

MINUTES

SPECIAL COUNCIL MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, AUGUST 3, 2004

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:16 p.m. Present were Councilmembers Martha F. Broucek, Carol Diaz-Castro, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Councilmembers Mortimer Fried and James L. Peters were absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **APPROVAL OF MINUTES:** Councilmember Broucek made a motion to approve the minutes of the June 29, 2004 Special Council Meeting and the minutes of the June 29, 2004 Budget Workshop. The motion was seconded by Vice Mayor Mendia and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.
3. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 30 "ZONING," AT SECTION 30-104 "INSTITUTIONAL DISTRICT" TO ADD "VILLAGE RECREATIONAL FACILITIES" TO THE LIST OF MAIN PERMITTED USES; AMENDING SECTION 30-112 "SUPPLEMENTAL USE REGULATIONS," AT SUBSECTION (h) "HEIGHT EXEMPTION" TO PROVIDE HEIGHT EXEMPTION FOR LIGHTING STRUCTURES FOR VILLAGE RECREATIONAL FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

The Attorney addressed the Council regarding this ordinance.

*August 3, 2004*

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

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

Vice Mayor Mendia made an amending motion to change the height for the lighting structures from 50' to 70'. The motion was seconded by Councilmember Broucek and approved by a 5-0 voice vote.

The vote was as follows: Councilmembers Broucek, Diaz-Castro, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The ordinance, as amended, was adopted on first reading by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on August 31, 2004.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 5.01 "ELECTIONS"; BY PROVIDING FOR REVISION OF MAYORAL AND COUNCIL ELECTION DATE, COMMENCING WITH 2006 ELECTION, TO PROVIDE FOR PRIMARY ELECTIONS FOR MAYOR AND COUNCIL TO BE IN OCTOBER OF EACH EVEN NUMBERED YEAR AND FOR REGULAR ELECTIONS FOR MAYOR AND COUNCIL TO BE IN NOVEMBER OF EACH EVEN NUMBERED YEAR, AND ELIMINATING RUNOFF ELECTION SYSTEM WHICH CURRENTLY PROVIDES FOR RUNOFF ELECTIONS TO BE HELD TWO WEEKS FOLLOWING REGULAR ELECTION; AND ALLOWING ELECTION DATES TO BE FURTHER ADJUSTED BY ORDINANCE OF THE VILLAGE COUNCIL; CALLING AN ELECTION ON THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, NOVEMBER 2, 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.**

The Attorney and the Clerk addressed the Council regarding this ordinance.

*August 3, 2004*

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

The Mayor opened the public reading. Michael Kahn, 881 Ocean Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to direct the Attorney to amend the ordinance by eliminating the provision which elects a candidate receiving 50% of the total ballots cast in the Primary election.

The ordinance was adopted on first reading by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on August 31, 2004.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,300,000 OF LAND ACQUISITION AND CAPITAL IMPROVEMENT REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.**

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

Councilmember Diaz-Castro made a motion to adopt the ordinance on first reading. The motion was seconded by Vice Mayor Mendia.

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

The ordinance was adopted on first reading by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on August 31, 2004.

August 3, 2004

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK AND MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

The Manager addressed the Council regarding this resolution.

Councilmember Diaz-Castro made a motion to approve the resolution. The motion was seconded by Vice Mayor Mendia and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, 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 BISCAIYNE, FLORIDA, APPROVING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN WALLACE ROBERTS & TODD, LLC., (THE "CONSULTANT") AND THE VILLAGE OF KEY BISCAIYNE CONCERNING PLANNING SERVICES FOR THE EVALUATION AND APPRAISAL REPORT (THE "EAR") FOR THE VILLAGE'S COMPREHENSIVE PLAN, PREPARATION OF VISION PLAN, PREPARATION OF DESIGN AND DEVELOPMENT REGULATORY CRITERIA FOR THE CRANDON BOULEVARD CORRIDOR, AND FOR THE CRANDON BOULEVARD ENTRY BLOCK; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE VILLAGE AND CONSULTANT; PROVIDING FOR AN EFFECTIVE DATE.**

The Manager and Director of Building, Zoning and Planning, Jud Kurlancheek addressed the Council regarding this resolution.

Councilmember Broucek made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

August 3, 2004

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT (THE "FF&E") FOR THE VILLAGE OF KEY BISCAYNE COMMUNITY CENTER; WAIVING COMPETITIVE BIDDING FOR PURCHASE OF FF&E ITEMS PURSUANT TO VILLAGE CODE SECTION 2-85; AUTHORIZING VILLAGE MANAGER TO COMPLETE PURCHASE OF FF&E ITEMS; PROVIDING FOR EFFECTIVE DATE.**

The Manager addressed the Council regarding this resolution.

Councilmember Vernon made a motion to approve the resolution. The motion was seconded by Vice Mayor Mendia and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek was out of the room at the time the vote was taken.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RECOGNIZING THE KEY BISCAYNE COMMUNITY FOUNDATION, A FLORIDA NON-PROFIT CORPORATION (THE "FOUNDATION"), FOR THE PURPOSE OF ENABLING THE FOUNDATION TO RAISE DONATIONS FOR THE BENEFIT OF THE VILLAGE OF KEY BISCAYNE COMMUNITY CENTER, PROVIDING FOR APPROVAL OF FUNDRAISING AND RECOGNITION CRITERIA FOR THE COMMUNITY CENTER UPON THE RECOMMENDATION OF THE VILLAGE OF KEY BISCAYNE COMMUNITY CENTER ADVISORY BOARD; AUTHORIZING VILLAGE MANAGER TO EXECUTE AGREEMENT WITH THE FOUNDATION SO AS TO ENABLE THE VILLAGE TO RECEIVE DONATIONS WHICH ARE MADE TO THE FOUNDATION FOR THE PURPOSES OF THE COMMUNITY CENTER; RESERVING VILLAGE COUNCIL AUTHORITY TO DETERMINE ACCEPTANCE OF DONATIONS AND AUTHORITY OVER EXPENDITURE OF FUNDS RECEIVED FROM DONATIONS; PROVIDING AN EFFECTIVE DATE.**

The Manager addressed the Council requesting the deferral of this resolution. There was no objection to the request.

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

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council, for their information a letter from Constance A. Kaplan, Supervisor of Elections regarding the run-off election for Key Biscayne.

August 3, 2004

Village Manager. The Manager presented to the Council a report on the noise and burglar ordinances proposed by the Noise Ordinance Review Committee.

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

The following members of the Noise Ordinance Review Committee addressed the Council: Luis Arrondo, 350 Grapetree Drive; Ramon Rodriguez, 530 Sabal Palm Drive; Clinton Archambault, 590 Ocean Drive and Bill Pickell, 320 West McIntyre Street.

The Mayor, on behalf of the Council, recognized the members of this committee for their time and dedication to this process.

It was the consensus of Council to schedule a workshop regarding noise some time in October.

6. **OTHER BUSINESS/GENERAL DISCUSSION:** The Mayor and the Manager addressed the Council regarding the mosquito situation on Key Biscayne. The Manager informed the Council that the Miami-Dade County trucks will be spraying periodically in order to control the mosquitoes.

The Mayor, on behalf of the Council, welcomed Chief of Police Charles Press.

Councilmember Diaz-Castro addressed the Council regarding the General Obligation Bond and the progress made on the Virginia Key Environmental Assessment.

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

8. **ADJOURNMENT:** The meeting was adjourned at 9:15 p.m.

*Respectfully submitted:*

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

August 3, 2004

Approved this 31st day of August, 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.***