

MINUTES
REGULAR COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, APRIL 8, 2003

COUNCIL CHAMBER

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 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 J. Helfman.

2. INVOCATION: Reverend David Moran, Key Biscayne Presbyterian Church, gave an invocation.

3. PLEDGE OF ALLEGIANCE: Mr. Steve Stallman led the Pledge of Allegiance.

4. PUBLIC COMMENTS: The following residents addressed the Council: Michele Padovan, 425 Grapetree Drive and Dr. Michael Kelly, 395 Gulf Road.

5. AGENDA: Mayor Oldakowski requested the deferral of Item 10B1 under the Attorney's report, the addition of the nomination of an additional member to the Crandon Boulevard Redesign Committee as Item 10A8, to hear Item 10A3 together with Item 10A7, to hear Item 10D7 together with Item 10A4 and the Manager requested the deferral of Item 10D4 to the next Council meeting. There was no objection to the agenda changes.

6. APPROVAL OF MINUTES: Councilmember Fried made a motion to approve the minutes of the March 18, 2003 Regular Council Meeting. 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.

7. ACTION ON COMMUNITY CENTER REFERENDUM: The Clerk presented to the Council the Certificate of legal sufficiency for the referendum petition regarding the repeal of Ordinance 2002-10, the Capital project authorizing ordinance for the Village of Key Biscayne Community Center.

Councilmember Broucek made a motion to accept the Certificate of Legal Sufficiency. The motion was seconded by Councilmember Peters 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 Attorney addressed the Council regarding the two options before Council. The Attorney stated that Council has the option of repealing Ordinance 2002-10, as requested by the petitioners, or Council may proceed with adopting the resolution calling the Special Election.

Councilmember Fried made a motion to reject the petition and move forward to consider the resolution calling a Special Election. 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 read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CALLING A SPECIAL ELECTION FOR THE PROPOSED REPEAL OF ORDINANCE NUMBER 2002-10, WHICH ORDINANCE SERVES AS THE CAPITAL PROJECT AUTHORIZING ORDINANCE FOR THE CONSTRUCTION AND EQUIPPING OF THE VILLAGE'S COMMUNITY CENTER, PURSUANT TO REFERENDUM PETITION OF ELECTORS SEEKING THE REPEAL OF ORDINANCE 2002-10; PROVIDING FOR BALLOT AND ELECTION PROCEDURE; PROVIDING FOR EFFECTIVE DATE.

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

The Clerk addressed the Council regarding the details of the election and proposed to the Council the possibility of early voting on the Village.

Councilmember Fried made an amending motion to provide early voting in accordance with the law. 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.

The resolution as amended 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: There were no ordinances considered by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN SKYLINE MANAGEMENT GROUP, INC. ("SKYLINE") AND THE VILLAGE OF KEY BISCAYNE, PROVIDING FOR VILLAGE TO OBTAIN THE SERVICES OF SKYLINE AS THE OWNER'S REPRESENTATIVE FOR VILLAGE'S COMMUNITY CENTER PROJECT; AUTHORIZING IMPLEMENTATION OF CONTRACT; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

Barry Goldmeir, 1000 Mariner Drive and Paul Abbott, Skyline, Inc. 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.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the twelve month evaluation of the Village Clerk recommending a 5% salary increase (\$70,201).

Councilmember Broucek made a motion to increase the Clerk's salary to \$70,201, effective April 1, 2003. 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.

Councilmember Broucek addressed the Council with a request from the City of Miami Manager to make a presentation by their Planning Department before the Council on the Virginia Key Master Plan.

The Manager addressed the Council regarding this issue.

It was the consensus of Council to direct the Manager to schedule such a presentation before the Council.

Councilmember Peters addressed the Council making a motion to deny the use of Village/Taxpayer money to state a position of the Council supporting or not supporting the proposed Community Center. The motion was seconded by Councilmember Vernon.

Jim Leavitt, 240 Island Drive; Bonnie Cooper, 77 Crandon Boulevard; Camille Guething, 260 Seaview Drive; Christina Bracken, 224 West Mashta Drive; Michael Kahn, 881 Ocean Drive and Patricia Romano, 361 Beechwood addressed the Council.

There was extensive discussion from Council regarding this matter.

The Attorney, the Manager and Todd Hofferberth, Recreation Director addressed the Council regarding this issue.

The motion failed by a 2-5 roll call vote. The vote was as follows: Councilmembers Diaz-Castro and Peters voting Yes. Councilmembers Broucek, Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting No.

It was the consensus of Council to direct the Manager to prepare the information sheet on the Community Center and present a draft to Council at the April 22, 2003 Council Meeting.

Mayor Oldakowski addressed the Council requesting consensus to direct the Manager to look into regulating motorized water craft and concessions on the public beach.

It was the consensus of Council to direct the Manager to look into this issue and report back to Council in 30 days.

Mayor Oldakowski addressed the Council requesting consensus to direct the Manager to look into the regulations that affect the pick up of trash and landscape cuttings.

Armando Nunez, Director of Public Works addressed the Council regarding this issue.

It was the consensus of Council to direct the Manager to look into this issue and report back to Council.

Mayor Oldakowski addressed the Council regarding the evaluation of the Village Manager.

Mayor Oldakowski presented to the Council the following proposed terms for the renewal of the Village Manager's contract: salary 5% increase (\$136,147.28); car allowance \$4,800; no housing allowance; 15% Village contribution ICMA 401; group plan insurance; 1 year severance pay and a 3 year contract.

Councilmember Fried made a motion directing the Attorney to prepare a contract for the Manager with the above proposed terms. 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.

Mayor Oldakowski addressed the Council regarding a new appointment to the Crandon Boulevard Streetscape Master Plan Committee proposing Mr. Steve Liedman.

Councilmember Peters made a motion to appoint Mr. Steve Liedman to the Crandon Boulevard Streetscape Master Plan Committee. 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.

Village Attorney. The Attorney withdrew the item regarding the quasi-judicial procedures.

Village Clerk. The Clerk submitted a copy of her office's 2002 annual report to the Council.

Village Manager. The Manager addressed the Council reporting that she has been appointed to a permanent coordinating group for Intergovernmental Special Events.

The Manager addressed the Council regarding the Art in Public Places Committee recommending the replacement of a voting member due to a resignation.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council regarding this item.

Councilmember Fried made a motion to appoint Ms. Teresa Hodges to the Art in Public Places Committee. 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.

The Manager addressed the Council regarding the Crandon Boulevard Streetscape Master Plan recommending the appointment of a new voting member.

Director Kurlancheek addressed the Council regarding this item.

Councilmember Fried made a motion to appoint Mr. Kevin Kirwin, Crandon Park Manager as a voting member. 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.

The Manager deferred the item regarding the Mashta Bridge fishing permit.

The Manager addressed the Council recommending Wednesday, April 23, 2003 at 6:00 p.m. as the date, time and place for the Police Workshop. The Workshop will be held in the Council Chamber.

The Manager also addressed the Council recommending Tuesday, July 1, 2003 at 6:00 p.m. as the date for the Budget Workshop. The Workshop will be held in the Council Chamber.

11. OTHER BUSINESS/GENERAL DISCUSSION: Director Hofferberth addressed the Council regarding the Easter Egg Hunt on Saturday, April 19, 2003 at 9:30 a.m. on the Village Green.

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 9:40 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 22nd day of April , 2003:

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.