

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JUNE 10, 2003

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 Martha F. Broucek, Carol Diaz-Castro, Mortimer Fried, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney David M. Wolpin.
2. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mr. Robert Brookes led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Village Council, presented a proclamation and a Ten Year pin to the Clerk recognizing her ten years of service to the Village of Key Biscayne.

Chief of Fire Rescue, John C. Gilbert addressed the Council recognizing the following individuals in their promotions and appointments in the Fire Department: Lieutenant Tania Romero to the position of Emergency Medical Services Coordinator; Lieutenant Eric Lang to the position of Assistant Fire Marshal; Firefighter/Paramedic Dan Feeney to the position of Fire Lieutenant and Firefighter/Paramedic Marcos Osorio to the position of Fire Lieutenant.

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Paul Abbot, Project Manager addressed the Council giving a status report on the Community Center.

The Miami-Dade County Parks and Recreation Department made a presentation regarding the Crandon Park little train.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Mabel Miller, 210 Seaview Drive and Harry Tellam, 270 Greenwood Drive.

6. **AGENDA:** Councilmember Fried requested the addition of a resolution dealing with the Miami-Dade County Public School Capital Construction Program as Item 10D and Councilmember Diaz-Castro requested the addition of a discussion regarding the final cost of the Fire Station and Village Hall buildings. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the May 27, 2003 Zoning Meeting. The motion was seconded by Councilmember Vernon and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

8. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearings were sworn in by the Clerk.

Hearing Number RV 14. Jeffrey S. Bartel, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., representing the applicant, Wachovia Bank, NA, 100 Crandon Boulevard, is requesting the following variances: 1.) waive 20 ft. of the required 20 ft. south side yard setback in order to construct the building along the south lot line; 2.) waive 12 ft. of the required 20 ft. north side yard setback in order to construct the drive-through 8 ft. from the north lot line and 3.) waive 5 ft. of the required 5 ft. south side yard setback in order to construct a surface parking lot and walkway along the south lot line.

The Attorney addressed the Council regarding this hearing.

Councilmember Broucek made a motion to incorporate the record of the proceeding from the May 27, 2003 Zoning Meeting. The motion was seconded by Councilmember Peters and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council stating his recommendation of approval of the above variances subject to the following conditions: 1.) The exit from the driveway to Crandon Boulevard shall include the following items located on private property: a right turn only sign, a stop sign, and a speed bump. The design and location of these items shall be approved by the Building, Zoning and Planning Director prior to the issuance of a

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building permit and installed prior to the issuance of a Certificate of Occupancy; 2.) Subject to a detailed landscape and irrigation plan being submitted with the building permit application. Trees shall be placed on Crandon Boulevard consistent with the Master Plan that is currently being developed. A building permit shall not be issued until the Building, Zoning and Planning Department approves the landscape and irrigation plan. A Certificate of Occupancy shall not be issued until the landscaping and irrigation has been installed and approved by the Department; 3.) The applicant shall install curbing and a 10 ft. wide decorative sidewalk along Crandon Boulevard and on the driveway apron. The median on the access drive shall also have curbing. 4.) A cross access agreement shall be recorded in the public records of Miami-Dade County prior to the issuance of a building permit. The Agreement will provide for access into the 100 Crandon Boulevard site from the access driveway that leads to the 104 Crandon Boulevard office building. The Agreement must be approved by the Village Attorney prior to recordation; 5.) That the Building, Zoning and Planning Director is authorized to approve minor modifications to the plans when it is determined by the Director that such modifications are in substantial conformance with the plans as approved by Council; 6.) Signage on the building is limited to the business that occupies the largest amount of floor area. Secondary signage is permitted through a directory sign on exterior of the building. The size of the directory sign shall conform with the Zoning and Land Development Regulations; 7.) There shall be a 2.6 ft. landscaped median between the sidewalk and the driveway that leads to 104 Crandon Boulevard Site; 8.) The stairs which discharge into the garage must be redesigned in a manner consistent with the Fire Rescue Department's regulations; 9.) If cars stack over the public right of way, then this shall be considered as a violation of the conditions of approval and the property owner and tenant will be subject to violations, fines and penalties as prescribed by law; and 10.) This resolution shall be recorded in the public records of Miami-Dade County prior to the issuance of a building permit.

The Mayor opened the public hearing for Hearings RV 14 and SP7. Jeff Bartel, 150 West Flagler Street; Bob Brookes, 701 Brickell Avenue; Jim Grant, Traffic Engineer and Ed Meyer, 100 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this request.

Councilmember Fried made a motion to approve the request subject to the recommendations made by staff. The motion was seconded by Councilmember Peters and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Hearing Number SP 7. Elements Architect (for Wachovia Bank, NA), 100 Crandon Boulevard, the applicant is requesting approval of a site plan.

Director Kurlancheek addressed the Council stating his recommendation of approval of the site plan subject to the following conditions: 1.) The exit from the driveway to Crandon Boulevard shall include the following items located on private property: a right turn only

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sign, a stop sign, and a speed bump. The design and location of these items shall be approved by the Building, Zoning and Planning Director prior to the issuance of a building permit and installed prior to the issuance of a Certificate of Occupancy; 2.) Subject to a detailed landscape and irrigation plan being submitted with the building permit application. Trees shall be placed on Crandon Boulevard consistent with the Master Plan that is currently being developed. A building permit shall not be issued until the Building, Zoning and Planning Department approves the landscape and irrigation plan. A Certificate of Occupancy shall not be issued until the landscaping and irrigation has been installed and approved by the Department; 3.) The applicant shall install curbing and a 10 ft. wide decorative sidewalk along Crandon Boulevard and on the driveway apron. The median on the access drive shall also have curbing. 4.) A cross access agreement shall be recorded in the public records of Miami-Dade County prior to the issuance of a building permit. The Agreement will provide for access into the 100 Crandon Boulevard site from the access driveway that leads to the 104 Crandon Boulevard office building. The Agreement must be approved by the Village Attorney prior to recordation; 5.) That the Building, Zoning and Planning Director is authorized to approve minor modifications to the plans when it is determined by the Director that such modifications are in substantial conformance with the plans as approved by Council; 6.) Signage on the building is limited to the business that occupies the largest amount of floor area. Secondary signage is permitted through a directory sign on exterior of the building. The size of the directory sign shall conform with the Zoning and Land Development Regulations; 7.) There shall be a 2.6 ft. landscaped median between the sidewalk and the driveway that leads to 104 Crandon Boulevard Site; 8.) The stairs which discharge into the garage must be redesigned in a manner consistent with the Fire Rescue Department's regulations; 9.) If cars stack over the public right of way, then this shall be considered as a violation of the conditions of approval and the property owner and tenant will be subject to violations, fines and penalties as prescribed by law; and 10.) This resolution shall be recorded in the public records of Miami-Dade County prior to the issuance of a building permit.

Councilmember Fried made a motion to approve the site plan subject to the recommendations made by staff. The motion was seconded by Councilmember Peters and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY CREATING CHAPTER 22 "PUBLIC PLACES", INCLUDING ARTICLE I "RESTRICTIONS ON ACTIVITIES", CONSISTING OF SECTION 22-1 "WEST MASHTA ROAD BRIDGE", REGULATING FISHING ACTIVITIES AT AND THE USE OF THE VILLAGE'S WEST MASHTA ROAD BRIDGE AND PROVIDING PERMIT PROGRAM FOR SUCH PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING**

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**FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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.

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED CONSULTING AGREEMENT ON BEHALF OF THE VILLAGE, WITH MICHAEL J. FLAHERTY; PROVIDING FOR AN EFFECTIVE DATE.**

The Village Manager presented and recommended the proposed consulting agreement.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Mayor Oldakowski.

The Village Council discussed the proposed agreement. Subsequently, Councilmember Fried withdrew his motion.

Following this item, the Manager introduced a change from the concept of Emergency Services for Fire and Police functions to a Public Safety concept. It was the consensus of Council to support the Manager on the implementation of this concept.

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 THE VILLAGE OF KEY BISCAYNE CIVIC CENTER PROJECT; AUTHORIZING PAYMENT FOR WORK OF DEMOLITION OF CONCRETE SLAB AND RELATED REMEDIATION OF SITE**

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**CONDITIONS IN THE VICINITY OF THE PARKING LOT COMPONENT OF VILLAGE HALL/POLICE STATION; AUTHORIZING AMENDMENT NO. 8 TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER CONCERNING ITEM DESCRIBED ABOVE; PROVIDING FOR SPECIFICATION OF FUNDS FOR ITEM DESCRIBED ABOVE; PROVIDING FOR EFFECTIVE DATE.**

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

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; APPROVING A BID TO CONSTRUCT A BUS SHELTER NEAR THE CURRENT STOP AT CRANDON BOULEVARD NORTH OF OCEAN LANE DRIVE; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Broucek made a motion to approve the resolution. The motion was seconded by Councilmember Vernon.

The Manager, Director Kurlancheek, Armando Nunez, Public Works Director and Chief Gilbert addressed the Council regarding this resolution.

The Council discussed the proposed contract and directed staff to look into the possibility of moving the bus shelter further North. Subsequently, Councilmember Broucek withdrew her motion.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; ENDORSING THE CALL FOR IMMEDIATE AND COMPREHENSIVE FORENSIC AUDIT OF THE MIAMI-DADE COUNTY PUBLIC SCHOOL CAPITAL CONSTRUCTION PROGRAM.**

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes

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

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Mayor and Councilmembers. No items were discussed.

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 month of May 2003: proclaiming the week of May 18-24, 2003 as Emergency Medical Services Week; proclaiming May 21, 2003 as Emergency Medical Services for Children Day; proclaiming the month of July 2003 as Recreation and Parks Month and congratulating the Florida Association of City Clerks on their 30th Anniversary.

Village Manager. The Manager addressed the Council giving an update on the Goals and Objectives.

It was the consensus of Council that the Chairman of the Crandon Boulevard Streetscape Master Plan Committee come before Council for an update on the committee's accomplishments.

12. **OTHER BUSINESS/GENERAL DISCUSSION:** There were no further items discussed.
13. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
14. **ADJOURNMENT:** The meeting was adjourned at 9:48 p.m.

*Respectfully submitted:*

*Conchita H. Alvarez, CMC*  
*Village Clerk*

*Approved this 24th day of June, 2003:*

*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.**