

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, APRIL 25, 2006

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:35 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:** The Pledge of Allegiance was recited during the Local Planning Agency Meeting prior to the Zoning Meeting.
3. **AGENDA:** Mayor Oldakowski requested to hear Item 7A1 before Item 5A1 and to hear Item 7A3 after Item 7A1 and Councilmember Mendia requested to add a discussion of the noise ordinance as it relates to landscaping work at the schools as Item 7A5. There was no objection to the agenda changes.
4. **APPROVAL OF MINUTES:** Councilmember Liedman made a motion to approve the minutes of the April 11, 2006 Regular Council Meeting. 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.

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At this time Item 7A1 was heard. Councilmember Liedman addressed the Council introducing Robert Klausner with Klausner and Kaufman, Village Pension Attorney who addressed the Council regarding the Police/Firefighters=Retirement Plan. Mr. Klausner recommended that when the final report is received from The Segal Company, that a Special Council Meeting be held to address all of these concerns and settle on a final course of action. This will enable Council to focus exclusively on this issue in full view of the public and the employees with both the actuary and Klausner and Kaufman present to answer questions.

Fire Captain Michael Haring, Chairman of the Police/Firefighters=Pension Board and Police Lieutenant Joe Monteagudo, also from the Pension Board, addressed the Council.

It was the consensus of Council to hold a Retirement Plan workshop together with the Pension Board on Tuesday, May 23, 2006 at 7:00 p.m. in the Council Chamber.

At this time Item 7A3 was heard. Councilmember Weinman addressed the Council regarding the skate park.

Councilmember Weinman made a motion to build a skate park within the Village of Key Biscayne with a site to be selected within 30 days. The motion was seconded by Councilmember Thornton.

The following residents addressed the Council: Rachel Fried, Mayor of the Key Biscayne Youth Council; Patrick Wanninhof; Tegan Issartel; Rutger Nunez; Joao Teixeira; David Riascos; Mathew Brown; Jeff Jenkins; Kimberly Bryan, 141 Crandon Boulevard; Lourdes D-Ottone, 251 Galen Drive; Ann Williamson, 575 Crandon Boulevard; Camille Guething, 260 Seaview Drive; Zaida Vidal, 600 Grapetree Drive; Michael Kahn, 881 Ocean Drive; Julie Alvarez, 150 Sunrise Drive; Ed Meyer, 100 Sunrise Drive; Jackie Sanchez-Volny, 385 Ridgewood Road; Patricia Urbina, 709 Crandon Boulevard; Elias Vivas; Dave Morales, and Diana Voguel, 210 Hampton Lane.

The Manager and Todd Hofferberth, Director of Parks and Recreation addressed the Council regarding the proposed skate park.

The motion was 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.

At this time the Council took a 5 minute recess. The meeting was reconvened at 9:05 p.m.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 ZONING OF THE CODE OF KEY BISCAYNE, FLORIDA, BY MODIFYING THE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF PREMISES; SPECIFICALLY AMENDING SECTION 30-112, ASUPPLEMENTAL USE REGULATIONS, PERTAINING TO ALCOHOLIC BEVERAGES IN ORDER TO PROVIDE MINIMUM DISTANCE REQUIREMENTS FOR ESTABLISHMENTS ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF PREMISES AND ESTABLISHING MINIMUM CRITERIA FOR SUCH ESTABLISHMENTS BASED ON FLOOR AREA AND DISTANCE BETWEEN SUCH ESTABLISHMENTS; 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 first reading. The motion was seconded by Councilmember Thornton.

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

Lucia Dougherty, with Greenberg Traurig, Miami representing Key Biscayne Wine Group addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Mortimer Fried, 291 Harbor Court and Nick Maveris, 44 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to direct staff to bring a different proposal at a future Council meeting.

The ordinance failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Liedman, Thornton and Mayor Oldakowski voting Yes. Councilmembers Garcia, Mendia, Weinman and Vice Mayor Vernon voting No.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Thornton.

The Manager and Chief of Fire Rescue John C. Gilbert addressed the Council regarding this resolution.

The resolution was 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 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 DAVISLOGIC, INC., D/B/A ALL HANDS CONSULTING, CONCERNING PROVISION OF PROFESSIONAL EMERGENCY MANAGEMENT PLANNING SERVICES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Weinman.

Chief Gilbert addressed the Council regarding this resolution.

The resolution was 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.

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

Mayor and Councilmembers. Councilmember Liedman addressed the Council regarding the implementation of fire rescue transport fees.

Chief Gilbert also addressed the Council regarding the implementation of fire rescue transport fees.

Councilmember Weinman also addressed the Council proposing to hold Council Meetings in neighborhood locations in order to attract more people to the meetings.

The Manager addressed the Council regarding this proposal.

Councilmember Mendia addressed the Council regarding the noise ordinance as it relates to landscaping work at the schools.

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The Manager addressed the Council regarding this issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council the Certification of the April 11, 2006 Special Mail Ballot Election results.

Councilmember Garcia made a motion to accept the Clerk's Certification of the April 11, 2006 Special Mail Ballot Election results. 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.

Village Manager. The Manager addressed the Council introducing Lourdes Abadin with Estrada Hinojosa and Company and Patricia Carney with PBS&J who addressed the Council giving an update on the Sanitary Sewer Project.

Public Works Director, Armando Nunez also addressed the Council regarding the different zones for the proposed Sanitary Sewer Project.

Councilmember Mendia made a motion to extend the meeting to 11:10 p.m. 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.

It was the consensus of Council to direct staff to present a schedule of events for the proposed Sanitary Sewer at the next Council Meeting.

8. **OTHER BUSINESS/GENERAL DISCUSSION:** The Manager addressed the Council giving an update on the Crandon Boulevard Master Plan.

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

10. **ADJOURNMENT:** The meeting was adjourned at 11:10 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 9th day of May, 2006:

*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.