

MINUTES  
**VILLAGE COUNCIL MEETING**  
VILLAGE OF KEY BISCAYNE, FLORIDA

Tuesday, March 5th, 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 7:20 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein, Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Village Manager C. Samuel Kissinger, Village Clerk Conchita H. Alvarez and Village Attorney Richard Jay Weiss.
2. **INVOCATION:** Reverend Jose Luis Hernando, Saint Agnes Catholic Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Rasco led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Dr. Jim Leavitt, Chair, Community Center Committee addressed the Council. The presentation by Dr. Leavitt was deferred until later in the meeting.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: Vicky Simons, 269 Cranwood.
6. **AGENDA:** The Manager requested the addition of a resolution regarding the 200 Crandon Boulevard property as Item 9D; Councilmember Bass withdrew Item 10A1 and explained that Item 10A4 is for informational purposes; Mayor Rasco requested to move Item 9D to the beginning of the resolutions, the addition of a discussion regarding the St. Agnes field as Item 10A6 and a discussion regarding a potential visit of the National League of Cities Committee to Key Biscayne as Item 10A7. The Mayor also requested a progress report from the Attorney regarding the Capital Improvement Board as Item 10B1 and the removal of Item 7C from the consent agenda. There were no objections to the agenda changes.
7. **CONSENT AGENDA:** Vice Mayor Oldakowski requested that an error on page two (2) of the minutes be corrected by substituting the word ~~process~~ by progress.

The minutes of the February 25, 2002 Special Council Meeting as amended.

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; COMMENDING THE MEMBERS OF THE BUILDING REVIEW COMMITTEE FOR THEIR COMMITMENT AND EXPRESSING APPRECIATION FOR THEIR DEDICATION; PROVIDING FOR AN EFFECTIVE DATE.**

The above consent agenda was approved by a unanimous vote.

**8. ITEM REMOVED FROM THE CONSENT AGENDA:**

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 SPEND FEDERAL ASSET SHARING REVENUE FROM THE U.S. GOVERNMENT TO PURCHASE CERTAIN POLICE EQUIPMENT AND FURNISHINGS AS OUTLINED BELOW; PROVIDING FOR AN EFFECTIVE DATE.**

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

Chief of Police Michael J. Flaherty addressed the Council regarding this resolution.

The resolution 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.

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

Hearing Number Sign-02. TRC RE. Investments, Inc., 800 Crandon Boulevard, the applicant is requesting approval of a multitenant sign package with one illuminated sign facing Crandon Boulevard and one illuminated sign facing Mashta Drive. Signage includes 18 inch reverse channel letters, back lite with a maximum size of 18 inches.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council stating his recommendation of approval subject to the following: 1.) Signage is limited to one sign per establishment. The storefront facing Crandon Boulevard is limited to one sign. The storefront facing Mashta Drive is limited to one sign. Signage shall have one line of letters; 2.) Signage shall be 18 in. letters, reverse channel-back line, and dark blue as per the sample provided with this application. The letters shall be Helvetica Medium and 3.) An illuminated sign facing the Le Phare Condominium permitted subject to the stipulation listed in the January 29, 2002 letter from the President of the Association.

Councilmember Bass made a motion to approve the request according to staff's recommendation. The motion was seconded by Councilmember Fein.

The Mayor opened the public hearing. Linda Manla, 121 Island Drive. The Mayor closed the public hearing.

The request was approved 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.

Hearing Number RV-09. TRC RE. Investments, Inc., 800 Crandon Boulevard, the applicant is requesting approval to construct a 5 ft. Wood fence in place of the required 5 ft. masonry wall along the rear (south) property line.

The Mayor opened the public hearing. The applicant addressed the Council requesting withdrawal of the application. The Mayor closed the public hearing.

There was no objection to the request.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PURCHASE AND SALE AGREEMENT BETWEEN KEY BISCAYNE ISLAND STANDARD, INC., A FLORIDA CORPORATION, AND THE VILLAGE OF KEY BISCAYNE; PROVIDING FOR PURCHASE OF CERTAIN LANDS AND IMPROVEMENTS BY THE VILLAGE; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE VILLAGE; AUTHORIZING VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE CONTRACT; AUTHORIZING VILLAGE MANAGER AND VILLAGE ATTORNEY TO TAKE ALL ACTION NECESSARY TO CLOSE THE PURCHASE AND SALE TRANSACTION; PROVIDING FOR EFFECTIVE DATE.**

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

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Elaine Cohen, Weiss Serota Helfman Pastoriza & Guedes addressed the Council regarding this ordinance.

Vice Mayor Oldakowski requested that staff provide real numbers which will include the requests from the seller for free rental, property taxes, etc.

The ordinance was adopted on first 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.

The Clerk announced the second reading of this ordinance for March 19, 2002.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; CONCERNING VILLAGE SANITARY SEWER IMPROVEMENT PROJECT (THE "PROJECT"); PROVIDING FOR REPEAL OF RESOLUTION 99-92, WHICH HAD COMMENCED THE SPECIAL ASSESSMENT FOR THE PROJECT, AND REPEALING RESOLUTION 2001-35, WHICH HAD CONFIRMED THE SPECIAL ASSESSMENTS FOR THE PROJECT; SO AS TO TERMINATE THE SPECIAL ASSESSMENT PROCESS FOR THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE.**

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

There was extensive discussion from Council regarding this resolution.

Councilmember Bass made a motion to defer this resolution. The motion was seconded by Councilmember Fried.

Ed Sawyer, 301 McIntyre Street addressed the Council.

The motion to defer the resolution to the meeting of April 9, 2002 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.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO WITHDRAW THE WASTEWATER COLLECTION SYSTEM LOAN APPLICATION FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Fried made a motion to defer this resolution. The motion was seconded by Councilmember Broucek 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 Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; RELATING TO THE LOCATION, DESIGN, AND CONSTRUCTION OF A CBS BUS SHELTER WITH A METAL SEAM ROOF IN THE CRANDON BOULEVARD PUBLIC RIGHT OF WAY AT THE CURRENT LOCATION OF A BUS STOP AT THE NORTHERN LIMITS OF THE VILLAGE; PROVIDING FOR AN EFFECTIVE DATE.**

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

Director Kurlancheek addressed the Council regarding this resolution.

It was the consensus of Council to defer this resolution to allow staff to further research the issue.

The resolution was deferred by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Fried voting No.

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 SECOND ADDENDUM TO THE LEASE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Bass and Peters were out of the room at the time the vote was taken.

At this time Dr. Jim Leavitt, Chair of the Community Center Committee addressed the Council recommending contracting Leisure Vision to conduct the survey.

Bob Libby, 200 Ocean Lane Drive; Arturo Aballi, 91 Island Drive and Bonnie Cooper, 77 Crandon Boulevard addressed the Council.

Councilmember Fried made a motion directing the Village Manager to contact Leisure Vision and The Winfield Group survey firms, negotiate a final contract with one, and bring it before Council, at the March 19th Council Meeting, for approval. The motion was seconded by Councilmember Broucek and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass voting No.

Vice Mayor Oldakowski addressed the Council requesting that the Attorney present an eminent domain scenario at the second reading of the ordinance purchasing the Citgo Gas Station. There was extensive discussion from Council regarding this issue and it was the consensus not to consider eminent domain at the same time of the second reading of the ordinance.

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

Mayor and Councilmembers. Councilmember Bass also addressed the Council regarding holding a special election to vote on the Recreation Center as proposed.

Councilmember Bass addressed the Council regarding a one month trial of a golf cart trolley service for the residents.

Mr. Bobby White, with RBNW Enterprises, Inc., Hollywood, Florida and Larry Radzville, 77 Crandon Boulevard addressed the Council regarding this service.

It was the consensus of Council to direct the Manager to look into this service.

Councilmember Bass submitted for the information of the Council the results of a survey sent by the Key Biscayne Chamber of Commerce regarding the proposed Community Center.

Councilmember Peters withdrew his motion to create a committee to review the Village of Key Biscayne Zoning ordinances.

Mayor Rasco announced that Father Hernando, St. Agnes Church, had agreed to try to negotiate an agreement for the use of the field by the Village. It was the consensus of Council to direct the Manager to negotiate a contract with Saint Agnes for the use of the field.

Mayor Rasco addressed the Council regarding a potential visit of a National League of Cities Committee to Key Biscayne. The Mayor requested the support of Council to place Key Biscayne as a potential meeting place. It was the consensus of Council to allow the Mayor to promote Key Biscayne for such a meeting.

At this time the Mayor addressed the Council expressing the privilege that the Village of Key Biscayne had last weekend by hosting a New York City firefighter as part of a program from the United States Conference of Mayors.

Village Attorney. The Attorney addressed the Council reporting that they are working with the Manager and in the process of gathering information on Capital Improvement Boards in other municipalities.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager presented to the Council debt cap calculations following the referendum of December 4, 2001 for the Civic Center Project.

The Manager addressed the Council regarding the possibility of refinancing the Village loans.

Randy White, Finance Director addressed the Council regarding the debt cap and the refinancing issues.

The Manager presented to the Council, as requested at the February 12, 2002 Council Meeting, a report from Corzo Castella Carballo Thompson Salman, Engineers, Architects and Planners regarding Harbor Drive improvements.

Ramon Castella, C3TS, Director Kurlancheek and Chief Flaherty addressed the Council regarding the proposed improvements for Harbor Drive.

It was the consensus of Council to direct staff to bring before Council a preliminary proposal for Harbor Drive .

Vice Mayor Oldakowski addressed the Council regarding the hiring of a Public Information Officer and recommended that this issue be deferred until a new Manager is hired.

The Manager gave an update on the relocation of the Fire Station.

Chief of Fire Rescue, John C. Gilbert addressed the Council stating that the firefighters are now occupying the downstairs of the former SunTrust Bank with sleeping and bathroom facilities.

The Manager presented to the Council information of a discussion with Miami-Dade County regarding the Crandon Park pedestrian and bike paths.

The Manager addressed the Council giving an update on the Beach Renourishment Project.

James DeCocq, Beach Renourishment Consultant, addressed the Council regarding this project.

13. **OTHER BUSINESS/GENERAL DISCUSSION:** Councilmember Fein addressed the Council regarding the progress of the Beach Park and the painting of the Gazebo on the Village Green. Councilmember Fein announced that this meeting is the Manager's last official meeting and expressed the honor it has been to work with the Mr. Kissinger during his tenure.

Councilmember Broucek and Vice Mayor Oldakowski also had words of praise for the Manager.

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

15. **ADJOURNMENT:** The meeting was adjourned at 10:26 p.m.

***Respectfully submitted:***

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

***Approved this 19th day of March, 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.***