

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

Tuesday, April 9th, 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 7:05 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 Clerk Conchita H. Alvarez and Village Attorneys Richard Jay Weiss and Stephen J. Helfman.
2. **INVOCATION:** Councilmember Peters gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Rasco led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Mr. Victor Alonso, Supervisor Region IV, Office of Capital Improvement, Miami-Dade County School Board addressed the Council on the proposed addition at the Key Biscayne Community School. The proposed addition to the facility consists of two buildings totaling approximately 60,000 SF of new interior area. One building will be a three story classroom wing located along Ridgewood Road. The second building will be the new dining facility and will be located at the corner of West McIntyre Street and Glenridge Road. The total cost of the project is approximately Ten (10) Million dollars.

Councilmember Broucek, Chairman, Charter Revision Commission addressed the Council regarding the Charter Amendments proposed by the Charter Revision Commission.

The Attorney addressed the Council regarding the proposed Charter Amendments.

It was the consensus of Council to hold a Special Meeting on Tuesday, April 16, 2002 at 6:00 p.m. to look at the specific ballot language for the proposed Charter Amendments made by the Commission.

Dr. Jim Leavitt, Chairman, Community Center Committee presented to the Council the committee's final report. The Committee makes the following recommendations to the Village Council: 1.) Conduct a citizen survey through Leisure Vision, Inc. Use the results of the survey to determine if a community center should be developed and, if so, the programs which the community center should offer to Village residents. An analysis of the needs and desires of the Village residents will also help direct the Council with regard to the size and design of the community center. 2.) Create a citizens community center advisory board to oversee the programs and management of the community center on an ongoing basis. 3.) Create a plan / committee / task force to address the need for additional green space, identify potential sites and evaluate possible purchase or acquisition. A financial plan or program to pay for such sites should also be created. 4.) Consider, study and evaluate the following two (2) alternatives to the presently designed community

center: **East-West Alternative:** Create a community center on an east-west configuration under the following conditions: a.) acquire Citgo station by December 31, 2002; b.) with regard to that portion of the community center which fronts Fernwood, the building should not exceed one (1) story. However, the portion of the center fronting Fernwood should be designed so that it is capable of adding a second story at some point in the future; c.) the cost to design, construct and operate the center is reasonable; d.) the cost to design and construct the center complies with the Village debt cap contained in the Village Charter; e.) the building design is consistent with the results of the citizen survey; f.) safety and control challenges presented by this design are addressed; and g.) maintain a minimum set-back of twenty five (25') feet on Fernwood Road and the **Modified North-South Alternative:** Design and construct a community center in accordance with an alternative design by Robert Currie placing the center further east on McIntyre. This allows for a 240-foot-long triangular green space along Fernwood, setting off the recreation center 118 feet from Fernwood at McIntyre, narrowing to 35 feet on the north end of the property, with the following conditions: a.) the community center is consistent with the citizen survey; b.) the design is consistent with and satisfies traffic concerns; c.) the center is designed and constructed within the debt cap contained in the Village Charter; and d.) a re-design which would "flip" the classrooms and the gymnasium should be explored. The purpose of the possible re-design would be to place the lower scaled construction along Fernwood. 5.) Pursue negotiations with SunTrust to eliminate or modify Village Green Way. 6.) If the modified north-south alternative is adopted, acquire the Citgo property and require it to become green space. 7.) As to the construction of either alternatives described in ¶ 4, the Village should use an open-bid process and invite pre-qualified public and private sector contractors to participate. 8.) Obtain a legal opinion from the Village Attorney, after consultation with the Finance Department and Village accountants as to the definition of "debt," the amount of "debt" incurred by the Village, and then determine how much money is available to be used for the community center under the Village Charter debt cap. 9.) Develop a plan to obtain private donations and private fundraising as a supplemental source of funds to build and maintain the community center and to solicit unrestricted funds from other government sources. 10.) With regard to parking, analyze the cost and possible consequences (i.e., leakage or lost green space to accommodate parking) of placing parking below grade and consider additional possible parking alternatives to satisfy the community center and Government Center needs. 11.) Assuming that the survey supports the need for a gymnasium and, in the event of phased construction, the gymnasium should be the first element constructed. 12.) An outdoor pool and programs associated with the outdoor pool should be a part of the community center. 13.) The use and association of the community center with Key Biscayne schools, public and private, should be explored and possible partnerships should be entered into. 14.) Assuming that the survey supports it, space within the community center should be set aside and programmed as a "wellness center." 15.) The community center should provide a separation between facilities and programs for toddlers, children, teenagers, adults and senior citizens, in accordance with the survey results. 16.) The police/administration building and fire department annex should be considered as programmable community space. However, programs and activities for children (through 18 years of age) should only take place at the community center. 17.) The community center should include facilities other than athletic facilities, i.e., meeting rooms, study areas, arts and crafts areas, computer rooms, and combine Miami-Dade County library system into the available computers, in accordance with the survey. 18.) Landscaping should be used to every extent possible to reduce the impact of the community center on surrounding areas. 19.) To the extent possible,

the community center should be sensitive to the needs of local businesses. 20.) The membership of the community center should be limited to Village residents and Village employees. Access to specific programs should be limited to members, guests, Village employees, children attending school on Key Biscayne, and children who participate in Key Biscayne Athletic Club programs.

Letters from the following Committee members were introduced into the record: Arturo Aballi, 91 Island Drive; Bill Cole, 580 Fernwood Road and Barry S. Goldmeir, 1000 Mariner Drive.

Councilmember Fein made a motion to accept the final report from the Community Center Committee and to direct staff to investigate the recommendations made and report back to the Council within 30 days. 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 Council thanked the Committee for the report.

Vice Mayor Oldakowski announced that the Key Biscayne Library will be hosting a lunch for all residents to meet and hear Mr. Carl Hiaasen.

**5. PUBLIC COMMENTS:** The following residents addressed the Council: Carol Diaz-Castro, 240 Hampton Lane; Pat Weinman, 940 Mariner Drive; Bob Libby, 200 Ocean Lane Drive; Marilyn Levin, 430 Grand Bay Drive; Camille Guething, 260 Seaview Drive; Arturo Aballi, 91 Island Drive and Michael Kelly, 395 Gulf Road.

**6. AGENDA:** The Clerk brought to the attention of the Council a scrivener's error on Item 10A6, it should read April 1, 2002 and Councilmember Peters requested the addition of a report and motion to approve contract with the new Village Manager at the beginning of Item 10A. There was no objection to the agenda changes.

**7. APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the March 19, 2002 Zoning Meeting. 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.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-197 "SUPPLEMENTAL REGULATIONS" OF CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES OF KEY BISCAYNE TO REGULATE SIGNAGE ON GOLF CARTS; AMENDING SECTION 30-11 REGARDING THE DEFINITION OF VEHICLE SIGN; AMENDING SECTION 26-23 OF CHAPTER 26 "TRAFFIC AND VEHICLES" TO ADD PARAGRAPH (C) REGARDING PARKING OF GOLF CARTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Bass made a motion to continue the public hearing to the Zoning Meeting of April 23, 2002. The motion was seconded by Vice Mayor Oldakowski.

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

The motion to continue the public hearing 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 ordinance, on second reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 88 W. MCINTYRE STREET AND 560 CRANDON BOULEVARD TO REFLECT ITS DESIGNATION AS GU GOVERNMENT USE DISTRICT; AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 85 W. MCINTYRE STREET TO REFLECT ITS DESIGNATION AS GU GOVERNMENT USE DISTRICT AND PROS PUBLIC RECREATION AND OPEN SPACE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

Attorney Helfman addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Keith Hope, 135 Woodcrest Lane; Arturo Aballi, 91 island Drive; Carol Diaz-Castro, 240 Hampton Lane; Camille Guething, 260 Seaview Drive. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on second reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Peters voting No.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING VILLAGE/STATE DMS AGREEMENT; APPROVING THE GUARANTEED MAXIMUM PRICE (GMP) AND AUTHORIZING THE CONSTRUCTION OF MODIFICATIONS TO THE FIRST FLOOR OF THE ADMINISTRATION/POLICE STATION AS PROVIDED FOR IN PLANS PREPARED BY SPILLIS, CANDELA DMJM; PROVIDING FOR AN EFFECTIVE DATE.**

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

Jud Kurlancheek, Director of Building, Zoning and Planning and Mr. Robert Maphis, Vice President of Operations, James A. Cummings, Inc. addressed the Council regarding this resolution.

Carol Diaz-Castro, Chairman, Building Review Committee addressed the Council.

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.

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

Mayor and Councilmembers. Councilmember Peters addressed the Council regarding the negotiations of a contract with the new Village Manager. The contract will be a yearly contract with an annual base salary of \$128,000 per year and a \$400 per month car allowance. The new Manager will start working on May 6, 2002.

Vice Mayor Oldakowski made a motion to approve the Manager's contract. The motion was seconded by Councilmember Bass 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.

Councilmember Broucek addressed the Council regarding press releases.

Mayor Rasco made a motion to appoint Councilmember Bass to work with the staff to put together a Youth Council. The motion was seconded by Vice Mayor Oldakowski and approved by 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Fein was out of the Chamber at the time the vote was taken.

Mayor Rasco addressed the Council regarding the increasing cost of elections.

Councilmember Broucek addressed the Council regarding the homeless situation on the Key, specifically, Oasis, Stefano's and gas station and panhandlers at the local churches.

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

Councilmember Peters requested a report on the status of the disability insurance for Village Public Safety Departments (Fire and Police).

Captain Mike Haring, Chief John C. Gilbert Fire Rescue Department and Sergeant Nick Ismailoff, Police Department addressed the Council.

It was the consensus of Council to direct staff to look into this issue and bring it before Council.

Mayor Rasco addressed the Council regarding the twelve Month evaluation of the Village Clerk. It was the consensus of Council to appoint Vice Mayor Oldakowski to study this issue and report back to Council at the next Regular Meeting.

Mayor Rasco made a motion to authorize the Village Attorney to prepare a proposed ordinance for amendment of Village Charter provision concerning compensation of Councilmembers and/or other provisions, for consideration by the voters. The motion was seconded by Vice Mayor Oldakowski.

The Attorney addressed the Council regarding compensation.

The motion 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.

Vice Mayor Oldakowski requested a report from Chief Flaherty on pedestrian safety issues on Crandon Boulevard. Chief Flaherty reported that Officer Jorge Mora conducted a survey on school children school crossing. The results of the survey are as follows: a total of 96 children used McIntyre Street, a total of 5 children used Crandon Boulevard and a total of 25 children used West Enid to and from school on March 27, 2002. On April 8, 2002 a total of 70 children used McIntyre Street, a total of 3 children used Crandon Boulevard and a total of 39 children used West Enid to and from school.

Councilmember Broucek made a motion to extend the meeting until 11:15 p.m. The motion was seconded by Councilmember Bass and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Bass addressed the Council regarding the establishment of a procedure to control/remove unruly citizen(s). It was the consensus of Council to direct the Acting Manager to look into this issue and report to Council.

Councilmember Bass addressed the Council regarding a date certain for creating the Capital Improvement Advisory Board. This item will be placed on the May 14, 2002 agenda.

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 April 2002: proclaiming the week of April 7-14, 2002 as Days of Remembrance Week; proclaiming April 6, 2002 as Dance Marathon Day and the month of April 2002 as Fair Housing Month.

Village Manager. At Vice Mayor Oldakowski's request, Todd Hofferberth, Director of Recreation addressed the Council regarding the implementation of controls at the Village Beach Park to restrict access to only allow Key Biscayne residents and their guests. The system will be operational in six weeks.

Director Hofferberth also addressed the Council regarding the need to increase the Special Events budget within the Recreation Department. The Department is requesting an additional \$25,000 be added to the Special Events Line Item.

Director Hofferberth addressed the Council stating that Miami-Dade County has requested that the Village of Key Biscayne Recreation Department "provide for three unlighted multi-purpose sports courts" at Calusa Park. The Recreation Department would like to initiate the process by installing skate park and roller hockey equipment on tennis court #1. The equipment and program would be managed by the Village of Key Biscayne Recreation Department.

The Acting Manager addressed the Council regarding the Beach Renourishment Project stating that the project is moving forward and completed before May 31, 2002.

Director Hofferberth addressed the Council regarding a date for the Ocean Park Dedication. It was the consensus of Council that staff should set a date and inform the Council.

Vice Mayor Oldakowski made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Councilmember Bass 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.

Mitchell J. Burnstein, Attorney with Weiss Serota Helfman Pastoriza and Guedes addressed the Council regarding the eminent domain process.

Councilmember Broucek made a motion to extend the meeting to 11:35 p.m. The motion was seconded by Councilmember Fein and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Bass and Fein voting No.

The Acting Manager addressed the Council regarding the Florida Revolving Loan Program. It was the consensus of Council to direct the Acting Manager to call Mr. Don W. Berryhill, P.E., Chief, Bureau of Water Facilities Funding to request an extension for the loan.

**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 11:35 p.m.

**Respectfully submitted:**

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

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