MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JUNE 10, 2008

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 Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney David M. Wolpin.

2. **INVOCATION:** Reverend Bud Schroeder, Chaplain for the Key Biscayne Police Department gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** Mr. Michael Futterman, CPA, Director for Rachlin Cohen & Holtz LLP Certified Public Accountants made a presentation to the Council regarding the 2007 Comprehensive Annual Financial Report.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Mark Fried, President of the Key Biscayne 4th of July Committee, 525 Warren Lane and Michele Estevez-Hayes, President of the Key Biscayne Chamber of Commerce, 800 Crandon Boulevard.

6. **AGENDA:** The Manager requested the deferral of Item 8B2 to the July 8, 2008 Council Meeting. There was no objection to the agenda change.

7. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the May 27, 2008 Zoning Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $5,000,000 OF WATER AND SEWER REVENUE NOTES OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID NOTES; AND PROVIDING AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Charles Viscito, 141 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The Manager, Finance Director Randolph G. White and Lourdes Abadin with Estrada Hinojosa, Financial Advisor for the Village addressed the Council reporting that the Village is seeking to borrow interim financing for the shortfall of approximately $4,600,000 for the Sanitary Sewer Project from a qualified financial institution for one year, until the Village can secure long term financing from the State Revolving Fund Program.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk announced the second reading of the ordinance for July 8th, 2008.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER IN ACCORDANCE WITH SECTION 6.02(a)(i) OF THE VILLAGE CHARTER; SUBMITTING A PROPOSED CHARTER AMENDMENT CONCERNING SECTION 4.15 "APPROVAL BY VOTE OF ELECTORS REQUIRED FOR AMENDMENTS TO LAND DEVELOPMENT REGULATIONS"; PROVIDING FOR AN AMENDMENT OF SECTION 4.15 TO PROVIDE THAT VOTER APPROVAL IS REQUIRED FOR ANY VILLAGE COUNCIL AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (INCLUDING ZONING CODE) WHICH

INCREASES THE DENSITY OR INTENSITY FOR THE DEVELOPMENT OF ANY PROPERTY IN THE VILLAGE; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR A DATE FOR AN ELECTION BY THE QUALIFIED ELECTORS; PROVIDING NOTICE OF ELECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The Attorney and the Clerk addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding the proposed ballot language.

Councilmember Davey made a motion to table the ordinance to the July 8, 2008 Council Meeting. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER II, "ADMINISTRATION", ARTICLE XV "YOUTH ATHLETICS ADVISORY BOARD", SECTION 2-220 "CREATION, COMPOSITION, AND QUALIFICATIONS" OF THE CODE OF KEY BISCAYNE, FLORIDA BY MODIFYING THE COMPOSITION OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

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

> The Mayor opened the public hearing. There were no speakers present. 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 Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING VILLAGE'S CHARTER SCHOOL STUDY CONSULTANT TO PROVIDE FOR THE PREPARATION AND FILING OF AN APPLICATION FOR A CHARTER HIGH SCHOOL, IN ADVANCE OF COMPLETION OF PLANNING AND STUDY ACTIVITIES, IN ORDER TO PRESERVE THE PRIORITIES AND RIGHTS OF THE VILLAGE OF KEY BISCAYNE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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

The following residents addressed the Council: Leo Brito, 775 Curtiswood; Camille Guething, 260 Seaview Drive; Michelle Estevez-Hayes, 800 Crandon Boulevard and Angel Martin, 151 Crandon Boulevard.

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

There was extensive discussion from Council regarding this resolution.

Councilmember Davey made a motion to amend Section 2 of the resolution, as proposed by the Attorney, by inserting the following language: "subject to the Village Council's approval of the Application prior to filing, and the approval of the Application by the Village Attorney.....". The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

The resolution, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

At this time, the Mayor requested for volunteers from the audience to work on the application for the Charter High School. The following residents expressed a desire to serve on this ad hoc committee: Leonardo Brito, Gisela Franceschi, Kathy King, Michelle Manjarrez, Maria del Carmen Mayoral, Federico Padovan, Maria F. Ordonez and Beatriz Rocha.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING RESOLUTION NO. 2004-42 ADOPTED ON OCTOBER 12, 2004, IN CONNECTION WITH THE ISSUANCE OF THE VILLAGE OF KEY BISCAYNE LAND ACQUISITION AND CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2004; APPROVING AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AND DELIVER THE AMENDMENT TO BONDS; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE FOREGOING; AND PROVIDING AN EFFECTIVE DATE.

Finance Director White addressed the Council regarding this resolution explaining that due to an error of SunTrust Bank, principal was not billed on quarterly loan statements. In order to bring these loans up to date, reamortization is necessary.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING RESOLUTION NO. 2005-24 ADOPTED ON JUNE 14, 2005, IN CONNECTION WITH THE ISSUANCE OF THE VILLAGE OF KEY BISCAYNE TRANSPORTATION TAX REVENUE BONDS, SERIES 2005; APPROVING AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AND DELIVER THE AMENDMENT TO BONDS; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE FOREGOING; AND PROVIDING AN EFFECTIVE DATE.

Finance Director White addressed the Council regarding this resolution explaining that due to an error of SunTrust Bank, principal was not billed on quarterly loan statements. In order to bring these loans up to date, reamortization is necessary.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Davey addressed the Council regarding the recently installed news racks on Crandon Boulevard.

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

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Resolution 2004-3 adopting policies for Public, Education and Governmental Access Television, the Council needs to authorize any programming which the Council determines is in the public's interest and/or serves a public purpose.

The Clerk requested that the Honorable Mayor and Members of the Village Council please consider a motion to allow the broadcasting of the Council Candidates' Forum sponsored by the Islander News on Channel 77, on Thursday, October 23, 2008.

Councilmember Davey made a motion to allow the broadcasting of the Council Candidates' Forum sponsored by the Islander News on Channel 77. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Office of the Mayor issued, during the month of June, a proclamation recognizing Homestead Mayor Roscoe Warren.

Village Manager. The Manager addressed the Council requesting authorization from Council to renew the Estrada Hinojosa, Inc., Financial Advisory services agreement for an additional one year term.

Councilmember Davey made a motion to authorize the Village Manager to renew the Estrada Hinojosa, Inc., Financial Advisory Services agreement for an additional one year term commencing on June 5, 2008, upon the same terms and provisions. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Weinman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

At this time, the Mayor and Council, recognized Clerk Alvarez for her 15 years of service to the Village of Key Biscayne.

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 8:30 p.m.

Respectfully submitted:

_____

Conchita H. Alvarez, CMC
Village Clerk

Approved this 24th day of June, 2008:

_____

Robert L. Vernon
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.