

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, AUGUST 30, 2005

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:16 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. **SPECIAL PRESENTATIONS:** Mayor Oldakowski, on behalf of the Village Council, presented a proclamation to the Key Biscayne Firefighters recognizing their efforts on behalf of the Muscular Dystrophy Association and recognizing September 1 through September 11, 2005 as International Association of Firefighters Week® in the Village of Key Biscayne.
3. **PUBLIC COMMENTS:** The following residents addressed the Council: Martha F. Broucek, 170 Ocean Lane Drive.
4. **AGENDA:** Mayor Oldakowski requested the deferral of Items 6A1, 7A and 7B to the September 6, 2005 Regular Council Meeting. There was no objection to the agenda changes.
5. **APPROVAL OF MINUTES:** Vice Mayor Vernon made a motion to approve the minutes of the July 5, 2005 Regular Council Meeting and the minutes of the July 26, 2005 Proposed Land Development and Regulations Workshop. 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.

6. **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 AMENDING DEFINITIONS; AMENDING PERMITTED AND CONDITIONAL USES; AMENDING DEVELOPMENT REGULATIONS INCLUDING, BUT NOT LIMITED TO, HEIGHT, SETBACK AND FLOOR AREA RATIO REQUIREMENTS; AMENDING PERFORMANCE STANDARDS; AMENDING SUPPLEMENTAL REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES; AMENDING OFF-STREET PARKING REQUIREMENTS; AMENDING NON-RESIDENTIAL DISTRICT SIGN REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Thornton made a motion to continue this hearing to the Zoning Meeting of October 25, 2005. The motion was seconded by Councilmember Weinman and approved by a 6-0 voice vote.

The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes. Vice Mayor Vernon was out of the room at the time the vote was taken.

The Clerk 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 TO ENHANCE REGULATIONS AND RESTRICTIONS ON NOISE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This hearing is continued from the July 5, 2005 Regular Council Meeting.

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

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

The Manager and the Attorney addressed the Council regarding this ordinance recommending that the hearing be continued to the October 11, 2005 Council Meeting.

Councilmember Mendia made a motion to continue this hearing to the October 11, 2005 Regular Council Meeting. 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 Clerk read the following ordinance on second reading, by title:

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING ARTICLE IV "FINANCE" OF CHAPTER 2 "ADMINISTRATION" BY CREATING SECTION 2-75 "FIRE RESCUE TRANSPORT FEE", TO PROVIDE FOR FEES TO BE IMPOSED FOR FIRE RESCUE TRANSPORT SERVICES PROVIDED BY THE VILLAGE OF KEY BISCAYNE FIRE RESCUE DEPARTMENT; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive; John Festa, 695 Harbor Lane and Ed Meyer, 100 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

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 Clerk 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 8 "ENVIRONMENT," BY CREATING ARTICLE V "HURRICANE PROTECTION MEASURES" CONSISTING OF SECTION 8-301 "PREVENTION OF STORM DAMAGE"; PROVIDING REGULATIONS CONCERNING LANDSCAPING AND THE MAINTENANCE AND DISPOSAL OF LANDSCAPING DEBRIS, TREES, YARD WASTE AND VEGETATION, SO AS TO MITIGATE POTENTIAL STORM IMPACTS AND DAMAGES; PROVIDING RESTRICTIONS ON PLACEMENT OF LANDSCAPING DEBRIS; PROVIDING FOR PROTECTION OF ELECTRIC POWER LINES FROM VEGETATIVE GROWTH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

The Manager, the Attorney and Armando Nunez, Public Works Director addressed the Council regarding this ordinance.

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

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seconded by Councilmember Liedman.

The Mayor opened the public hearing. Gloria Izaguirre, 285 Hampton Lane; John Festa, 695 Harbor Lane; Martha F. Broucek, 170 Ocean Lane Drive; Camille Guething, 260 Seaview Drive; Mortimer Fried, 291 Harbor Court and Sydney Cooper, 170 Ocean Lane Drive addressed the Council. The Mayor closed the public hearing.

Mr. John Sutton, with Sutton Consulting Arborist, Inc., arborist for the Village, made a presentation to Council regarding managing and planning the urban forest for the Village.

There was extensive discussion from Council regarding this ordinance.

Councilmember Liedman made a motion to continue this hearing to the September 6, 2005 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.

At this time Councilmember Weinman addressed the Council regarding the role of the Community Center during a hurricane aftermath.

The Manager and Parks and Recreation Director Todd Hofferberth also addressed the Council regarding this issue.

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

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the appointment of Councilmember Liedman as liaison to the Condo/Hotel Managers= group.

Mayor Oldakowski made a motion to appoint Councilmember Liedman as liaison to the Condo/Hotel Managers= group. 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.

Mayor Oldakowski addressed the Council regarding burying FPL Power Lines. There was extensive discussion from Council regarding this issue.

John Festa, 695 Harbor Lane addressed the Council.

Village Attorney. The Attorney did not submit a report.

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Village Clerk. At Mayor Oldakowski's request, the Clerk submitted to the Council a Miami-Dade County Clerk's salary survey.

The Clerk also submitted to the Council a copy of the following proclamations issued by the Office of the Mayor during the months of August 2005: Voluntary Pre-Kindergarten Day and Annual Memory Walk Awareness for Alzheimer's Disease.

Village Manager. The Manager did not submit a report.

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 9:40 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 6th day of September, 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.