

MINUTES

ZONING MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, APRIL 26, 2005

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:15p.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:** Councilmember Weinman requested to hear Item 6A1 before Item 4A1 and the addition of a brief discussion regarding street safety as Item 6A3; Mayor Oldakowski requested the addition of a brief presentation by Mabel Miller regarding Virginia Key and also requested to hear Items 4A3 and 4A4 before Items 4A1 and 4A2. There was no objection to the agenda changes.

3. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the April 12, 2005 Regular Council Meeting. 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 Weinman introduced the members of the Key Biscayne Youth Council. The Youth Council made a special presentation to the Council regarding their attendance to the National League of Cities.

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Mabel Miller, 210 Seaview Drive addressed the Council regarding the celebration of the start of the Virginia Key Master Plan.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-102 AGU GOVERNMENTAL USE DISTRICT@ OF CHAPTER 30 AZONING@ OF THE CODE OF KEY BISCAYNE, FLORIDA, BY ADDING A SCHEDULE OF PERMITTED USES AND REGULATIONS FOR PUBLIC BEACHES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

The Attorney addressed the Council regarding this ordinance.

The Manager and Building, Zoning and Planning Director, Jud Kurlancheek addressed the Council recommending the adoption on first reading of this ordinance which establishes regulations that permit concessions on the public beach.

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

The Mayor opened the public hearing. Hector Meneses, 425 Grand Bay, representing the Grand Bay Club; Dr. Louise Kist, 881 Ocean Drive; Rick Fuentes, 881 Ocean Drive; Andy Langesfeld, 425 Grand Bay Drive, El Club; Michael Kahn, 881 Ocean Drive; Aleida Pridgen, 150 Ocean Lane Drive; Guillermo R. Fernandez, 361 Palmwood Lane; Susan Amick, 100 Ocean Lane Drive; Michele Estevez, 800 Crandon Boulevard; Linda Chehab, 151 Crandon Boulevard; David Munn, 781 Crandon Boulevard read a letter on behalf of John Heider, 791 Crandon Boulevard; R. Martin Saenz, Miami, representing Grand Bay Club and El Club; Don Bercu, 791 Crandon Boulevard; Peter Michelin, 425 Grand Bay, El Club; Shirley Feldman, 1121 Crandon Boulevard and Raymond Cote, 170 Ocean Lane Drive addressed the Council. The Mayor closed the public hearing.

It was the consensus of Council to eliminate the Beach Sundries Sales from the Type of Recreational Activities category and to allow the commercial rental of non-motorized vessels in the Upland Beach Club category within the Type of Recreational Activities.

Councilmember Garcia made a motion to amend the ordinance by deleting motorized vessels from the Type of Recreational Activities category. The motion was seconded by Councilmember Liedman and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes. Councilmember Mendia voting No.

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The ordinance, as amended, was adopted on first 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 second reading of this ordinance will be on May 24, 2005.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-32 APROHIBITED WATER ACTIVITY@ OF CHAPTER 4 ABOATS, VESSELS AND WATERCRAFT@ OF THE CODE OF KEY BISCAYNE, FLORIDA, BY PROVIDING THAT VILLAGE COUNCIL SHALL AUTHORIZE EXCEPTIONS IN LIEU OF VILLAGE MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending the adoption on first reading of this ordinance.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Councilmember Garcia made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Mendia and approved 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 second reading of this ordinance will be on May 24, 2005.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 ANOISE@ 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.

The Manager, the Attorney and Director Kurlancheek addressed the Council recommending approval of this ordinance as recommended by the Noise Ordinance Review Committee.

Vice Mayor Vernon made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Weinman.

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The Mayor opened the public hearing. Jacqueline Sanchez-Volny, 385 Ridgewood Road and Serge Barder, Chairperson of the Noise Ordinance Review Committee addressed the Council. The Mayor closed the public hearing.

It was the consensus of Council to eliminate the use of commercial maintenance equipment, power tools and landscaping equipment on Saturday, Sundays and Holidays.

The ordinance, as amended, was adopted on first 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 second reading of this ordinance will be on May 24, 2005.

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

AN ORDINANCE OF VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 ANOISE OF THE VILLAGE CODE BY CREATING SECTION 17-8 AFALSE BURGLAR ALARMS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

The Manager and Director Kurlancheek addressed the Council recommending approval of this ordinance as recommended by the Noise Ordinance Review Committee.

Vice Mayor Vernon made a motion to adopt the ordinance on first 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 first 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 second reading of this ordinance will be on May 24, 2005.

The Clerk read the following ordinance on second 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,

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AQUALIFICATIONS OF SPECIAL MASTERS, APPOINTMENT AND REMOVAL; COMPENSATION,@ AMENDING SECTION 2-34, POWERS OF SPECIAL MASTERS,@ AMENDING SECTION 2-35, AVILLAGE ATTORNEY TO SERVE AS COUNSEL,@ AMENDING SECTION 2-36, AAUTHORITY TO INITIATE ENFORCEMENT PROCEEDINGS,@ AMENDING SECTION 2-37, AENFORCEMENT PROCEDURES,@ DELETING SECTION 2-38, ACONTENTS AND SERVICE OF WARNING,@ AMENDING SECTION 2-39, ACONTENTS AND SERVICE OF NOTICE,@ AMENDING SECTION 2-40 ARIGHTS OF VIOLATORS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY AND CORRECT OR TO APPEAL,@ AMENDING SECTION 2-41, ASCHEDULING AND CONDUCT OF HEARING,@ AMENDING SECTION 2-42, ACIVIL 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, AAPPEALS OF SPECIAL MASTER=S ORDER,@ AMENDING SECTION 2-46, AADDITIONAL ENFORCEMENT POWERS,@ AND DELETING SECTION 2-47, ASCHEDULE 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.

The Attorney addressed the Council regarding this ordinance.

The Manager and Director Kurlancheek addressed the Council recommending the adoption on second reading of this ordinance which provides for amendments to the Village Code which will streamline our code enforcement procedures.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Vice Mayor Vernon made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Mendia and approved 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.

5. **RESOLUTIONS:** There were no resolutions considered by Council:

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

Mayor and Councilmembers. Councilmember Weinman requested deferral of the communications program to the next Council Meeting.

Councilmember Weinman addressed the Council regarding street safety.

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Chief of Police Charles R. Press addressed the Council regarding this issue.

Village Attorney. The Attorney addressed the Council regarding the restrictions on the Beach Park.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

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 10:50 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 10th day of May, 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.