

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, JUNE 13, 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, Thomas Thornton, Patricia Weinman, Vice Mayor Robert L. Vernon and Mayor Robert Oldakowski. Councilmembers Steve Liedman and Jorge E. Mendia were absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline from Chabad of Key Biscayne gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Ms. Maria Zayas-Bazan led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Ms. Nicole Mannarino, CPA, Principal with Rachlin Cohen & Holtz LLP Certified Public Accountants made a presentation to the Council regarding the 2005 Comprehensive Annual Financial Report.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: Cecile Sanchez, 260 Cypress Drive.
6. **AGENDA:** The Manager requested to withdraw Item 9D and also requested the addition of an update regarding mosquito control as Item 10D; Councilmember Thornton requested the addition of a discussion regarding construction sites as Item 10A1 and a discussion regarding deliveries on Fernwood Road as Item 10A2 and Mayor Oldakowski requested to hear Item 9F before Item 9A. There was no objection to the agenda changes.

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7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the May 16, 2006 2020 Vision Workshop. The motion was seconded by Councilmember Weinman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Councilmember Garcia made a motion to approve the minutes of the May 17, 2006 Police Officers/Firefighters' Pension Plan Workshop, the minutes of the May 23, 2006 Zoning Meeting and the minutes of the June 6, 2006 Sanitary Sewer Workshop. The motion was seconded by Councilmember Thornton and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE CONSTRUCTION OF CRANDON BOULEVARD IMPROVEMENTS – PHASE III OF THE VILLAGE; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT IMPROVEMENTS ON CRANDON BOULEVARD AND AT CERTAIN ROADWAYS IN THE VICINITY OF CRANDON BOULEVARD, AS DESCRIBED HEREIN; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Mayor opened the public hearing. Mark Fried, 525 Warren Lane addressed the Council.  
The Mayor closed the public hearing.

The Manager and Paul Abbott with Skyline Management addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on June 27th, 2006.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 22-31 "WEST MASHTA ROAD BRIDGE" OF CHAPTER 22 "PUBLIC PLACES" THE VILLAGE CODE TO PROVIDE RESTRICTIONS ON HOURS OF USE AND TO AMEND REFERENCE TO SPECIAL EVENT PERMIT SECTION IN CONFORMANCE WITH REVISIONS TO CHAPTER 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding this ordinance.

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

The ordinance was adopted on first reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on June 27th, 2006.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE CONSTRUCTION OF THE SANITARY SEWER AND WATER LINE IMPROVEMENT PROJECT (THE "PROJECT") OF THE VILLAGE; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT THE PROJECT AS DESCRIBED HEREIN; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Attorney addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Mortimer Fried, 291 Harbor Court; Michelle Barnett, 355 West Wood Drive; Linda Davitian, 720 Myrtlewood Lane and Michael Kahn, 881 Ocean Drive addressed the Council. The Mayor closed the public hearing.

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The ordinance was adopted on first reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on June 27th, 2006.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 21 "PUBLIC RIGHTS-OF- WAY", AT ARTICLE II "LANDSCAPING IN PUBLIC RIGHTS-OF-WAY", BY CREATING SECTION 21-15 "EXEMPTION" TO EXEMPT THE VILLAGE SANITARY SEWER AND WATER LINE IMPROVEMENT PROJECT FROM THE PROVISIONS OF SECTION 21-12 "VILLAGE PROJECTS WITHIN THE PUBLIC RIGHTS-OF-WAY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Vernon made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Thornton.

The Attorney addressed the Council regarding this ordinance.

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

The ordinance was adopted on first reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on June 27th, 2006.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-101 "QUALIFYING PERIOD" OF ARTICLE V "ELECTIONS" OF CHAPTER 2 "ADMINISTRATION" OF THE VILLAGE CODE TO AMEND AND CLARIFY EXISTING CODE PROVISIONS CONCERNING THE QUALIFYING PERIOD FOR CANDIDATES FOR THE OFFICE OF MAYOR OR VILLAGE COUNCIL SO AS TO CONFORM TO THE RECENT AMENDMENT OF SECTION 5.01 OF THE VILLAGE CHARTER, AND TO PROVIDE A MECHANISM FOR ESTABLISHING QUALIFYING PERIODS FOR ANY SPECIAL MAYORAL OR COUNCIL ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

Councilmember Weinman made an amending motion to establish two different qualifying periods, one for the office of Mayor and another one for Councilmembers. The motion died for lack of a second.

The ordinance was adopted on second reading by a 4-1 roll call vote. The vote was as follows: Councilmembers Garcia, Thornton, Vice Mayor Vernon and Mayor Oldakowski voting Yes. Councilmember Weinman voting No.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; URGING THE FLORIDA LEGISLATURE TO RATIFY THE PROPOSED EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND AUTHORIZING THE VILLAGE CLERK TO SEND CERTIFIED COPIES OF THIS RESOLUTION TO THE PRESIDENT OF THE FLORIDA SENATE, THE SPEAKER OF THE FLORIDA HOUSE, AND THE GOVERNOR OF FLORIDA.**

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

Rachel Fried, Youth Council Mayor addressed the Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

A public hearing of the Village Council to consider the adoption of the proposed Evaluation and Appraisal Report of the Village of Key Biscayne Comprehensive Plan as recommended by the Local Planning Agency:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE VILLAGE OF KEY BISCAYNE MASTER PLAN; STATING THE INTENT OF THE VILLAGE COUNCIL TO AMEND THE MASTER PLAN BASED UPON**

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**RECOMMENDATIONS CONTAINED IN THE REPORT; APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; PROVIDING FOR EFFECTIVE DATE.**

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

Jud Kurlancheek, Director of Building, Zoning and Planning and Sylvia Vargas with Wallace Roberts and Todd addressed the Council regarding this resolution.

The Mayor opened the public hearing. Cecile Sanchez, 260 Cypress Drive and Linda Davitian, 720 Myrtlewood Drive addressed the Council. The Mayor closed the public hearing.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, 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 TERMINATION OF NAME DISPLAY COVENANT EXECUTED BY THE VILLAGE OF KEY BISCAYNE FOR THE BENEFIT OF THOMAS H. WAKEFIELD, CHARLES FRED REBOZO AND MARY R. BOUTERSE, AS SUCCESSOR TRUSTEES OF THE CHARLES G. REBOZO REVOCABLE TRUST UNDER REVOCABLE TRUST AGREEMENT DATED JANUARY 20, 1989, APPROVING EXECUTION OF NEW NAME DISPLAY COVENANT TO BE EXECUTED BY THE VILLAGE OF KEY BISCAYNE FOR THE BENEFIT OF THOMAS H. WAKEFIELD, CHARLES FRED REBOZO AND MARY R. BOUTERSE, AS SUCCESSOR TRUSTEES OF THE CHARLES G. REBOZO REVOCABLE TRUST UNDER REVOCABLE TRUST AGREEMENT DATED JANUARY 20, 1989, AND APPROVING SIGNAGE PURSUANT TO THE NEW NAME DISPLAY COVENANT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE TERMINATION OF NAME DISPLAY COVENANT AND THE NEW NAME DISPLAY COVENANT AND TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

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

Director Kurlancheek addressed the Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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The clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING IMPROVEMENT OF THE PLAYING FIELD WHICH IS UTILIZED BY THE VILLAGE AT THE KEY BISCAYNE COMMUNITY SCHOOL; AUTHORIZING CONSTRUCTION OF PLAYING FIELD IMPROVEMENTS; AUTHORIZING CONTRACT BETWEEN THE VILLAGE AND PROTURF, INC. FOR CONSTRUCTION WORK ON PLAYING FIELD IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Paul Abbott with Skyline Management addressed the Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, 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 AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND MIAMI-DADE COUNTY, FLORIDA PROVIDING FUNDING ASSISTANCE TO THE VILLAGE FOR THE SANITARY SEWER COMPONENT OF THE VILLAGE'S SANITARY SEWER AND WATER LINE IMPROVEMENT PROJECT PURSUANT TO THE 2004 BOND PROGRAM "BUILDING BETTER COMMUNITIES" OF MIAMI-DADE COUNTY; PROVIDING FOR EXECUTION OF AGREEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.**

Vice Mayor Vernon made a motion to approve the resolution. The motion was seconded by Councilmember Weinman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

Mayor and Councilmembers. Councilmember Thornton addressed the Council regarding construction sites as it relates to enforcement and hurricane preparation.

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

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Councilmember Thornton also addressed the Council regarding deliveries on Fernwood Road.

The Manager stated that staff will look into this situation.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of June 2006: proclaiming the week of August 7-11, 2006 as Florida Water, Wastewater, and Systems Operators Week.

Village Manager. The Manager addressed the Council regarding mosquito control. Public Works Director, Armando Nunez addressed the Council regarding this issue.

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 8:50 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.***