

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, MAY 11, 2004

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:04 p.m. Present were Councilmembers Martha F. Broucek, Mortimer Fried, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Councilmember Carol Diaz-Castro was absent. 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 gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** The American Legion Auxiliary ladies led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Village Council, presented a Proclamation to the American Legion Auxiliary.

Mr. Fausto Gomez, Gomez Barker, Associates Inc., Intergovernmental Representative for the Village, presented a report detailing with the accomplishments of the Village of Key Biscayne during the 2004 Florida Legislative Session.

Mr. Gomez reported that a \$1 million allocation was secured from the Transportation Improvement

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Program (TIP) of the Florida Department of Transportation (FDOT) for the Crandon Boulevard Master Plan; the Crandon Boulevard Historic Designation was amended allowing alterations, modifications, or improvements made for the purpose of enhancing life safety vehicular use or pedestrian use of Crandon Boulevard and with respect to the Wastewater Funding, it is recommended that the Village identify its stormwater requirements and apply to DEP for funding.

5. **PUBLIC COMMENTS:** The following resident addressed the Council: Ed Meyer, 100 Sunrise Drive.

6. **AGENDA:** Councilmember Broucek requested the addition of a brief discussion regarding the proposed additional \$25,000 Homestead Exemption and the fiscal impact it will have in our community as Item 10A2; Councilmember Vernon requested the addition of a discussion regarding re-scheduling the June 8, 2004 Council Meeting as Item 12; Councilmember Peters requested the addition of a question to the Manager as Item 10A3; the Manager requested the addition of a request from the Miami-Dade County School Board as Item 10D3 and Mayor Oldakowski requested the addition of an update from the Manager regarding the sewer and stormwater situation as Item 10D4. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the April 27, 2004 Zoning Meeting. The motion was seconded by Vice Mayor Mendia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE CRANDON BOULEVARD ZONING AND DEVELOPMENT COMMITTEE; PROVIDING, AMONG OTHER THINGS, THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS, RULES OF PROCEDURE AND THE DUTIES AND RESPONSIBILITIES OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager, the Attorney and Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

Councilmember Fried made an amending motion requiring every member of the Committee to be a

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Key Biscayne resident. The motion was seconded by Councilmember Peters and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Fried made an amending motion to include as a member a person whose appointment to the Board has been recommended by the owners of the properties situated in the entry block of the Crandon Boulevard corridor. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Broucek made an amending motion that the Committee should be composed of five (5) members. The motion was seconded by Councilmember Vernon and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Broucek, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Fried voting No.

Councilmember Broucek made an amending motion proposing that the composition of the Committee include two architects, one property owner or representative and two experts in development, finance and leasing. The motion was seconded by Councilmember Vernon and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Broucek, Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Peters voting No.

The Mayor opened the public hearing. Conchita Suarez, 201 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The ordinance as amended was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on May 25, 2004.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; APPROVING AMENDMENT TO THE VILLAGE OF KEY BISCAIYNE AGREEMENT FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR RECREATION CENTER; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

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

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the twelve month evaluation of the Village Clerk recommending a 5% salary increase.

The Mayor also addressed the Council regarding the Village Clerk's request to consider the granting of a car allowance.

Councilmember Fried made a motion to increase the Clerk's salary by 5%, effective April 1, 2004. The motion was seconded by Councilmember Peters and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek was out of the room at the time the vote was taken.

Councilmember Vernon made a motion to grant a \$400 a month car allowance to the Clerk effective April 1, 2004. The motion was seconded by Vice Mayor Mendia.

Councilmember Fried made an amending motion to grant a \$200 a month car allowance to the Clerk effective April 1, 2004. The motion was seconded by Councilmember Broucek and failed by a 3-3 voice vote. The vote was as follows: Councilmembers Broucek, Fried and Mayor Oldakowski voting Yes. Councilmembers Peters, Vernon and Vice Mayor Mendia voting No.

The motion to grant a \$400 a month car allowance to the Clerk was approved by a 4-2 voice vote. The vote was as follows: Councilmembers Broucek, Peters, Vernon and Vice Mayor Mendia voting Yes. Mayor Oldakowski and Councilmember Fried voting No.

Councilmember Broucek addressed the Council regarding the proposed additional \$25,000 Homestead Exemption and the fiscal impact it will have in our community.

Councilmember Peters addressed the Council requesting that the Traffic Study be reviewed for accuracy.

Village Attorney. The Attorney addressed the Council regarding the request from Council to respond to a recent claim by Mr. Sam Davitian, that certain financial practices by the Village violate the Village Charter.

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The Attorney stated that his firm does not believe that there exists any evidence to support the allegation. However, in order to avoid any claim in the future, the Attorney recommended that the Village Council direct the Manager to establish segregated accounts for those reserves which may have special limitations on their use.

Village Clerk. The Clerk submitted a copy of her office's 2003 annual report to the Council.

Village Manager. The Manager introduced Mr. Tim Blankenship with Coastal Systems International, Inc. Mr. Blankenship made a presentation to the Council and the public on beach renourishment and the condition of the beach.

The Manager addressed the Council regarding the next step in the implementation of the Crandon Boulevard Master Plan and changes in the historic designation by Miami-Dade County and the hiring of the engineering company to prepare the construction drawings.

It was the consensus of Council to retain the engineering firm of 3CTS as consultant and start the process immediately.

Councilmember Vernon addressed the Council requesting to re-schedule the June 8, 2004 Council Meeting to June 1, 2004. It was the consensus of Council to move the meeting to June 1, 2004 at 6:00 p.m.

The Manager and Public Works Director, Armando Nunez addressed the Council regarding a request from the Miami-Dade County School Board to allow them to work at the school construction site on Saturdays.

The Mayor requested that the Manager report on the sanitary sewer and stormwater situation. The Manager addressed the Council regarding these issues.

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 9:40 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 25th day of May, 2004:

*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.