

MINUTES
ZONING MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, FEBRUARY 25, 2003

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 Martha F. Broucek, Carol Diaz-Castro, Mortimer Fried, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. PLEDGE OF ALLEGIANCE: Janice and Howard Scholl led the Pledge of Allegiance.

3. AGENDA: The Clerk requested to renumber the agenda; Mayor Oldakowski requested the addition of a discussion regarding scheduling of workshops as Item 7D4. There was no objection to the agenda changes.

4. APPROVAL OF MINUTES: Councilmember Fried made a motion to approve the minutes of the February 11, 2003 Regular Council Meeting. The motion was seconded by Vice Mayor Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; AMENDING CHAPTER 2 "ADMINISTRATION" OF THE VILLAGE CODE BY AMENDING ARTICLE IV "FINANCE" AT DIVISION 1 "GENERALLY" BY CREATING SECTION 2-71 "FEES FOR USE OF COMMUNITY CENTER;" AUTHORIZING THE VILLAGE COUNCIL, BY RESOLUTION, TO PROVIDE FEES FOR MEMBERSHIP IN AND THE USE OF THE COMMUNITY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk announced the second reading of the ordinance on March 18, 2003.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REZONING THE PROPERTIES LOCATED AT 701, 714, 725, 726, 735, 738, 745, 750, 759, 762, 775, 774, 785, 786, 795 AND 798 FERNWOOD ROAD, FURTHER DESCRIBED IN EXHIBIT "A", FROM PS (PARKSIDE RESIDENTIAL) TO VR (VILLAGE RESIDENTIAL); PROVIDING FOR DESIGNATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Kathy King, 745 Fernwood Road; Joel Kalman, 795 Fernwood Road; Fabrizio Schettini, 726 Fernwood Road; Michael Kahn, 881 Ocean Drive; Camille Guething, 260 Seaview Drive; Don Singer, 100 Sunrise Drive and Mary Albanese, 762 Fernwood Road addressed the Council. The Mayor closed the public hearing.

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

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR EDUCATIONAL FACILITIES PLANNING, SITE SELECTION AND ACQUISITION, AND CONSTRUCTION; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and the Attorney addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Peters was out of the Chamber at the time the vote was taken.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; SUPPORTING THE DESIGNATION OF NATIONAL PARK FOR THE VIRGINIA KEY BEACH PARK.

Mayor Oldakowski made a motion to approve the resolution. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO PROVIDE FOR THE RENOVATION OF A PUBLIC FACILITY, TO WIT: THE VILLAGE GREEN SPRAY POOL, AS DESCRIBED IN THE ATTACHED MEMORANDUM AND PROPOSAL; AUTHORIZING THE WAIVER OF COMPETITIVE BIDDING PROCEDURES FOR THIS TRANSACTION AS AUTHORIZED BY VILLAGE CODE SECTION 2-85; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Vernon.

The Manager and Todd Hofferberth, Recreation Department Director, addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the consideration of a request by petitioners' committee to review filing of affidavit and proposed referendum petition form for conformity with Charter Section 5.02(c).

Councilmember Fried made a motion to direct the Attorney to review the proposed referendum petition for conformity with Charter Section 5.02(c). The motion was seconded by Councilmember Peters and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Broucek addressed the Council in reference to the 911 response time regarding recent events.

It was the consensus of Council to hold a workshop regarding 911 on Tuesday, April 1, 2003 at 6:00 p.m.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager presented to the Council a fund balance analysis recommending that the Village Council instruct the Manager to appropriate the surplus of \$497,702.

Randy White, Finance Director addressed the Council regarding the surplus.

Councilmember Fried made a motion to direct the Manager to designate the surplus of \$497, 702 as follows: \$200,000 to the Emergency Fund Reserve; 200,000 to Land Acquisition/Playing Field Reserve and the balance into the Community Center Equipment Reserve. The motion was seconded by Vice Mayor Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Manager also addressed the Council regarding fiscal year 2002 appropriations transfers recommending that Council approve such transfers.

Councilmember Broucek made a motion to approve the attached fiscal year 2002 appropriations transfers. The motion was seconded by Councilmember Fried and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Ed Meyer, 100 Sunrise Drive addressed the Council regarding fireworks.

The Manager and Mr. Hofferberth, Recreation Director addressed the placement of Bocci courts. It was the consensus of Council to direct staff to look into this issue and bring back to Council at a future meeting.

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 8:30 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 18th day of March , 2003:

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.