

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, MAY 10, 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:** Rabbi Melvin Glazer, Congregation Beth David was unable to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** The members of the American Legion Auxiliary led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Village Council, presented a Proclamation to the American Legion Auxiliary proclaiming the week of May 23-28, 2005 as Poppy Week in Key Biscayne.

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Mr. Michael Futterman, CPA, Director for Rachlin Cohen & Holtz LLP Certified Public Accountants made a presentation to the Council regarding the 2004 Comprehensive Annual Financial Report.

5. **PUBLIC COMMENTS:** There were no speakers present.

6. **AGENDA:** Mayor Oldakowski requested the addition of a report regarding the Crandon Park Amendment Committee Meeting as Item 10A3 and Councilmember Mendia requested the addition of a brief discussion regarding mosquito control as Item 10D1. There was no objection to the agenda changes.

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

The minutes of the April 26, 2005 Zoning Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, EXEMPTING CERTAIN VILLAGE ADVISORY BOARDS FROM THE APPLICATION OF THE MIAMI-DADE COUNTY CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, APPROVING KEY BISCAIYNE COMMUNITY CENTER CONCESSION AGREEMENT TO BE ENTERED INTO BETWEEN THE VILLAGE AND ZOOM MINI, INC., GRANTING A FOOD AND BEVERAGE CONCESSION IN THE VILLAGE COMMUNITY CENTER; AUTHORIZING IMPLEMENTATION BY VILLAGE MANAGER; AND PROVIDING FOR EFFECTIVE DATE.

At this time Mayor Oldakowski recognized Mr. Chip Iglesias, Chief of Staff for Commissioner Carlos Gimenez.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION", BY AMENDING ARTICLE I "IN GENERAL", BY AMENDING SECTION 2-1 "CREATION OF DEPARTMENTS" AT PARAGRAPH (a) "CREATED", TO REPEAL THE REFERENCE TO THE CONSOLIDATED "PUBLIC SAFETY DEPARTMENT" AND TO INSTEAD CREATE A SEPARATE FIRE RESCUE DEPARTMENT AND A POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE

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CODE; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council regarding this ordinance.

The Mayor opened the public hearing. 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 second reading will be on May 24, 2005.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE AVILLAGE®), CONCERNING THE CONSTRUCTION OF CRANDON BOULEVARD IMPROVEMENTS B PHASE II 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.

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

The Manager, the Attorney and Ramon Castella, Engineer for the project addressed the Council regarding this ordinance.

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

It was the consensus of Council to include language in the ordinance and in the notice to electors indicating the funding source.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows:

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

The second reading will be on May 24, 2005.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 2.03 "ELECTION AND TERM OF OFFICE@ AND SECTION 5.01 "ELECTIONS"; REVISING CHARTER PROVISIONS WHICH CURRENTLY PROVIDE FOR A TWO (2) YEAR TERM OF OFFICE FOR COUNCIL MEMBERS TO PROVIDE FOR A FOUR (4) YEAR TERM OF OFFICE FOR COUNCIL MEMBERS AND TO INCLUDE PROVISIONS PROVIDING FOR TRANSITION FROM THE TWO (2) YEAR TERM TO THE FOUR (4) YEAR TERM AND PROVIDING FOR STAGGERED TERMS OF OFFICE BY REQUIRING THAT THE THREE COUNCIL MEMBERS WHO RECEIVE THE MOST VOTES AT THE 2006 COUNCIL ELECTION SHALL BE ELECTED FOR A FOUR (4) YEAR TERM OF OFFICE AND THE REMAINING THREE (3) COUNCIL MEMBERS WHO ARE ELECTED IN 2006 SHALL RECEIVE A TWO (2) YEAR TERM OF OFFICE; RETAINING TWO (2) YEAR TERM OF OFFICE FOR MAYOR; AND PROVIDING FOR ELECTIONS TO BE HELD IN EACH EVEN-NUMBERED YEAR AFTER 2006 FOR MAYOR AND THREE COUNCIL POSITIONS; CALLING AN ELECTION ON PROPOSED AMENDMENTS 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 Garcia made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Liedman.

The Attorney addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Ed Meyer, 100 Sunrise 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:

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

It was the consensus of Council to direct the Attorney to bring before Council, at a future meeting, an ordinance to amend the Charter by eliminating the primary election for Councilmembers.

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

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

Mayor and Councilmembers. Councilmember Weinman addressed the Council regarding a communications program. The Manager will present a proposal at the Budget Workshop.

The Mayor addressed the Council regarding the Manager's performance evaluation.

The Mayor addressed the Council reporting on the outcome of the last meeting with the Crandon Park Amendment Committee. The Mayor announced that the Village was able to obtain an eight year extension for the use of the Crandon Park fields.

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 April 2005: Nancye Ray Day.

Village Manager. Councilmember Mendia requested an update regarding mosquito control within the Village.

Armando Nunez, Public Works Director and Mr. Iglesias from Commissioner Gimenez's office 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 8:25 p.m.

Respectfully submitted:

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*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 24th day of May, 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.