MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, OCTOBER 11, 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:** Ms. Camille Guething led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Council and the residents of the Village of Key Biscayne, thanked Miami-Dade County Commissioner Carlos Gimenez for all his efforts on behalf of the Village. Commissioner Gimenez addressed the Council.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Camille Guething, 260 Seaview Drive and Michele Estevez-Hayes, 790 Crandon Boulevard.

6. **AGENDA:** Mayor Oldakowski requested the addition of a discussion regarding proposed funding options for the Sanitary Sewer Project as Item 10A1; Vice Mayor Vernon requested the addition of an update regarding Beach Management as Item 10D5; Councilmember Liedman requested the addition of a discussion regarding Ocean Lane Drive Improvements as Item 10D6; Councilmember Mendia requested the addition of a discussion regarding bicyclist safety as Item 10D7 and Councilmember Thornton requested the addition of an update regarding FPL as Item 10D8. There was no objection to the agenda changes.

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

The minutes of the September 27, 2005 Second Budget Hearing.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING THE ATTACHED DISASTER RELIEF FUNDING AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS AND THE VILLAGE OF KEY BISCAYNE, PROVIDING FOR FEDERAL AND STATE DISASTER RELIEF FUNDING FOR DECLARED MAJOR DISASTER NO. FEMA-DR-1602-FL; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING IMPLEMENTATION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING THE ASSIGNMENT AND TRANSFER OF CONTROL OF CABLE TELEVISION LICENSE FROM ADELPHIA COMMUNICATIONS CORPORATION TO TIME WARNER CABLE, INC., AND THEN TO COMCAST CORPORATION, OR THEIR RESPECTIVE SUBSIDIARIES, SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA URGING CONGRESS TO ENSURE MUNICIPAL AUTHORITY TO REQUIRE LOCAL FRANCHISES FOR THE PROVISION OF VIDEO SERVICES WITHIN ITS JURISDICTION, TO PROTECT EXISTING CABLE FRANCHISES AND CABLE FRANCHISING AUTHORITY, AND TO PROTECT MUNICIPAL AUTHORITY TO PROVIDE COMMUNICATIONS SERVICES, AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO THE FLORIDA CONGRESSIONAL DELEGATION, OTHER MEMBERS OF CONGRESS, AND TO THE NATIONAL LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

8. **ORDINANCES:** There were no ordinances on first reading considered by Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY CREATING CHAPTER 9 "EMERGENCY MANAGEMENT" TO PROVIDE NECESSARY AND APPROPRIATE EMERGENCY MANAGEMENT AUTHORIZATIONS, RESPONSIBILITIES AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Mortimer Fried, 291 Harbor Court addressed the Council. The Mayor closed the public hearing.

The Attorney 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 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 THE 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 August 30, 2005 Regular Council Meeting.

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

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

John Shubin with Shubin and Bass, representing the Ritz Carlton, addressed the Council regarding this ordinance.

The Manager and the Attorney addressed the Council recommending that the Council defer further action on the proposed Ordinance in order to provide staff with comment and direction on the decibel standard and whether to allow special permits to exceed the standards established by the Ordinance.

It was the consensus of Council to direct staff to address the following methods to mitigate noise: 1.) Prohibit any form of amplification in a sideyard from the property line to the structure; 2.) Maximum noise level at any property line not to exceed 65 decibel only in the following zoning districts: a. Hotel/Motel District: Sonesta and Silver Sands; b. PUD Districts: Key Colony, Grand Bay and Ocean Club; c. Private Club: Yacht Club and Beach Club; 3.) Special Event Permit with approval from the Village Manager and 4.) Special Event Permit with approval from Village Council.

The Mayor opened the public hearing. Ed Meyer, 100 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Garcia made a motion to continue this hearing to the November 8, 2005 Regular Council Meeting. 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.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN WALLACE ROBERTS & TODD, LLC., (THE "CONSULTANT") AND THE VILLAGE OF KEY BISCAYNE CONCERNING PLANNING SERVICES FOR PREPARATION OF LANDSCAPE MAINTENANCE GUIDELINES FOR VILLAGE PUBLIC SPACES; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE VILLAGE AND CONSULTANT; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the 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, AUTHORIZING THE FURTHER PROCUREMENT OF ENGINEERING SERVICES INCLUDING DESIGN, PERMITTING, BIDDING AND CONSTRUCTION ADMINISTRATION ENGINEERING SERVICES FOR CRANDON BOULEVARD IMPROVEMENTS - PHASE III FOR THE VILLAGE OF KEY BISCAYNE, FROM THE FIRM OF CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. ("C3TS"); PROVIDING FOR APPROVAL OF WORK AUTHORIZATION PURSUANT TO CONTINUING CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

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

Councilmember Weinman excused herself from the meeting at 8:05 p.m.

Ramon Castella with 3CTS addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding proposed funding options for the Sanitary Sewer Project.

It was the consensus of Council to direct staff to bring before Council a financing plan for the Sanitary Sewer Project including project cost, funding available to the Village, amount of money to borrow, debt cap implications, debt service, estimated interest rates and availability of State loans.

Staff was directed to bring this information before Council to the December 6, 2005 Regular Council Meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 3 of Ordinance 97-21 adopted by the Village Council on September 9, 1997, two Board Members are required to be appointed by the Council for a two year term to the Police Officers and Firefighters' Pension Plan Board of Trustees.

Mayor Oldakowski thanked Ms. Sandi Winters, on behalf of the Council, for all her years of service to the Pension Board and introduced Ms. Cindy Mize, nominated appointee to the Pension Board.

Ms. Cindy Mize addressed the Council regarding her nomination.

Vice Mayor Vernon made a motion to appoint Mr. Barclay E. Cale, Jr. and Ms. Cindy Mize to the Police Officers and Firefighters' Pension Plan Board of Trustees for a two year term. The motion was seconded by Councilmember Liedman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

It was the consensus of Council to direct staff to place on the October 25, 2005 the appointment of Councilmember Liedman as Council liaison to the Police Officers and Firefighters' Pension Plan Board of Trustees.

Pursuant to Sections 3 and 4 of Ordinance 92-14 adopted by Village Council on June 23, 1992 established the Village's Code Enforcement procedures including the appointment of Special Magistrates. The Special Magistrates are appointed by the Council for a one year term.

Vice Mayor Vernon made a motion to reappoint Mr. Dennis O'Hara, Ms. Rosemary Sala, Ms. Jennifer Leal and Mr. Mortimer Fried as Special Magistrates for a one year term. The motion was seconded by Councilmember Thornton and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of September 2005: Miami Seaquarium 50th Anniversary.

The Clerk submitted to the Council a proposed 2006 Council Meeting Schedule. It was the consensus of Council to approve the proposed Meeting Schedule as submitted.

Village Manager. The Manager submitted to the Council the following quarterly reports for September 2005: Community Center Advisory Board, Special Masters, 2020 Vision/Ear Committee and Art in Public Places Board.

Councilmember Mendia made a motion to accept the above mentioned quarterly reports. The motion was seconded by Councilmember Thornton and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton and Vice Mayor Vernon voting Yes. Mayor Oldakowski was out of the Chamber at the time the vote was taken.

Vice Mayor Vernon addressed the Council regarding the Beach Management Plan. The Manager and the Attorney addressed the Council regarding this issue.

Councilmember Liedman addressed the Council regarding the proposed Ocean Lane Drive improvements. The Manager addressed the Council reporting that a meeting will be held Monday, October 17, 2005 at 7:00 p.m. with the different Condominium Associations on Ocean Lane Drive.

Councilmember Mendia addressed the Council regarding the safety of bicyclists. Deputy Chief of Police Brett Capone addressed the Council regarding this issue.

Michele Estevez-Hayes, 790 Crandon Boulevard addressed the Council.

Councilmember Thornton addressed the Council regarding the overhead to underground conversion of FPL power lines. The Manager reported that FPL will provide a cost estimate to the Village within four to six weeks.

Mayor Oldakowski announced that on Thursday, October 20, 2005 at 7:00 p.m. a Workshop on Proposed Land Development and Regulations will be held and invited the public to attend. The Mayor also announced that on Wednesday, November 2, 2005 at 6:30 p.m. the Vision 20/20 Committee will hold its second public quorum in the Community Center.

Mayor Oldakowski also reported on the progress of the work at the intersection of Crandon Boulevard and Harbor Drive.

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 9:05 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this ___ day of October , 2005:

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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.