

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, DECEMBER 2, 2003

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 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 Stephen P. Helfman.
2. **INVOCATION:** Rabbi Melvin Glazer, Congregation Beth David gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mrs. Joy Fried 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 Honorable Mortimer Fried on his ten years of service to the Village of Key Biscayne.

Joe Furfaro, Executive President, Arthur Hertz, Executive Vice-President and Eric A. Eimstad, Vice President Sales and Marketing from The Miami Seaquarium made a special presentation to the Village Council.

Mark Fried, 525 Warren Lane addressed the Council regarding the Seaquarium.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Annika Akerlund-Tarajano, 200 Cypress Drive.
6. **AGENDA:** Mayor Oldakowski requested to hear Items 9B and 9E prior to Item 8A1 and the Manager requested the deferral of Item 9C to the January 13, 2004 Regular Council Meeting. There was no objection to the agenda changes.
7. **APPROVAL OF MINUTES:** Vice Mayor Mendia made a motion to approve the minutes of the November 21, 2003 Special Council Meeting. 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.

At this time Items 9B and 9E were heard.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT ON BEHALF OF THE VILLAGE WITH THE METROPOLITAN CENTER AT FLORIDA INTERNATIONAL UNIVERSITY FOR VISION 2004 SURVEY AND CONFERENCE; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

Mr. Dario Moreno, Director of the Metropolitan Center at Florida International University addressed the Council.

The resolution was 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 BISCAYNE, FLORIDA, CONCERNING THE COMMUNITY CENTER COMPONENT OF THE VILLAGE OF KEY BISCAYNE CIVIC CENTER PROJECT; AUTHORIZING CONSTRUCTION EXPENSE ITEMS DESCRIBED HEREIN; AUTHORIZING AMENDMENT NO. 13 TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER CONCERNING MATTERS DESCRIBED THEREIN; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

The resolution was 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:** 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 AMENDING CHAPTER 8 "ENVIRONMENT", CREATING ARTICLE IV "SANITARY CONDITIONS REQUIRED", CONSISTING OF SECTION 8-201 "REMOVAL OF ANIMAL DEFECATION", TO REQUIRE THE REMOVAL AND DISPOSAL OF ANIMAL FECAL MATTER; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR EFFECTIVE DATE.

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

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.

The second reading of the ordinance will be on January 13, 2004.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 2.03 "ELECTION AND TERM OF OFFICE" AND SECTION 5.01 "ELECTIONS"; BY PROVIDING FOR COUNCIL MEMBERS, OTHER THAN THE MAYOR, TO BE ELECTED FOR TERMS OF FOUR (4) YEARS INSTEAD OF TWO (2) YEAR TERMS; AND BY PROVIDING FOR ELIMINATION OF RUN-OFF ELECTIONS FOR MAYOR AND COUNCIL MEMBER POSITIONS, AND PROVIDING FOR CANDIDATES TO BE ELECTED TO MAYORAL AND COUNCIL MEMBER POSITIONS BY PLURALITY VOTE RATHER THAN BY A MAJORITY VOTE REQUIREMENT; PROVIDING FOR ADOPTION OF SECTION 8.09 "TRANSITION PROVISIONS TO FACILITATE CHANGE

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TO FOUR-YEAR TERM"; TO PROVIDE FOR STAGGERED TERMS OF COUNCIL MEMBERS; CALLING AN ELECTION ON THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, MARCH 9, 2004; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL THE CHARTER AMENDMENTS 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.

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

The Mayor opened the public hearing. John Festa, 695 Harbor Lane and Michael Kahn, 881 Ocean Drive addressed the Council. The Mayor closed the public hearing.

A vote was taken on the 2 year term vs. 4 year term. The vote was as follows: Councilmembers Fried, Peters and Vice Mayor Mendia voting Yes. Councilmembers Broucek, Diaz-Castro, Vernon and Mayor Oldakowski voting No.

A vote was taken on eliminating the run-off election for Mayor. The vote was as follows: Councilmembers Broucek and Fried voting Yes. Councilmembers Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting No.

The adoption of the ordinance failed by a 3-4 roll call vote. The vote was as follows: Councilmember Fried voting Yes. Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting No.

It was the consensus of Council to direct the Attorney to bring before the Council the appropriate ordinance regarding the run-off election issue at a future Council Meeting.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, PROVIDING FOR A MORATORIUM ON DEVELOPMENT PERMITS FOR ALL LANDS ZONED FOR COMMERCIAL OR OFFICE USES ALONG THE CRANDON BOULEVARD CORRIDOR AS DEPICTED ON ATTACHED EXHIBIT A; PROVIDING FOR A VESTED RIGHTS PROCEDURE RELATED TO THE MORATORIUM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR EXCLUSION FROM THE CODE OF KEY BISCAIYNE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Diaz-Castro made a motion to adopt the ordinance on second reading. The motion

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was seconded by Councilmember Broucek.

The Mayor opened the public hearing. Wilfredo Borroto, 241 Harbor Drive, Architect for the 200 Crandon Boulevard project; Carter McDowell, Attorney representing the owner of 200 Crandon Boulevard; John Festa, 695 Harbor Lane; Jeffrey Bartel, Attorney representing Wachovia at 100 Crandon Boulevard and John Oramas, Attorney representing the owners of 180 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The adoption of the ordinance failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Broucek, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro, Fried, Peters and Vernon voting No.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, AUTHORIZING A STUDY OF THE ZONING ALONG THE CRANDON BOULEVARD CORRIDOR, AS DEPICTED IN EXHIBIT A ATTACHED HERETO; PROVIDING FOR THE MANAGER TO IMPLEMENT THIS RESOLUTION; AND PROVIDING FOR EFFECTIVE DATE.

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

The Manager and the Attorney addressed the Council regarding this resolution.

The resolution was 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 BISCAWAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT WITH THE FIRM OF RANDOLPH G. WHITE, P.A. FOR FINANCIAL SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Randolph White, Finance Director addressed the Council regarding this resolution.

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It was the consensus of Council to table this resolution to the January 13, 2004 Council Meeting.

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

Mayor and Councilmembers. Vice Mayor Mendia addressed the Council regarding the standardization of trash cans for single family homes and duplexes.

Public Works Director, Armando Nunez addressed the Council.

It was the consensus of Council to direct the Attorney to draft the appropriate ordinance and resolution to implement the one time charge for trash cans and required use of the same.

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 November 2003: proclaiming November 15 as Thomas Weller Day and proclaiming the month of November 2003 as Jewish History Month.

Village Manager. The Manager addressed the Council regarding the termination of the contract with Moyer and Associates.

Vice Mayor Mendia made a motion to terminate the contract with Moyer and Associates. 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 Manager and the Attorney addressed the Council reporting on the status of the Public Access Channel negotiations.

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 10:25 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 13th day of January, 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.