreement with Saint Agnes Catholic Church as Item 6B. There was no objection to the agenda change.

3. **APPROVAL OF MINUTES:** Councilmember Broucek made a motion to approve the minutes of the March 5, 2002 Special Council Meeting and the minutes of the March 5, 2002 Regular Council Meeting. The motion was seconded by Vice Mayor Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Mayor Rasco and the Members of the Village Council congratulated the Village Clerk on her acceptance to the Master Municipal Clerk's Academy (IIMC).

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 88 W. MCINTYRE STREET AND 560 CRANDON BOULEVARD TO REFLECT ITS DESIGNATION AS GU GOVERNMENT USE DISTRICT; AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 85 W. MCINTYRE STREET TO REFLECT ITS DESIGNATION AS GU GOVERNMENT USE DISTRICT AND PROS PUBLIC RECREATION AND OPEN SPACE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Blanca Mesa, 544 Fernwood Road; Andrew Gordon, 269 Cranwood Drive and Jonathan Ullman, 544 Fernwood Road addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council.

The motion to adopt the ordinance on first reading was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Peters voting No.

The Clerk announced the second reading on April 9, 2002.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PURCHASE AND SALE AGREEMENT BETWEEN KEY BISCAYNE ISLAND STANDARD, INC., A FLORIDA CORPORATION, AND THE VILLAGE OF KEY BISCAYNE; PROVIDING FOR PURCHASE OF CERTAIN LANDS AND IMPROVEMENTS BY THE VILLAGE; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE VILLAGE; AUTHORIZING VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE CONTRACT; AUTHORIZING VILLAGE MANAGER AND VILLAGE ATTORNEY TO TAKE ALL ACTION NECESSARY TO CLOSE THE PURCHASE AND SALE TRANSACTION; PROVIDING FOR EFFECTIVE DATE.

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

Councilmember Fein made a motion to table the ordinance to the April 9, 2002 Council Meeting. The motion was seconded by Councilmember Fried. Councilmember Fein withdrew his motion.

Elaine Cohen, Weiss Serota Helfman Pastoriza & Guedes, addressed the Council.

There was extensive discussion from Council regarding this ordinance.

Dr. Jim Leavitt, Chairman, Community Center Committee addressed the Council.

The Acting Village Manager addressed the Council regarding the purchase of the property.

Councilmember Fein made a motion to defer the second reading of the ordinance to April 9, 2002. The motion was seconded by Councilmember Fried and failed by a 2-5 roll call vote. The vote was as follows: Councilmembers Fein and Fried voting Yes. Councilmembers Bass, Broucek, Peters, Vice Mayor Oldakowski and Mayor Rasco voting No.

Vice Mayor Oldakowski made an amending motion to amend the lease expiration date to nine (9) months after Closing Date. The motion was seconded by Councilmember Bass and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Fein voting No.

The ordinance, as amended, was adopted on second reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Fein voting No.

It was the consensus of Council to direct the Attorney to bring before Council the cost for the option of eminent domain.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA
AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,500,000 OF LAND
ACQUISITION REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE,
FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH
THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Bass made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Broucek and adopted by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Fein was out of the room at the time the vote was taken.

The Clerk announced the second reading of the ordinance on April 9, 2002.

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA;
AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED
AGREEMENT ON BEHALF OF THE VILLAGE, WITH LEISURE VISION, INC., A
MARKET RESEARCH FIRM; PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Oldakowski made a motion to approve the resolution. The motion was seconded by Councilmember Broucek.

Todd Hofferberth, Director, Recreation Department addressed the Council and introduced Mr. Chris Tatham with Leisure Vision, Inc. Mr. Tatham addressed the Council regarding the survey.

Vice Mayor Oldakowski made a motion to amend the resolution to authorize the Manager to execute an agreement with Leisure Vision, Inc. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The resolution as amended was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

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 EXECUTE**

AN AGREEMENT WITH THE ARCHDIOCESE OF MIAMI, INC. (SAINT AGNES CATHOLIC CHURCH) FOR RECREATIONAL PURPOSE FIELDS; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Broucek made a motion to approve the resolution. The motion was seconded by Vice Mayor Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

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

At this time, James DeCocq, Beach Consultant for the Village, addressed the Council regarding the Beach Renourishment Project.

8. ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 9th day of April, 2002:

Joe I. Rasco
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.