

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, NOVEMBER 9, 2004

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:05 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 Stephen P. Helfman.
2. **INVOCATION:** Reverend Gabriel Sinisi, St. Christopher by the Sea
3. **PLEDGE OF ALLEGIANCE:** Jared Simon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The Mayor on behalf of the Village Council presented a proclamation to former Deputy Chief of Police Cathy McElhaney recognizing her years of service to the Key Biscayne community.
5. **PUBLIC COMMENTS:** The following residents addressed the Council: Mark Fried, 525 Warren Lane and Julie Alvarez, 150 Sunrise Drive.
6. **AGENDA:** The Clerk requested the addition of a brief report regarding absentee ballots and the runoff election on Tuesday, November 16, 2004 as Item 10C5. There was no objection to the agenda change.
7. **APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes

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of the October 12, 2004 Regular Council Meeting. The motion was seconded by Vice Mayor Mendia 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. **ORDINANCES:** There were no ordinances considered by Council.

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

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, CONCERNING THE ACQUISITION OF POLICE VEHICLES FOR THE VILLAGE POLICE DEPARTMENT; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO PURCHASE POLICE EQUIPMENT, TO-WIT: SEVENTEEN (17) POLICE VEHICLES; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING AND APPROVING MASTER LEASE AGREEMENT AND RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.**

The Manager and Chief of Police Charles Press addressed the Council regarding this resolution.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Broucek 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 RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT WITH CESAR TRASOBARES FOR CONSULTANT SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

Mayor and Councilmembers. Councilmember Broucek addressed the Council requesting an update by the Mayor on his efforts for playing fields on Virginia Key.

Mayor Oldakowski addressed the Council and the public regarding the efforts made by the Village of Key Biscayne for playing fields on Virginia Key.

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Councilmember Broucek addressed the Council requesting to explore the feasibility of engaging Ballard & King to ensure the success of the Community Center.

Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this issue.

Ed Meyer, 100 Sunrise Drive addressed the Council regarding the Community Center.

At this time Item 9B was heard.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING SIGNAGE FOR THE VILLAGE HALL BUILDING PURSUANT TO THE NAME DISPLAY COVENANT EXECUTED BY THE VILLAGE OF KEY BISCAYNE FOR THE BENEFIT OF THOMAS H. WAKEFIELD, CHARLES FRED REBOZO AND MARY R. BOUTERSE, AS SUCCESSOR TRUSTEES OF THE CHARLES G. REBOZO REVOCABLE TRUST UNDER REVOCABLE TRUST AGREEMENT DATED JANUARY 20, 1989, AS MODIFIED AND AMENDED; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

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

Councilmember Broucek made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro.

Nicholas E. Christin, Attorney representing the Charles G. Rebozo Trust addressed the Council.

There was extensive discussion from Council regarding this resolution.

Councilmember Fried made a motion to table the resolution. 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.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council the certification of the November 2, 2004 General Election results.

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Councilmember Fried made a motion accepting the Clerk's certification of the November 2, 2004 General Election results. 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. Councilmembers Broucek and Diaz-Castro were out of the room at the time the vote was taken.

The Clerk submitted to the Council a proposed 2005 Council Meeting Schedule. Mayor Oldakowski proposed to change the July 12, 2005 meeting to July 5, 2005. There was no objection to the change. It was the consensus of Council to approve the proposed 2005 Council Meeting Schedule as amended.

The Clerk also addressed the Council regarding the broadcasting of a Runoff Council Forum sponsored by the Islander News on Wednesday, November 10, 2004 requesting a motion to allow the forum to be broadcast on Channel 16.

Councilmember Fried made a motion to permit the broadcasting of the Runoff Council Forum sponsored by the Islander News on Channel 16. 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.

The Clerk also addressed the Council proposing December 7, 2004 for the workshop regarding beach concessions. The Workshop will be held immediately following the Regular Council Meeting scheduled for that date. There was no objection to the suggested date for the above mentioned workshop.

The Clerk addressed the Council and the public regarding the runoff election scheduled for November 16, 2004. The Clerk informed the Council and the public that due to the short time between elections, the Miami-Dade County Elections Department will be issuing provisional absentee ballots. A ballot drop off box will be available in the Clerk's office for those who wish to bring the ballot in person.

Village Manager. The Manager addressed the Council regarding the vacancy on the Art in Public Places Board.

It was the consensus of Council to bring this item back at a future meeting with the newly elected Council.

The Manager also addressed the Council recommending to schedule a workshop for purposes of reviewing amendments to the Noise Ordinance that are recommended by the Noise Ordinance

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Review Committee.

It was the consensus of Council to direct the Manager to propose a date for this workshop at a future meeting.

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 8:45 p.m.

*Respectfully submitted:*

*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 23rd day of November, 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.***