

MINUTES  
**ZONING MEETING**  
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 23rd, 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 Mayor at 7:11 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein (arrived at 7:20 p.m.), Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Interim Village Manager James Ward, Village Clerk Conchita H. Alvarez and Village Attorney Richard Jay Weiss.

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

**3. AGENDA:** There were no agenda changes.

**4 CONSENT AGENDA:** Councilmember Broucek made a motion to approve the minutes of the April 3, 2002 Special Council Meeting and the minutes of the April 9, 2002 Regular Council Meeting. The motion was seconded by Vice Mayor Oldakowski and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco 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 30-197 "SUPPLEMENTAL REGULATIONS" OF CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES OF KEY BISCAYNE TO REGULATE SIGNAGE ON GOLF CARTS; AMENDING SECTION 30-11 REGARDING THE DEFINITION OF VEHICLE SIGN; AMENDING SECTION 26-23 OF CHAPTER 26 "TRAFFIC AND VEHICLES" TO ADD PARAGRAPH (C) REGARDING PARKING OF GOLF CARTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

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

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

The Attorney addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Patricia Romano, 361 Ridgewood Road; Patricia Villa, 150 Ocean Lane Drive; Bill Cole, 580 Fernwood Road; Jim Taintor, 355 Harbor Drive and Ed Meyer, 100 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

The ordinance was adopted on first reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass voting No.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,500,000 OF LAND ACQUISITION 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 Fried made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Broucek.

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

There was extensive discussion of Council regarding this ordinance.

Jeffrey D. DeCarlo, Bond Counsel for the Village of Key Biscayne with Adorno & Zeder, 2601 South Bayshore Drive addressed the Council regarding this ordinance.

Councilmember Fein made an amending motion to add the following whereas clause: Whereas, the issuance of \$1,500,000 in bonds in no way indicates that the Village feels that is the value of the property". The motion was seconded by Councilmember Broucek and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The ordinance as amended was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

**6. RESOLUTIONS:** The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; CONCERNING VILLAGE SANITARY SEWER IMPROVEMENT PROJECT (THE "PROJECT"); PROVIDING FOR REPEAL OF RESOLUTION 99-92, WHICH HAD COMMENCED THE SPECIAL ASSESSMENT FOR THE PROJECT, AND REPEALING RESOLUTION 2001-35, WHICH HAD CONFIRMED THE SPECIAL ASSESSMENTS FOR THE PROJECT; SO AS TO TERMINATE THE SPECIAL ASSESSMENT PROCESS FOR THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE.**

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

Councilmember Broucek made an amending motion to delete the following words from the title: "which had commenced the special assessment for the project" and "which had confirmed the special assessments for the project". The motion was

seconded by Councilmember Bass and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The resolution as amended was approved by a 5-2 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters and Vice Mayor Oldakowski voting Yes. Councilmember Fein and Mayor Rasco voting No.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; RELATING TO THE LOCATION, DESIGN, AND CONSTRUCTION OF A CONCRETE BLOCK AND STUCCO BUS SHELTER WITH A METAL SEAM ROOF IN THE CRANDON BOULEVARD PUBLIC RIGHT OF WAY AT THE CURRENT LOCATION OF A BUS STOP AT THE NORTHERN LIMITS OF THE VILLAGE; PROVIDING FOR AN EFFECTIVE DATE.**

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

Director Kurlancheek addressed the Council regarding the bus shelter.

Ed Meyer, 100 Sunrise Drive and Jim Taintor, 355 Harbor Drive addressed the Council.

Councilmember Bass made an amending motion to add the word vicinity to the second whereas clause. The motion was seconded by Councilmember Fein and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Fein made an amending motion to fill in the blank of Section 1 with the firm Eduardo H. Muhina. The motion was seconded by Councilmember Peters and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The resolution as amended was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters and Mayor Rasco voting Yes. Vice Mayor Oldakowski voting No.

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

Mayor and Councilmembers. Councilmember Bass addressed the Council regarding the status of the purchase of the Citgo Property.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The senior transportation item was deferred to the May 14, 2002 Council Meeting.

The Interim Village Manager addressed the Council regarding the proposed amendment to the Zoning and Land Development Regulations: dock projections into the Atlantic Ocean and Biscayne Bay.

Director Kurlancheek addressed the Council regarding this amendment.

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

It was the consensus of Council to direct staff to draft a dock ordinance.

**8. OTHER BUSINESS/GENERAL DISCUSSION:** Interim Manager Ward addressed the Council regarding the Beach Renourishment Project.

The Council briefly discussed the progress of the report from staff on the Community Center.

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

**10. ADJOURNMENT:** The meeting was adjourned at 8:55 p.m.

***Respectfully submitted:***

***Conchita H. Alvarez, CMC  
Village Clerk***

***Approved this 14th day of May, 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.***