MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, SEPTEMBER 5, 2006

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 Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Representative Julio Robaina led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** Representative Robaina addressed the Council and the public regarding wind storm insurance, commercial and residential.

John C. Gilbert, Fire Rescue Chief introduced the new members of the Village of Key Biscayne Fire Rescue Department to the Council. The new members of the Fire Department were sworn in by the Clerk.

The Mayor, on behalf of the Council, presented a Proclamation to the Village of Key Biscayne Fire Rescue Department recognizing their efforts on behalf of the Muscular Dystrophy Association.

Also the Mayor, on behalf of the Council, presented a Proclamation to the Key Biscayne American Legion Auxiliary Post 374, the Key Biscayne Chamber of Commerce and the Islander News in support of the project "Operation Holiday Gifts for the Troops Weeks".

5. **PUBLIC COMMENTS:** The following resident addressed the Council: Eduardo Sanchez, 260 Cypress Drive.

6. **AGENDA:** Councilmember Garcia requested to hear Item 11A1 after the consent agenda. There was no objection to the agenda change.

7. **CONSENT AGENDA:** Councilmember Liedman made a motion to approve the following consent agenda. 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.

The minutes of the July 5, 2006 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING FIRST AMENDMENT AND EXTENSION TO MEMORANDUM OF AGREEMENT FOR PARTICIPATING AGENCIES BETWEEN THE CITY OF MIAMI AND THE VILLAGE OF KEY BISCAYNE CONCERNING CONTINUATION OF AGREEMENT CONCERNING LOCAL URBAN SEARCH AND RESCUE TASK FORCE; PROVIDING FOR EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING SERVICES, SUPPLIES AND EQUIPMENT FOR THE ANNUAL VILLAGE WINTERFEST CELEBRATION; AUTHORIZING THE PURCHASE OF SUPPLIES, EQUIPMENT AND SERVICES FROM CHRISTMAS DESIGNERS, INC. FOR ANNUAL WINTERFEST CELEBRATIONS; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED ONE-HUNDRED AND THIRTY THOUSAND DOLLARS ($130,000.00), FROM THE FEDERAL ASSET SHARING FUND TO COVER THE COSTS OF A COMPREHENSIVE INTEGRATED AND INTEROPERATIONAL 700 MHz RADIO SYSTEM FROM MOTOROLA; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AN EFFECTIVE DATE.

At this time Item 11A1 was heard. Representative Robaina and Councilmember Garcia addressed the Council regarding the excessive wind storm insurance premiums for residential and commercial,

urging the Council to take an active roll in pursuing lower rates.

8. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearings were sworn in by the Clerk.

Hearing Number P 06-01. The applicants United Real Estate Ventures, Inc. and John H. and Mary Lou Dasburg, 495 W. Matheson Drive and 1 Harbor Point, are requesting a waiver of plat.

Director of Building, Zoning and Planning, Jud Kurlancheek addressed the Council recommending the approval of a waiver of plat for properties at 490 W. Matheson Drive and 1 Harbor Point.

Carter N. McDowell with Bilzin Sumberg Baena Price & Axelrod, LLP, representing the applicants, addressed the Council.

Councilmember Garcia made a motion to approve the waiver of plat. 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.

Hearing Number SP 13. The applicant, 101 Gettysburg, LLC., 101 Sunrise Drive is requesting a site plan approval for an 11 unit apartment building.

Director Kurlancheek addressed the Council recommending approval of the site plan, subject to the following conditions: 1. Each window shall have "black out" window coverings; 2. The pedestrian entrance shall be redesigned to permit direct access into the building from the public sidewalk and through the parking lot; 3. The building identification sign shall be composed of reverse channel letters with a maximum height of 12 inches; 4. The balconies shall not be enclosed with any material; 5. The applicant shall contribute funds to construct the improvements on the frontage that are planned for Crandon Boulevard. The amount shall be based on a linear footage based on the cost of the Crandon Boulevard Phase III project. The funds shall be received by the Village prior to the issuance of a building permit; 6. The wall facing Crandon Boulevard and Sunrise Drive shall be removed and replaced with a hedge; 7. The above conditions shall be recorded in the public records of Miami-Dade County as a covenant running with the land. The covenant shall be approved by the Village Attorney and recorded prior to the issuance of a building permit.

Jaime Orozco, on behalf of the applicant, addressed the Council regarding this project.

The Mayor opened the public hearing. Willie Borroto, 241 Harbor Drive; Joseph Kellogg, 115 Sunrise Drive; Timothy Burch, 115 Sunrise Drive and Ed Meyer, 100 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Liedman made a motion to approve the site plan subject to the above mentioned conditions. 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.

Hearing Number GU-1. The applicant, 530 Crandon Boulevard, is requesting the use of this property for the temporary storage facility for construction materials that will be used for Phase II of the Crandon Boulevard Project and the Sanitary Sewer Project.

Director Kurlancheek addressed the Council recommending approval of the request.

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

Vice Mayor Vernon made a motion to approve the temporary storage facility for this property. 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.

9. **ORDINANCES:** There were no ordinances considered by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR SCHEDULE OF FEES FOR USE OF THE VILLAGE'S COMMUNITY CENTER; PROVIDING FOR RELATED MATTERS; PROVIDING FOR EFFECTIVE DATE.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Mendia.

The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council recommending approval of the resolution.

> The Mayor opened the public hearing. Michael Kelly, 395 Gulf Road addressed the Council. The Mayor closed the public hearing.

Councilmember Mendia made an amending motion to eliminate the fee increase for seniors and senior couples. 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.

The resolution, as amended, was 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 resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE AND PST SERVICES, INC., DOING BUSINESS AS PER-SE TECHNOLOGIES, FOR BILLING AND ACCOUNT MANAGEMENT SERVICES REQUIRED BY THE VILLAGE FOR THE VILLAGE'S FIRE RESCUE TRANSPORT FEES; AUTHORIZING VILLAGE MANAGER TO EXECUTE AND IMPLEMENT THE AGREEMENT; PROVIDING FOR EFFECTIVE DATE.

The Manager and Chief Gilbert addressed the Council regarding this resolution.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Thornton.

> Mauricio Chavez with Per-Se Technologies and Camille Guething, 260 Seaview Drive addressed the Council.

The Attorney addressed the Council regarding this resolution recommending the addition of the following language at the end of Section 2: "This approval is subject to all funds received by the Village being designated and used for funding or supplementing the Villages' contribution to the Villages' Police Officers and Firefighters Retirement Plan."

The resolution, as amended, was 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 resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING CERTAIN EMERGENCY DRAINAGE FACILITY IMPROVEMENT WORK BY MEF CONSTRUCTION, INC. FOR ADJUSTMENT OF STORMWATER DRAINAGE CONNECTION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

The Manager and Public Works Director Armando Nunez addressed the Council regarding this

resolution.

Councilmember Garcia made a motion to approve the resolution. 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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE FURTHER PROCUREMENT OF ENGINEERING SERVICES INCLUDING SURVEY, DESIGN, PERMITTING, BIDDING AND CONSTRUCTION ADMINISTRATION ENGINEERING SERVICES FOR DRAINAGE IMPROVEMENT PROJECT (THE "PROJECT") FOR WOODCREST ROAD, GLENRIDGE ROAD AND BUTTONWOOD DRIVE (EAST AND WEST), FROM THE FIRM OF TETRA TECH, INC. (FORMERLY KNOWN AS WILLIAMS HATFIELD & STONER); PROVIDING FOR APPROVAL OF WORK AUTHORIZATION PURSUANT TO CONTINUING CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

The Manager and Director Nunez addressed the Council regarding this resolution.

Councilmember Garcia made a motion to approve the resolution. 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.

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

Mayor and Councilmembers. Councilmember Thornton addressed the Council regarding growth and redevelopment in the Village. Councilmember Garcia and Vice Mayor Vernon will not be participating in this discussion due to a potential conflict of interest.

> Michael Kelly, 395 Gulf Road; Roger Sonnabend, 379 Gulf Road; Carter N. McDowell, attorney for the Sonesta; Max Puyanic, 480 S. Mashta Drive; Brigitte Nachtigall, 931 Harbor Drive; Camille Guething, 260 Seaview Drive and Edgardo DeFortuna, 760 Harbor Drive addressed the Council.

There was extensive discussion from Council regarding this issue. The Attorney also addressed the Council regarding this issue.

It was the consensus of Council to hire the firm of Wallace Roberts and Todd to create a process that would include input from the homeowners and the developers of the Sonesta and at the end, of not more than 90 days, make a recommendation to Council.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a list of all candidates qualifying for the 2006 Municipal Election.

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

The Office of the Mayor issued the following proclamations during the month of August: proclaiming the month of September 2006 as "Life Insurance Awareness Month" and also proclaiming the month of September 2006 as "National Save a Life Month".

Village Manager. The Manager did not submit a report.

12. **OTHER BUSINESS/GENERAL DISCUSSION:** The Mayor addressed the Council regarding Town Hall Meetings. It was the consensus of Council to allow the new Council to decide when and if they would like to hold Town Hall Meetings.

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

14. **ADJOURNMENT:** The meeting was adjourned at 10:50 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this__ day of _____, 2006:

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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.