

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JUNE 14, 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 Jose Luis Hernando, Saint Agnes Catholic Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mr. Marcos Selva led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** The following residents addressed the Council: Cecile Sanchez, 260 Cypress Drive; Michael Kahn, 881 Ocean Drive and Rick Fuentes, 881 Ocean Drive.
6. **AGENDA:** Mayor Oldakowski requested to hear Item 10D6 after the Consent Agenda and requested the addition of a discussion regarding non-motorized vessels as Item 10A2; Councilmember Mendia requested the addition of an update regarding the arborist as Item 10A3;

June 14, 2005

Councilmember Weinman requested the addition of a discussion regarding holiday traffic as Item 10A4; Councilmember Liedman requested the addition of a discussion regarding seaweed problem cleanup as Item 10A5 and the Manager requested the addition of a report regarding mosquito control as Item 10D7. 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 Mendia 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 May 24, 2005 Zoning Meeting.

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN EASEMENT AGREEMENT TO BE ENTERED INTO BETWEEN THE VILLAGE OF KEY BISCAYNE, FLORIDA AND PARKINK, LLC; AND PROVIDING FOR EFFECTIVE DATE.**

At this time Item 10D6 was heard.

The Manager addressed the Council requesting a motion to accept the recommendation in the Memorandum of Understanding between the Key Biscayne Community Foundation and the Key Biscayne Community Center Advisory Board.

Todd Hofferberth, Parks and Recreation Director and Hank Rattama, Attorney for the Key Biscayne Community Foundation addressed the Council regarding this issue.

Councilmember Liedman made a motion to accept the recommendation. The motion was seconded by Vice Mayor Vernon and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes. Councilmember Mendia abstained due to a conflict of interest.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 5.01 "ELECTIONS"; TO PROVIDE FOR ELIMINATION OF PRIMARY ELECTIONS FOR COUNCIL MEMBERS AND TO INSTEAD PROVIDE FOR COUNCIL MEMBERS TO BE ELECTED AT A SINGLE ELECTION; RETAINING PRIMARY ELECTION FOR OFFICE OF MAYOR; CALLING AN ELECTION ON THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO BE HELD ON A DATE WHICH IS SET BY RESOLUTION OF**

*June 14, 2005*

**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.**

The Attorney and the Clerk addressed the Council regarding this ordinance.

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

The Mayor opened the public hearing. Michael Kahn, 881 Ocean 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 Clerk announced the second reading of this ordinance on July 5, 2005.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,500,000 OF TRANSPORTATION TAX REVENUE BONDS OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.**

The Attorney addressed the Council regarding this ordinance.

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

The Mayor opened the public hearing. There were no speakers present. 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: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

June 14, 2005

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

**AN ORDINANCE OF VILLAGE OF KEY BISCAVNE, FLORIDA, AMENDING CHAPTER 17 ANOISE® OF THE VILLAGE CODE TO ENHANCE REGULATIONS AND RESTRICTIONS ON NOISE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

The Attorney addressed the Council regarding this ordinance.

John Shubin, Shubin and Bass, representing the Ritz Carlton Key Biscayne addressed the Council.

Councilmember Thornton made a motion to continue this hearing to the July 5, 2005 Regular Council 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.

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AUTHORIZING THE ISSUANCE OF TRANSPORTATION TAX REVENUE BONDS, SERIES 2005, OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,500,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF ROAD IMPROVEMENTS WITHIN THE VILLAGE (CRANDON BOULEVARD IMPROVEMENTS--PHASE II), FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDING THE SALE OF THE BONDS TO SUNTRUST BANK; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

The Manager addressed the Council regarding this resolution.

Vice Mayor Vernon 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.

June 14, 2005

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; ESTABLISHING THE REGULATORY FEE SCHEDULE FOR PERMITTED RECREATIONAL ACTIVITIES WITHIN GU GOVERNMENT USE DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.**

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

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Weinman.

Mortimer Fried, 291 Harbor Court addressed the Council.

Vice Mayor Vernon made a motion to eliminate Section 2b of this resolution. The motion was seconded by Councilmember Mendia 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.

Councilmember Garcia made a motion to amend the resolution by amending the application fee for the Beach Management Plans approved by the Village Manager to \$150.00. The motion was seconded by Councilmember Mendia and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes. Vice Mayor Vernon voting No.

The resolution, as amended, was 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 OF KEY BISCAIYNE, FLORIDA; ESTABLISHING THE FEE SCHEDULE FOR SPECIAL EVENT PERMITS PURSUANT TO CHAPTER A17@ NOISE OF THE CODE OF KEY BISCAIYNE, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

The Manager requested the withdrawal of this resolution.

June 14, 2005

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN SWA GROUP, INC. (THE "CONSULTANT") AND THE VILLAGE OF KEY BISCAYNE, CONCERNING URBAN DESIGN PLANNING SERVICES RELATED TO THE VILLAGE'S VISION PLAN; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE VILLAGE AND THE CONSULTANT; PROVIDING FOR EFFECTIVE DATE.**

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

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

Ed Meyer, 100 Sunrise Drive addressed the Council.

The resolution was 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.

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

Mayor and Councilmembers. Councilmember Weinman addressed the Council recommending the appointment of Mr. Franklin Caplan to the Vision Plan and Evaluation and Appraisal Report Committee.

Councilmember Weinman made a motion to appoint Mr. Caplan to the Committee as the result of the resignation of Ms. Mary Tague. The motion was seconded by Councilmember Liedman 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.

Mayor Oldakowski addressed the Council regarding the use of non-motorized vessels. The Attorney addressed the Council regarding this issue.

Councilmember Mendia addressed the Council requesting an update regarding the arborist. The Manager addressed the Council regarding this issue.

Councilmember Weinman addressed the Council regarding holiday traffic.

Ruben Arias from Commissioner Gimenez=office addressed the Council regarding this issue. Councilmember Liedman addressed the Council regarding cleanup of seaweeds on the beach. The

June 14, 2005

Manager addressed the Council regarding this issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager submitted to the Council the following quarterly reports: Community Center Advisory Board, Special Masters, 2020 Vision/Ear Committee, Crandon Boulevard Zoning and Development Committee and Art in Public Places Board.

Councilmember Garcia made a motion to accept the June 2005 quarterly reports from the different Committees. The motion was seconded by Councilmember Liedman 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 also addressed the Council giving an update on mosquito control.

The Manager requested to substitute the June 28, 2005 Zoning Meeting with a Hurricane Workshop. There was no objection to this request.

Mayor Oldakowski also addressed the Council regarding the transition of cable service provided to Key Biscayne from Adelphia Cable to Comcast.

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 9:10 p.m.

*Respectfully submitted:*

*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 5th day of July, 2005:*

June 14, 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.***