MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JULY 5, 2005

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 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 R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Mr. Larry Garfield led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** There were no special presentations.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Michele Estevez-Hayes, 800 Crandon Boulevard and Michael Kahn, 881 Ocean Drive.

6. **AGENDA:** Mayor Oldakowski requested the addition of a discussion regarding the need to schedule a Special Council Meeting at the end of July as Item 10D1 and also requested the addition of an update regarding the Beach Management Plan as Item 10D2. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Mendia made a motion to approve the minutes of the June 14, 2005 Regular Council Meeting and the minutes of the June 21, 2005 Budget Workshop. 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.

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

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.

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

Chief of Fire Rescue John C. Gilbert and the Manager addressed the Council regarding this ordinance.

> The Mayor opened the public hearing. Michael Kahn, 881 Ocean 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 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 announced the second reading of this ordinance for August 30, 2005.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 5.01 "ELECTIONS"; TO PROVIDE FOR ELIMINATION OF PRIMARY ELECTIONS FOR COUNCIL MEMBERS AND TO INSTEAD PROVIDE FOR COUNCIL MEMBERS TO BE ELECTED AT A SINGLE ELECTION; RETAINING PRIMARY ELECTION FOR OFFICE OF MAYOR; CALLING AN ELECTION ON THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO BE HELD ON A DATE WHICH IS SET BY RESOLUTION OF THE VILLAGE COUNCIL; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR

APPROVAL OR DISAPPROVAL OF THE CHARTER AMENDMENT SET FORTH HEREIN; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this ordinance.

> The Mayor opened the public hearing. Michael Kahn, 881 Ocean Drive addressed the Council. The Mayor closed the public hearing.

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 VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 "NOISE" 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 June 14, 2005 Regular Council Meeting.

The Manager addressed the Council regarding this ordinance recommending that the hearing be continued to the August 30, 2005 Council Meeting.

> John Shubin, Shubin and Bass, representing the Ritz Carlton Key Biscayne addressed the Council.

Councilmember Garcia made a motion to continue this hearing to the August 30, 2005 Regular Council Meeting. 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.

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK AND MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager, Randolph G. White, Director of Finance and the Attorney addressed the Council regarding this resolution.

The resolution 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 MAJOR ISSUES AND SCOPE OF WORK FOR THE EVALUATION AND APPRAISAL REPORT ON THE VILLAGE MASTER PLAN; PROVIDING FOR EFFECTIVE DATE.

Vice Mayor Vernon made a motion to approve the resolution. The motion was seconded by Councilmember Weinman.

The Manager and Director of Building, Zoning and Planning Jud Kurlancheek addressed the Council regarding this resolution.

Frank Caplan, 101 Crandon Boulevard member of the EAR Committee addressed the Council.

Gloria Izaguirre, 285 Hampton Lane addressed the Council.

The resolution 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, REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DELEGATE THE SUFFICIENCY REVIEW OF ITS EVALUATION AND APPRAISAL REPORT FOR THE VILLAGE MASTER PLAN TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, PURSUANT TO SECTION 163.3191(10), FLORIDA STATUTES.

The Manager addressed the Council regarding this resolution.

Vice Mayor Vernon made a motion to approve the resolution. 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 Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CALLING AN ELECTION TO PRESENT TO THE ELECTORS OF THE VILLAGE THE CHARTER AMENDMENTS CONCERNING THE TERM OF OFFICE OF COUNCIL MEMBERS AND THE ELIMINATION OF PRIMARY ELECTIONS FOR COUNCIL MEMBERS, AS AUTHORIZED BY CHARTER AMENDMENT ENABLING ORDINANCES OF THE VILLAGE; ESTABLISHING TUESDAY, NOVEMBER 1, 2005 AS THE DATE FOR THE ELECTION AT WHICH THESE VILLAGE CHARTER AMENDMENTS SHALL BE PRESENTED TO THE ELECTORS OF THE VILLAGE; PROVIDING FOR EFFECTIVE DATE.

Councilmember Liedman made a motion to approve the resolution. 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 resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND ESTABLISHING LIMITED EXCEPTIONS TO THE VESSEL EXCLUSION ZONE ESTABLISHED PURSUANT TO SECTION 4-32 OF THE CODE OF KEY BISCAYNE; PROVIDING FOR LIMITATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

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

It was the consensus of Council to table this item after hearing Item 10A1.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the possibility of rezoning the property at 303 Galen from RM 30 High Density Multiple Family to RM 16 Medium Density Multiple Family.

Director Kurlancheek and the Attorney addressed the Council regarding this issue.

> The following persons addressed the Council: Lynn Dannheisser, 2 Biscayne Boulevard, Miami, representing the owner of 303 Galen Drive; Tom Halley, 251 Galen Drive; Donnatella Dillon, 300 Galen Drive; Edmund Blondell, 550 Ocean Drive and Michael Kahn, 881 Ocean Drive.

It was the consensus of Council to direct staff to look into this issue and present it to Council at a future meeting and announce that there is an ongoing zoning process for these properties.

Vice Mayor Vernon made a motion to remove Item 9E from the table. 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.

> Michael Kahn, 881 Ocean Drive; Andy Langesfeld, 425 Grand Bay Drive; Eduardo Holguin, 881 Ocean Drive; Fred Eisenberg, 881 Ocean Drive; Cristina Fernandez, 881 Ocean Drive and Rick Fuentes, 881 Ocean Drive addressed the Council.

The resolution 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.

Mayor Oldakowski addressed the Council regarding a resolution supporting the US Mayors Climate Agreement.

Councilmember Liedman made a motion to allow Mayor Oldakowski to sign a resolution supporting the US Mayors Climate Agreement. 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.

Mayor Oldakowski also addressed the Council regarding a request by the American Legion to modify the Veteran's Monument on the Village Green by adding the name of "Abraham Lincoln" as the source of the quote.

Vice Mayor Vernon made a motion to approve the requested modification to the Veterans' Monument on the Village Green. 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.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. It was the consensus of Council to hold a Council Workshop on Tuesday, July 26, 2005 regarding Crandon Boulevard Zoning and Galen Drive.

Armando Nunez, Public Works Department addressed the Council regarding the process for the Beach Management Plan.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

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

13. **ADJOURNMENT:** The meeting was adjourned at 9:45 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this_ day of _____, 2005:

July 5, 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.