

MINUTES
VILLAGE COUNCIL MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, SEPTEMBER 3rd, 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 7:06 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, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. INVOCATION: Reverend Bud Schroeder, Key Biscayne Community Church, gave an invocation.

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

4. SPECIAL PRESENTATIONS: Mr. Ed London was unable to attend the meeting and make the presentation regarding the windstorm insurance rates for Key Biscayne homeowners.

Councilmember Bass addressed the Council giving an update on the Village of Key Biscayne Youth Council and elections.

5. PUBLIC COMMENTS: The following residents addressed the Council: John Festa, 695 Harbor Lane and James Taintor, 355 Harbor Drive.

6. AGENDA: The Clerk, at the request of Councilmember Peters, requested the addition of a discussion regarding the second floor of the Community Center as Item 10A4. Councilmember Peters made a motion to add the item to the agenda. 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 requested the addition of a discussion regarding an incident on Grapetree Drive as Item 10D2. There was no objection to this agenda change.

7. CONSENT AGENDA: Councilmember Fein made a motion to approve the consent agenda. The motion was seconded by Vice Mayor Oldakowski and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass voting No.

The minutes of the August 27, 2002 Zoning Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING SPECIFIED PERSONS TO EXECUTE CHECKS FOR THE VILLAGE OF KEY BISCAYNE; SUPERCEDING RESOLUTION

99-22 AND 99-23 ON THE SAME SUBJECT TO THE EXTENT OF ANY CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; INCORPORATING RECITALS; EXPRESSING SUPPORT FOR THE CONTINUING EXISTENCE OF THE HUMAN RIGHTS ORDINANCE THAT PROHIBITS DISCRIMINATION BASED ON SEXUAL ORIENTATION, AS ADOPTED BY MIAMI-DADE COUNTY COMMISSIONERS IN 1998; OPPOSING THE SEPTEMBER 10, 2002 BALLOT QUESTION THAT WOULD REPEAL THE MIAMI-DADE COUNTY HUMAN RIGHTS ORDINANCE NO. 98-170; PROVIDING FOR AN EFFECTIVE DATE.

8. ORDINANCES: The Clerk 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 19 "PARK RULES AND REGULATIONS" BY CREATING SECTION 19-17 "RESTRICTION ON ACCESS TO PARK FACILITIES;" PROVIDING FOR MECHANISMS TO CONTROL ACCESS TO VILLAGE PARKS; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR OTHER RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR PENALTY; PROVIDING FOR EFFECTIVE DATE.

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

The Manager, Todd Hofferberth, Director of Recreation and Michael J. Flaherty, Chief of Police addressed the Council regarding this ordinance.

Councilmember Fein made a motion to amend the ordinance to restrict regulations of hours and access to Ocean Park only. The motion was seconded by Vice Mayor Oldakowski. Councilmember Fein withdrew his motion.

The Mayor opened the public hearing. Blanca Mesa, 544 Fernwood Road addressed the Council. The Mayor closed the public hearing.

It was the consensus of Council that this ordinance should be limited to the Ocean Park only and should include specific hours of operation and an 18 year old limitation to the acquisition of an entrance card.

There was extensive discussion from Council regarding this ordinance.

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

The ordinance was adopted on first reading, subject to the changes proposed by the Village Council, by a 7-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk announced the second reading of this ordinance for October 8, 2002.

There were no ordinances on second reading 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; ADOPTING THE 2002 GOALS AND OBJECTIVES, ATTACHED AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Oldakowski made a motion to approve the resolution. The motion was seconded by Councilmember Bass.

Councilmember Bass made an amending motion to add under Priority I, Creation of the Key Biscayne Youth Council. The motion was seconded by Councilmember Peters and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Peters and Mayor Rasco voting Yes. Councilmembers Broucek, Fein and Vice Mayor Oldakowski were out of the room at the time the vote was taken.

Henny Groschel, 290 West Mashta Drive and Carol Diaz-Castro, 240 Hampton Lane addressed the Council.

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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; DIRECTING THE VILLAGE MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR CONSTRUCTION PROGRAM MANAGEMENT SERVICES RELATING TO THE COMMUNITY CENTER AND INFRASTRUCTURE FOR THE CIVIC CENTER; CREATING A COMMITTEE FOR PURPOSES OF PROVIDING THE VILLAGE COUNCIL WITH A RECOMMENDATION RELATING TO THE SELECTION OF A CONSTRUCTION PROGRAM MANAGER FOR THE COMMUNITY CENTER AND INFRASTRUCTURE FOR THE CIVIC CENTER; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Oldakowski made a motion to approve the resolution. The motion was seconded by Councilmember Broucek.

The Manager addressed the Council regarding this resolution.

Blanca Mesa, 544 Fernwood Road and Henny Groschel, 290 West Mashta Drive 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 Broucek addressed the Council regarding the allowable use of the cabanas at the Ocean Club Development.

John C. Gilbert, Chief of Fire Rescue and the Attorney addressed the Council regarding this issue.

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

Councilmember Bass withdrew the item regarding a parking policy throughout the Village.

Vice Mayor Oldakowski addressed the Council regarding making Channel 16 available to candidates for Village Council Election.

It was the consensus of Council to direct staff to look into this issue and bring back some guidelines at the next Regular Council Meeting on October 8, 2002.

Councilmember Peters addressed the Council requesting consensus of Council to direct the Community Center Architect to incorporate in the redesign of the building a portion of the second floor to be utilized as a multipurpose function room and a performing arts theater.

There was extensive discussion from Council regarding this issue.

Director Hofferberth, Jud Kurlancheek, Director of Building, Zoning and Planning and the Manager addressed the Council regarding the performing arts theater.

Ed Meyer, 100 Sunrise Drive; Carol Diaz-Castro, 240 Hampton Lane; Bonnie Cooper, 77 Crandon Boulevard; Jim Leavitt, 240 Island Drive and Patricia Romano, 365 Beechwood addressed the Council.

Vice Mayor Oldakowski made a motion to direct the architect for the Community Center to incorporate approximately a 4 ft. increase in the ceiling height, to provide extra wiring for the multipurpose room and doors to the terrace. The motion was seconded by Councilmember Bass.

Councilmember Fein made a friendly amendment to direct the architect to submit two set of plans, one with the above proposal and another one without the proposal. The amendment was seconded by Councilmember Bass. Councilmember Fein withdrew his amendment.

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

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of September: proclaiming September 11, 2002 as "Always Remember 9-11 Day".

Chief Gilbert addressed the Council regarding the events scheduled for September 11, 2002.

Village Manager. The Manager addressed the Council requesting authorization to purchase supplemental video equipment for the new Council Chamber.

Councilmember Bass made a motion to authorize the purchase of supplemental video equipment for the new Council Chamber. 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.

At the request of Vice Mayor Oldakowski, Chief Gilbert addressed the Council regarding an incident on Grapetree Drive and the Miami-Dade County 911 system. Chief Gilbert will report back to Council on this issue.

The Manager addressed the Council giving an update on the progress of the Fire Station, the Police/Administration Building and the median cut on Crandon Boulevard.

The Manager also addressed the issue of the closure of McIntyre Street.

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 10:25 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 10th day of September , 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.**