

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

Tuesday, May 14th, 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 7:00 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 Jacqueline R. Menendez and Village Attorney Richard Jay Weiss.

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

3. **PLEDGE OF ALLEGIANCE:** Mayor Rasco led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** On behalf of the Village Council the Mayor presented a proclamation to the American Legion Auxiliary proclaiming May 20 - 27, 2002 as Poppy Week in Key Biscayne.

Mr. James DeCocq, Consultant, gave an update report on the Beach Renourishment Project.

Mayor Rasco announced the passing away of the Clerk's mother expressing condolences, on behalf of the Council, to Ms. Alvarez and her family.

5. **PUBLIC COMMENTS:** John Rosser, 300 Redwood Lane addressed the Council.

6. **AGENDA:** Councilmember Peters requested the deferral of Items 8A1 and 9A; Councilmember Fein requested to hear Items 9B and 10A4 at the same time and the Manager requested the deferral of Item 10D1 to the next meeting. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** Vice Mayor Oldakowski requested that a scrivener's error on page 2 of the April 30, 2002 minutes be corrected.

The following consent agenda was approved by unanimous consent:

The minutes of the Zoning Meeting of April 23, 2002 and the minutes of the Special Council Meeting of April 30, 2002, as amended.

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; RECOGNIZING MAY 13 THROUGH MAY 17, 2002 AS NATIONAL POLICE WEEK; PROVIDING FOR AN EFFECTIVE DATE.**

8. **ORDINANCES:** The Attorney 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 2 "ADMINISTRATION" BY CREATING ARTICLE VII "BOARDS," DIVISION 1 "CAPITAL IMPROVEMENT ADVISORY BOARD," SECTION 2-201 "CREATION, COMPOSITION AND QUALIFICATIONS," SECTION 2-202 "TERM OF OFFICE," SECTION 2-203 "ADVISORY CAPACITY," SECTION 2-204 "RULES OF PROCEDURE," SECTION 2-205 "JURISDICTION," SECTION 2-206 "STANDARDS OF CONDUCT FOR MEMBERS," TO PROVIDE FOR CREATION AND DUTIES OF CAPITAL IMPROVEMENT ADVISORY BOARD FOR THE VILLAGE OF KEY BISCAYNE; PROVIDING FOR INCLUSION IN CODE, SEVERABILITY, AND EFFECTIVE DATE.**

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

The Attorney addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

The Mayor opened the public hearing. Ed Meyer, 100 Sunrise Drive; Pat Weinman, 940 Mariner Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Fein made an amending motion to exclude the Recreation Center Project from the review of this committee. The motion was seconded by Councilmember Bass and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Broucek voting No.

Vice Mayor Oldakowski made a motion to reduce the number of members to five (5). The motion was seconded by Councilmember Bass. Vice Mayor Oldakowski withdrew his motion.

Councilmember Fein made an amending motion to change the number of members to be equal to the number of Councilmembers. The motion was seconded by Councilmember Bass and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Broucek voting No.

Councilmember Peters made an amending requiring each Councilmember to appoint one member to the Committee. The motion was seconded by Councilmembers Bass and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Bass, Fein, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Broucek and Fried voting No.

Councilmember Fein made an amending motion to limit the amount to \$500,000 minimum on capital projects coming before the Board. The motion was seconded by Councilmember Bass. Councilmember Bass withdrew his second to the motion.

Mayor Rasco made an amending motion to eliminate the two-thirds (2/3) vote requirement in **Section 2-201. Creation, composition and Qualifications, subsection (c)**. The motion was seconded by Councilmember Bass and approved

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

Mayor Rasco made an amending motion to limit re-appointments to one time in **Section 2-202. Term of office.** The motion was seconded by Councilmember Bass and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Broucek voting No.

Councilmember Fein made an amending motion to remove items (1) and (2) under **Section 2-205. Jurisdiction.** The motion was seconded by Councilmember Bass and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Broucek voting No.

The ordinance as amended was approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Bass, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Broucek, Fein and Fried voting No.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING SPECIFIC RECOMMENDATIONS MADE BY THE COMMUNITY CENTER COMMITTEE; DIRECTING THE VILLAGE MANAGER TO PREPARE AND IMPLEMENT A STRATEGY THAT RESULTS IN THE COMMENCEMENT OF CONSTRUCTION OF THE COMMUNITY CENTER BY OCTOBER 1, 2002 IF THE SURVEY SUPPORTS THE CONSTRUCTION OF SAID CENTER; PROVIDING FOR AN EFFECTIVE DATE.**

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

Andrew Gordon, 269 Cranwood Drive; James Taintor, 355 Harbor Drive; Pat Weinman, 940 Mariner Drive; addressed the Council.

There was extensive discussion from Council regarding this resolution.

Director Kurlancheek addressed the Council regarding this resolution.

Vice Mayor Oldakowski made an amending motion to delete Section 1. The motion was seconded by Councilmember Fein 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 resolution as amended 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. Vice Mayor Oldakowski addressed the Council regarding scheduling a Goals and Objectives Workshop. It was the consensus of Council that the Clerk look into the calendar of meetings and propose a date for the workshop.

Vice Mayor Oldakowski addressed the Council regarding the twelve month evaluation of the Village Clerk.

Vice Mayor Oldakowski made a motion to increase the Clerk's salary to \$66,000 effective April 1, 2002. 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.

Mayor Rasco addressed the Council regarding the EENR Steering Committee Meeting activities to be held in Key Biscayne on May 30-31, 2002.

Councilmember Fein addressed the Council regarding the ticketing of cars at KBAC baseball games and other events. It was the consensus of Council to direct staff to look into this issue and bring a recommendation to Council at a future meeting.

Village Attorney. The Attorney addressed the Council requesting an Executive Session regarding three pending litigations of the Coalition vs. Village of Key Biscayne.

Village Clerk. The Clerk submitted to the Council a copy of the following proclamations issued by the Office of the Mayor during the months of April and May, 2002: proclaiming the week of April 14-20, 2002 as National Library Week in the Village of Key Biscayne; proclaiming April 24, 2002 as Bill Croysdale Day; proclaiming the month of May as Civility Month and proclaiming May 19-25, 2002 as Emergency Medical Services Week.

Village Manager. The Manager deferred the Senior Transportation item.

**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 9:40 p.m.

**Respectfully submitted:**

***Conchita H. Alvarez, CMC***

***Village Clerk***

***Approved this 11th day of June , 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.**