

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, AUGUST 31, 2004

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:20 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 P. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mr. Sixto Campano led the Pledge of Allegiance.
3. **SPECIAL PRESENTATIONS:** Todd Hofferberth, Parks and Recreation Department Director addressed the Council recognizing Ms. Vicki Stewart as the new Community Center Supervisor.

Emergency Services Director, Chief John C. Gilbert addressed the Council recognizing the following individuals in their employment with the Village of Key Biscayne: Firefighter/Paramedics Kevin Adams, Keith Bean, Jason Davis, Henry Farfan, George May, David Rairden and Billy Rodriguez.

Mayor Oldakowski, on behalf of the Village Council, presented a proclamation to the Key Biscayne Firefighters recognizing August 30 through September 6, 2004 as "International Association of Firefighters Week" in the Village of Key Biscayne.

August 31, 2004

Ms. Bonnie Cooper and Mr. Carlos Batlle, on behalf of the Community Center Advisory Board, addressed the Council regarding the proposal for a fundraising program for the Community Center. The Attorney addressed the Council regarding this proposal.

It was the consensus of Council to direct staff to place the proposal for a fundraising program for the Community Center on a future agenda for discussion or action.

Mr. Steve Sonnabend, on behalf of the Community Center Foundation, addressed the Council.

4. **PUBLIC COMMENTS:** The following residents addressed the Council: Marilyn Borroto, 241 Harbor Drive; Roberto Porcari, 181 Harbor Drive; Dr. Alex Zacharia, 245 Harbor Drive and Juan Cabrera, 201 Harbor Drive.

5. **AGENDA:** Councilmember Diaz-Castro requested the addition of a brief discussion regarding the trees on Harbor Drive as Item 9A2; Mayor Oldakowski requested the addition of a discussion on employee benefits as Item 9A3; Councilmember Vernon requested an update regarding Hurricane Frances as Item 9D2 and the Clerk requested the withdrawal of Item 8A. There was no objection to the agenda changes.

6. **APPROVAL OF MINUTES:** Councilmember Broucek made a motion to approve the minutes of the August 3, 2004 Special Council Meeting. 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.

7. **ORDINANCES:** There were no ordinances on first reading considered by Council.

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

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

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

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

August 31, 2004

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

The ordinance was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Diaz-Castro was out of the room at the time the vote was taken.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, 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 Manager and the Attorney addressed the Council regarding this ordinance.

Councilmember Broucek made a motion to adopt the ordinance on second 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.

The ordinance was adopted on second reading by a 7-0 roll call 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 ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, 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

August 31, 2004

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.

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

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

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; RECOGNIZING KEY BISCAYNE PROFESSIONAL FIREFIGHTERS LOCAL 3638, IAFF, AS EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE FOR CERTAIN SUPERVISORY EMPLOYEES; PROVIDING FOR AN 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 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, APPROVING THE ART IN PUBLIC PLACES GIFTS OF ARTWORK GUIDELINES, FOR THE PURPOSE OF ESTABLISHING GUIDELINES GOVERNING THE ACQUISITION OF PROPOSED GIFTS OF WORKS OF ART BY THE VILLAGE OF KEY BISCAYNE; AUTHORIZING THE VILLAGE COUNCIL TO APPROVE OR DENY THE ACQUISITION OF GIFTS OF WORKS OF ART IN ACCORDANCE WITH THE GIFTS OF ARTWORK GUIDELINES; AND PROVIDING AN EFFECTIVE DATE.

August 31, 2004

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

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

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

Mayor and Councilmembers. Councilmember Diaz-Castro addressed the Council regarding a presentation to request to review the Manager's decision to ban all motorized vessels from the 300 ft. shoreline.

The Manager and the Attorney addressed the Council regarding this issue.

The following persons addressed the Council: Maria Gralia, Attorney with Shutz & Bowen, representing El Club; Peggy Matthews, representing the American Watercraft Association; Linda Chehab, 151 Crandon Boulevard; Alberto Pagano, 251 Crandon Boulevard; Maria Bibolini, 390 Caribbean Road and Andres Lawgesfeld, El Club.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to direct the Attorney to look into the 300 ft. ban of all vessels from the shoreline.

Councilmember Diaz-Castro made a motion to postpone the ban of motorized vessels from the 300 ft. shoreline for 30 days. The motion was seconded by Councilmember Broucek. Councilmember Diaz-Castro withdrew her motion.

Councilmember Diaz-Castro addressed the Council regarding the mahogany trees on Harbor Drive. It was the consensus of Council to direct staff to relocate the trees in question to the Community Center project on Fernwood Road.

The Manager and Public Works Director Armando Nunez addressed the Council regarding the trees and will bring a proposal for this item before Council.

Mayor Oldakowski addressed the Council regarding employee benefits specifically the possibility of a physician networking within the Village and providing access for employees to the gym in the Community Center at a reduced rate or at no charge.

August 31, 2004

Village Attorney. The Attorney addressed the Council recommending approval of the settlement of Firepower vs. Village of Key Biscayne in the amount of \$52,500.

It was the consensus of Council to direct the Attorney to settle with Firepower in the amount of \$52,500.

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 July and August, 2004: Timothy P. Stickney Day, Make A Difference Day, Florida Water, Wastewater and Systems Operators Week and International Association of Firefighters Week.

Village Manager. The Manager addressed the Council regarding the theater function within the multipurpose room in the Community Center.

Paul Abbott, Community Center Project Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this issue. Estimates for this project came in between \$150,000 to \$180,000.

It was the consensus of Council to include the funding for the theater function within the multipurpose room of the Community Center project in the budget.

Chief Gilbert addressed the Council giving an update on Hurricane Frances.

The Manager requested to re-schedule the September 7, 2004 Regular Council Meeting to September 14, 2004 at 6:00 p.m. prior to the Budget Hearing. There was no objection to this request.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
11. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
12. **ADJOURNMENT:** The meeting was adjourned at 10:27 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

August 31, 2004

Approved this 14th day of September, 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.