

MINUTES
VILLAGE COUNCIL MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, JUNE 11th, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 9:40 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein (arrived at 10:15 p.m.), Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Joseph H. Serota.

2. **SPECIAL PRESENTATIONS:** There were no special presentations.

3. **AGENDA:** Vice Mayor Oldakowski requested the addition of a discussion regarding the proposed Community Center as Item 10A3 and Councilmember Bass requested to add a brief comment regarding the Citgo Station as Item 10A4. There was no objection to the agenda changes.

4. **CONSENT AGENDA:** The following consent agenda was approved by unanimous consent:

The minutes of the Regular Council Meeting of May 14, 2002 and the minutes of the Zoning Meeting of May 28, 2002.

5. **ORDINANCES:** There were no ordinances on first reading considered by Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION" BY CREATING ARTICLE VII "BOARDS," DIVISION 1 "CAPITAL IMPROVEMENT ADVISORY BOARD," SECTION 2-201 "CREATION, COMPOSITION AND QUALIFICATIONS," SECTION 2-202 "TERM OF OFFICE," SECTION 2-203 "ADVISORY CAPACITY," SECTION 2-204 "RULES OF PROCEDURE," SECTION 2-205 "JURISDICTION," SECTION 2-206 "STANDARDS OF CONDUCT FOR MEMBERS," TO PROVIDE FOR CREATION AND DUTIES OF CAPITAL IMPROVEMENT ADVISORY BOARD FOR THE VILLAGE OF KEY BISCAYNE; PROVIDING FOR INCLUSION IN CODE, SEVERABILITY, AND EFFECTIVE DATE.

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

The Mayor opened the public hearing. Michael Kahn, 881 Ocean Drive and Susan Krupnick, Key Biscayne addressed the Council. The Mayor closed the public hearing.

The ordinance failed by a 3-3 roll call vote. The vote was as follows: Councilmembers Bass, Peters, and Mayor Rasco voting Yes. Councilmembers Broucek, Fried and Vice Mayor Oldakowski voting No.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100(f)(3) OF THE ZONING AND LAND DEVELOPMENT REGULATIONS RELATING TO THE MAXIMUM PROJECTION OF DOCKS AND RELATED MARINE STRUCTURES INTO BISCAYNE BAY; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, PENALTY, AND AN EFFECTIVE DATE.

Vice Mayor Oldakowski made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Broucek.

Director Kurlancheek addressed the Council regarding this ordinance.

The Mayor opened the public hearing. James Taintor, 355 Harbor Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Fried made an amending motion to delete "dock line" and insert "bulkhead" in subsection 4. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Peters made an amending motion to add "Village Waterways and" to the title. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Vice Mayor Oldakowski made an amending motion to add "and must be docked parallel to the bulkhead" and the end of subsection 3. The motion was seconded by Councilmember Peters and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters and Vice Mayor Oldakowski voting Yes. Mayor Rasco voting No.

Vice Mayor Oldakowski made an amending motion to delete the last sentence of subsection 4. The motion was seconded by Councilmember Peters and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The ordinance as amended was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

6. RESOLUTIONS: There were no resolutions considered by Council.

7. REPORTS AND RECOMMENDATIONS: The following items were discussed:

At this time Item 10D1 under the Village Manager was heard. The Manager addressed the Council recommending a six-month trial transportation program for

senior residents on Key Biscayne. Roxy Lohuis, Coordinator of Senior Services, addressed the Council regarding this issue.

Councilmember Fried made a motion to adopt and implement the recommendations from the Manager regarding senior transportation, as stated in her memorandum to the Village Council of June 11, 2002 for a 6 months trial period at a cost not to exceed \$12,470. The motion was seconded by Councilmember Broucek.

Larry Radzville, 77 Crandon Boulevard and Michael Kahn, 881 Ocean Drive addressed the Council.

The motion was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Mayor and Councilmembers. Vice Mayor Oldakowski addressed the Council regarding establishing a framework for Council initiated referenda.

It was the consensus of Council to direct the Attorney to look into this matter and report back to Council at the July 2, 2002 Council Meeting.

Vice Mayor Oldakowski addressed the Council regarding re-zoning of the 700 block of Fernwood Road from duplex to single-family.

Director Kurlancheek addressed the Council regarding this issue.

Councilmember Broucek made a motion to extend the meeting to 11:20 p.m. The motion was seconded by Vice Mayor Oldakowski and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Bass and Fried voting No.

Kathy King, 745 Fernwood Road and Michael Kahn, 881 Ocean Drive addressed the Council.

It was the consensus of Council to direct the Attorney to look into this matter.

Vice Mayor Oldakowski requested consensus from Council to direct the Manager to bring back a recommendation to the Council at the July 2, 2002 regarding the Community Center. There was no objection from Council regarding this request.

Councilmember Fein excused himself from the meeting at 11:00 p.m.

Councilmember Bass addressed the Council regarding the purchase of the Citgo Gas Station.

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 May and June:

proclaiming May 20, 2002 as Cuba's Centennial Commemorative Day; proclaiming May 29, 2002 as Darlene Mooney Day and proclaiming Dr. James W. Moye.

Village Manager. The Manager addressed the Council proposing Tuesday, July 2, 2002 to hold a Budget Workshop before the Regular Council Meeting. The Clerk was directed to work with the Manager on another date to hold this workshop.

8. PUBLIC COMMENTS: Pat Weinman, 940 Mariner Drive; Bonnie Cooper, 77 Crandon Boulevard; Sally Brody, 180 Harbor Drive; Susan Krupnick, Key Biscayne and Carol Diaz-Castro, 240 Hampton Lane addressed the Council.

Councilmember Bass made a motion to extend the meeting to 11:22 p.m. The motion was seconded by Vice Mayor Oldakowski and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass voting No.

9. OTHER BUSINESS/GENERAL DISCUSSION: There was no further business discussed.

10. SCHEDULE OF FUTURE MEETINGS/EVENTS: A schedule of future meetings and events was presented to the Council.

11. ADJOURNMENT: The meeting was adjourned at 11:22 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 2nd day of July, 2002:

Joe I. Rasco
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.