

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, MAY 24, 2005

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 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 and Village Attorney Stephen P. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Former Councilmember Mortimer Fried led the Pledge of Allegiance.
3. **AGENDA:** Councilmember Weinman requested the addition of appointment of Mr. Frank Caplan to the Vision Committee as Item 8A2 and Councilmember Liedman requested the addition of a clarification on the Fire Rescue transport fees as Item 8A3. There was no objection to the agenda changes.
4. **SPECIAL PRESENTATION:** Mr. Fausto Gomez addressed the Council reporting on the legislative agenda. Mr. Gomez reported the successes in Tallahassee for the Village of Key Biscayne in the amount of \$4 million dollars.

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5. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the May 10, 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.

6. **ORDINANCES:** The Attorney read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,500,000 OF TRANSPORTATION TAX 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 Liedman made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Mendia.

The Manager and Finance Director Randolph G. White addressed the Council regarding this ordinance.

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 June 14, 2005.

The Attorney read the following ordinance on second 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.

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

The Manager and Building, Zoning and Planning Director, Jud Kurlancheek addressed the Council

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regarding this ordinance.

The Mayor opened the public hearing. The following persons addressed the Council: Adrian Rene Czahar, Commodore Club East; Celia M. Von Specht, Commodore Club East; Alexander D. Varkas, Jr., 155 Ocean Lane Drive; Rick Fuentes, 881 Ocean Drive; Michael Kahn, 881 Ocean Drive; Deidre Ashe, 605 Ocean Drive; Michele Estevez-Hayes, 800 Crandon Boulevard; Guido Conill, 600 Grapetree Drive; Mike Steffans, 615 Ocean Drive; Mortimer Fried, 291 Harbour Court; Andy Langesfeld, 425 Grand Bay Drive; Veronica Vidal, 303 Galen Drive; Hector Meneses, representing the Grand Bay Club, 425 Grand Bay Drive; Peter Michelin, 425 Grand Bay Drive; Richard Johnson, Ocean Lane Drive; Kiki Kuhnert, 151 Crandon Boulevard; Susan Amick, 100 Ocean Lane Drive; Peggy Mathews, representing American Watercraft Association, Tallahassee, Florida Serge Barder, 211 Cape Florida Drive and Raymond Cote, 170 Ocean Lane Drive. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

Vice Mayor Vernon made a motion to amend **Section (g) *Supplementary Regulations. (8)*** by inserting the following language at the end of the first sentence: Unless overnight storage on the public beach is approved as part of a Beach Management Plan[®]. The motion was seconded by Councilmember Thornton 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 amend **Section (f) *Beach Management Plan. (1)*** changing the submission of the Plan from the Building, Zoning and Planning Director to the Village Manager.

It was also the consensus of Council to amend the effective date of this ordinance to 60 days following adoption on second reading.

Councilmember Thornton made a motion to approve the language, as presented, regarding the use of motorized vehicles on the beach. 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.

It was the consensus of Council to add the following language, after personal watercraft, in **Section (g) *Supplementary Regulations. (9)***: four stroke engine or latest technology.

The ordinance, as amended, was adopted on second 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 Attorney read the following ordinance on second reading, by title:

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AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-32 PROHIBITED WATER ACTIVITY OF CHAPTER 4 BOATS, 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.

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

Director Kurlancheek addressed the Council regarding this ordinance.

The Mayor opened the public hearing. The following persons addressed the Council: Rick Fuentes, 881 Ocean Drive; Michael Kahn, 881 Ocean Drive and Diana Garmendia, 881 Ocean Drive. The Mayor closed the public hearing.

The ordinance was adopted on second 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 Attorney read the following ordinance on second reading, by title:

AN ORDINANCE OF VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 NOISE 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.

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

The Attorney, Director Kurlancheek and Chief of Police Charles R. Press addressed the Council regarding this ordinance.

The Mayor opened the public hearing. The following persons addressed the Council: Serge Barder, 211 Cape Florida Drive; Mike Steffens, 615 Ocean Drive; Mark Bainbridge, Ocean Club Community Association and Michele Estevez-Hayes, 800 Crandon Boulevard. The Mayor closed the public hearing.

Vice Mayor Vernon made a motion to extend the meeting to 11:30 p.m. The motion was seconded

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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.

Mayor Oldakowski made a motion to defer the adoption of the ordinance to the meeting of June 14, 2005. The motion was seconded by Vice Mayor Vernon 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 Attorney read the following ordinance on second 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.

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

The Manager addressed the Council regarding this ordinance.

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

The ordinance was adopted on second 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 Attorney read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION", BY AMENDING ARTICLE I "IN GENERAL", BY AMENDING SECTION 2-1 "CREATION OF DEPARTMENTS" AT PARAGRAPH (a) "CREATED", TO REPEAL THE REFERENCE TO THE CONSOLIDATED "PUBLIC SAFETY DEPARTMENT" AND TO INSTEAD CREATE A SEPARATE FIRE RESCUE DEPARTMENT AND A POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR EFFECTIVE DATE.

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

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The Manager addressed the Council regarding this ordinance.

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

The ordinance was adopted on second 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 Attorney read the following ordinance on second reading, by title:

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE AVILLAGE®), CONCERNING THE CONSTRUCTION OF CRANDON BOULEVARD IMPROVEMENTS B PHASE II OF THE VILLAGE; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT IMPROVEMENTS ON CRANDON BOULEVARD AND AT CERTAIN ROADWAYS IN THE VICINITY OF CRANDON BOULEVARD, AS DESCRIBED HEREIN; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this ordinance.

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

The ordinance was adopted on second 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.

7. **RESOLUTIONS:** The Attorney read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO M. VILA AND ASSOCIATES, INC., FOR CRANDON BOULEVARD IMPROVEMENTS B PHASE II; PROVIDING FOR APPROVAL OF CONTRACT FOR CONSTRUCTION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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The Manager and Ramon Castella, 3CTS addressed the Council regarding this resolution.

Vice Mayor Vernon made a motion to approve the resolution. 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.

Councilmember Garcia made a motion to extend the meeting to 11:35 p.m. The motion was seconded by Councilmember Liedman and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes. Vice Mayor Vernon voting No.

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

Mayor and Councilmembers. Councilmember Liedman addressed the Council regarding the improvements to Ocean Lane Drive.

Director of Public Works Armando Nunez addressed the Council reporting that the improvements are scheduled to start by July 2005.

Councilmember Weinman addressed the Council recommending the appointment of Mr. Franklin Caplan to the VISION Committee. It was the consensus of Council to place this item on the agenda for the June 14, 2005 Meeting.

Councilmember Liedman addressed the Council regarding the proposed Fire Rescue transport fees.

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 regarding mosquito control.

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

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

11. **ADJOURNMENT:** The meeting was adjourned at 11:35 p.m.

Respectfully submitted:

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*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 14th day of June, 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.