

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, MARCH 8, 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 David Moran, Key Biscayne Presbyterian Church, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** The Art in Public Places Board led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The presentation from the State Attorney's office did not take place.

Chief of Fire Rescue John C. Gilbert addressed the Council recognizing Captain Jose Marti for his successful completion of the requisite courses of study and applied research projects of the National Fire Academy.

Ms. Michelle Dossary on behalf of the Muscular Dystrophy Association recognized the Village of

March 8, 2005

Key Biscayne Fire Rescue Department for their contribution to the Association.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Ward Rathbone, 275 West Mashta Drive and Peter Evans, 285 West Mashta Drive.

6. **AGENDA:** Councilmember Garcia requested the addition of a report regarding a field trip to Virginia Key as Item 10A2; the Manager requested the deferral of Item 7C and Mayor Oldakowski requested the addition of a discussion regarding nominations for the EAR Committee as Item 10A3; the addition of discussion regarding attorney's fees as it relates to the Fire Department as Item 10A4; report from the Clerk regarding elections as Item 10C2; report from the Manager regarding the backup of traffic at Virginia Key on March 6, 2005 as Item 10D6 and a brief discussion regarding sidewalks on West Mashta Drive as Item 10D7. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** The following items were removed from the consent agenda:

The minutes of the February 22, 2005 Zoning Meeting. The Clerk requested that the minutes of the February 22, 2005 Zoning meeting be corrected on page 3 of 6 to state that staff was directed to research whether there exists a legal method of authorizing the religious use without the need to rezone or grant variances.

Councilmember Mendia made a motion to approve the amended minutes of the February 22, 2005 Zoning 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.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING LANDSCAPE SERVICES AGREEMENT BETWEEN PROTURF, INC. AND THE VILLAGE OF KEY BISCAYNE, PROVIDING FOR THE VILLAGE TO OBTAIN THE SERVICES OF PROTURF, INC. FOR MAINTENANCE OF LANDSCAPING OF VILLAGE GREEN AND VILLAGE PLAYING FIELDS, INCLUDING PLAYING FIELD AT THE ST. AGNES CATHOLIC CHURCH AND PLAYING FIELD AT THE KEY BISCAYNE COMMUNITY SCHOOL; AUTHORIZING IMPLEMENTATION OF AGREEMENT; PROVIDING AN EFFECTIVE DATE.**

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 Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

March 8, 2005

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING THE BUDGET FOR THE FISCAL YEAR 2004-2005 TO INCREASE REVENUES AND APPROPRIATIONS FOR EXPENDITURES WITHIN THE SOLID WASTE FUND IN ACCORDANCE WITH THE NEW CONTRACT FOR SOLID WASTE SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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 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 second reading of this ordinance will be on April 12, 2005.

9. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. Councilmember Liedman addressed the Council regarding the Fire Rescue Emergency transport system.

Chief of Fire Rescue Gilbert and the Manager addressed the Council regarding this issue. It was the consensus of Council to direct staff to bring a proposal before Council to establish a fee for Fire Rescue Emergency transport.

Councilmember Garcia addressed the Council regarding a field trip, with some members of the Village Council, to Virginia Key led by Mabel Miller.

Mayor Oldakowski addressed the Council reminding the Council to submit names to the Clerk for the EAR Committee by tomorrow morning.

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

March 8, 2005

Mayor Oldakowski also addressed the Council regarding the attorney's fees as they relate to the Fire Department. Chief Gilbert and the Manager addressed the Council regarding this issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a copy of the following proclamations issued by the Office of the Mayor during the months of February and March 2005: The Association of Bi-National Chambers of Commerce of Florida and Days of Remembrance.

The Clerk addressed the Council regarding the county wide election that took place today as it relates to Key Biscayne.

Village Manager. Veronica Scharf-Garcia, Chair, Rosa de La Cruz, Board Member and Cesar Trasobares, Consultant, Art in Public Places Board addressed the Council giving a progress report from the Art in Public Places Board regarding proposed art work in the oval in front of the Fire Station on McIntyre Street. Also present were the following Board Members: Gloria Kahn, Vice Chair, Lourdes Jofre Collett, Diane Moss and Conchita S. Sarnoff.

It was the consensus of Council to authorize the Board to go ahead with the proposed art work in the oval in front of the Fire Station on McIntyre Street.

Ed Meyer, 100 Sunrise Drive addressed the Council.

The Manager addressed the Council regarding an alternative for solid waste collection submitting to Council the consideration of payment plans.

It was the consensus of Council to direct the Manager to submit to Council, at a future meeting, a payment plan for solid waste collection.

The Manager, Parks and Recreation Director Todd Hofferberth and Public Works Director Armando Nunez addressed the Council regarding the installation of a temporary batting cage on the Village Green.

Alfredo Zayas, 600 Grapetree Drive addressed the Council.

Vice Mayor Vernon made a motion to authorize the installation of a temporary batting cage on the north side of the Village Green. 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.

March 8, 2005

The Manager and Director Nunez addressed the Council regarding a surplus for the Harbor Drive Drainage project requesting the reallocation of such funds as follows: \$41,100 to purchase new patio furniture for the Beach Park and purchase of ten new 72 inches benches for Village wide use; \$21,500 for Mashta Traffic Circle repairs and \$25,000 for Ocean Lane Drive.

Councilmember Liedman made a motion to allow the reallocation of the surplus money to the above mentioned capital projects. 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 Manager and Director Nunez reported that Sutton Consulting Arborist has been hired to perform a Comprehensive Tree Plan for the Village of Key Biscayne.

The Manager addressed the Council regarding the traffic backup on Virginia Key on Sunday, March 6, 2005.

The Manager and Director Nunez addressed the Council regarding the sidewalks on West Mashta Drive.

Peter Evans, 285 West Mashta Drive and Mortimer Fried, 291 Harbor Court addressed the Council.

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:*

*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 15th day of March, 2005:*

March 8, 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.***