

MINUTES
ZONING MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

Tuesday, January 29th, 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 Vice Mayor at 8:21 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein (arrived at 8:45 p.m.), Mortimer Fried, James L. Peters and Vice Mayor Robert Oldakowski. Mayor Joe I. Rasco was absent. Also present were Village Manager C. Samuel Kissinger, Village Clerk Conchita H. Alvarez and Village Attorneys Richard Jay Weiss and Nancy E. Stroud.

2. **PLEDGE OF ALLEGIANCE:** Vice Mayor Oldakowski led the Pledge of Allegiance.

3. **AGENDA:** Vice Mayor Oldakowski requested the withdrawal of Item 8A1; Councilmember Peters requested the addition of a discussion regarding a Fire Department health issue as Item 8A1.

There was no objection to the agenda changes.

Santiago Echemendia, attorney with Tew Cardenas Rebak Kellogg Lehman DeMaria Tague Raymond & Levine, L.L.P., on behalf of the Key Biscayne Shopping Center Joint Venture, requested the withdrawal of Items 6A, 6B and 6C without prejudice.

Councilmember Broucek made a motion to accept the withdrawal of Items 6A, 6B and 6C without prejudice. The motion was seconded by Councilmember Fried and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters and Vice Mayor Oldakowski voting Yes.

4. **APPROVAL OF MINUTES:** Councilmember Broucek made a motion to approve the minutes of the January 15, 2002 Regular Council Meeting. The motion was seconded by Councilmember Fried and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters and Vice Mayor Oldakowski voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100(f)(3) OF THE ZONING AND LAND DEVELOPMENT REGULATIONS RELATING TO THE MAXIMUM PROJECTION OF DOCKS AND RELATED MARINE STRUCTURES INTO THE ATLANTIC OCEAN AND BISCAYNE BAY; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

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

Director Kurlancheek addressed the Council regarding this ordinance.

Richard Bunnell, Bunnell Foundation, Miami; David Ettman, Biscayne Environmental and James Taintor, 355 Harbor Drive addressed the Council.

It was the consensus of Council to direct staff to address the issue of the length of boats within the D5 triangle and to conduct a survey of docks within the Village of Key Biscayne and report back to Council by March 19, 2002.

The ordinance as recommended by the LPA failed by a 3-2 roll call vote. The vote was as follows: Councilmembers Bass, Fried and Vice Mayor Oldakowski voting Yes. Councilmembers Broucek and Peters voting No.

6. BUILDING, ZONING AND PLANNING: Items 6A, 6B and 6C were withdrawn by the applicant.

7. RESOLUTIONS: The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING A MULTI TENANT SIGN PACKAGE FOR A SHOPPING CENTER AT 800 CRANDON BOULEVARD.

Councilmember Broucek made a motion to approve the resolution. The motion was seconded by Councilmember Peters.

Director Kurlancheek addressed the Council regarding this resolution.

Wayne Manla, 121 Island Drive, Linda Manla, 121 Island Drive and Roberto Cambo, 670 South Mashta Drive addressed the Council.

There was extensive discussion from Council regarding the request for a multi tenant sign package.

Councilmember Fein made a motion to defer this resolution to the Council Meeting of February 12, 2002. The motion was seconded by Councilmember Bass and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein and Vice Mayor Oldakowski voting Yes. Councilmembers Fried and Peters voting No.

At this time Items 7B and 7C were heard.

Director Kurlancheek, Rick Derrer, President, James A. Cummings, Inc. addressed the Council regarding these resolutions.

Mr. Derrer and Chief of Fire Rescue John C. Gilbert addressed the Council regarding the Fire Station under construction.

Carol Diaz-Castro, 240 Hampton Lane; Blanca Mesa, 544 Fernwood Road; Rafael Perez, 524 Fernwood Road; Richard Gregorie, Key Biscayne; Jim Taintor, 355 Harbor Drive and Linda Davitian, 720 Myrtlewood Lane addressed the Council.

There was extensive discussion from Council regarding Items 7B and 7C.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING THE GUARANTEED MAXIMUM PRICE (GMP) AND AUTHORIZING THE CONSTRUCTION OF PHASE 1 SITE AND SITE INFRASTRUCTURE WORK FOR THE CIVIC CENTER; PROVIDING THAT THE SPENDING AUTHORITY AS SET FORTH IN THE VILLAGE'S AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES IS AMENDED TO CORRESPOND WITH THE GUARANTEED MAXIMUM PRICE OF THE SITE AND SITE INFRASTRUCTURE WORK; PROVIDING FOR AN EFFECTIVE DATE.

Director Kurlancheek addressed the Council regarding this resolution.

Councilmember Fein made a motion to approve the resolution. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters and Vice 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, ACCEPTING CONSTRUCTION OF PLAYING FIELDS AT 200 CRANDON BOULEVARD; RATIFYING ACCOMPLISHMENT OF CONSTRUCTION BY THE VILLAGE OF KEY BISCAYNE; AUTHORIZING WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fein made a motion to approve the resolution. The motion was seconded by Councilmember Broucek.

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 4-2 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried and Vice Mayor Oldakowski voting Yes. Councilmembers Broucek and Peters voting No.

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

Mayor and Councilmembers. Councilmember Peters addressed the Council regarding a health issue in the Fire Department.

Firefighter/Paramedic Dan Feeney addressed the Council regarding this issue.

It was the consensus of Council to direct staff to look into this problem and bring back solutions to Council at the next Council meeting.

Vice Mayor Oldakowski requested that staff report back to Council on the benefits of the original site plan and the benefits of the plan presented here tonight by Ms. Carol Diaz-Castro. There was no objection to the request.

Village Attorney. The Attorney requested an Executive Session regarding the lawsuit John Festa et al vs. The Village of Key Biscayne. The Clerk will coordinate the scheduling with the Council.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council requesting to re-schedule the February 5, 2002 Goals and Objectives Workshop due to a conflict with the Building Review Committee schedule.

It was consensus of Council to re-schedule the Goals and Objectives Workshop.

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 10:35 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 12th day of February, 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.