

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, SEPTEMBER 6, 2005

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

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 Enrique Garcia, Steve Liedman, Jorge E. Mendia, Thomas Thornton, Patricia Weinman, Vice Mayor Robert L. Vernon and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Lieutenant Marco Delgado led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** There were no speakers present.

Mayor Oldakowski announced that Fire Rescue Chief John C. Gilbert has been in the Mississippi area as part of a National Assessment Team since the day after Hurricane Katrina landed in that area. Fire Rescue Lieutenant Eric Lang was also deployed to assist in the communications aspect of the recovery efforts of Katrina.

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6. **AGENDA:** The Clerk requested the addition of a motion to approve a letter supporting the Atlantis Artificial Reef Project as Item 10A1; Mayor Oldakowski requested the deferral of Item 8A1; Councilmember Weinman requested the addition of an update regarding the Village's website as Item 10A2; Vice Mayor Vernon requested the addition of a discussion regarding street signs as Item 10A3 and Councilmember Garcia requested the addition of a discussion regarding street lights as Item 10A4. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the August 30, 2005 Regular Council Meeting. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY CREATING CHAPTER 9 "EMERGENCY MANAGEMENT" TO PROVIDE NECESSARY AND APPROPRIATE EMERGENCY MANAGEMENT AUTHORIZATIONS, RESPONSIBILITIES AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR PENALTY; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The Clerk announced the second reading of this ordinance for October 11, 2005.

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 8 "ENVIRONMENT," BY CREATING ARTICLE V "HURRICANE PROTECTION MEASURES" CONSISTING OF SECTION 8-301 "PREVENTION OF STORM DAMAGE"; PROVIDING REGULATIONS**

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**CONCERNING LANDSCAPING AND THE MAINTENANCE AND DISPOSAL OF LANDSCAPING DEBRIS, TREES, YARD WASTE AND VEGETATION, SO AS TO MITIGATE POTENTIAL STORM IMPACTS AND DAMAGES; PROVIDING RESTRICTIONS ON PLACEMENT OF LANDSCAPING DEBRIS; PROVIDING FOR PROTECTION OF ELECTRIC POWER LINES FROM VEGETATIVE GROWTH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR PENALTY; PROVIDING FOR AN EFFECTIVE DATE.**

This hearing is continued from the August 30, 2005 Regular Council Meeting.

The Manager, the Attorney and Armando Nunez, Public Works Director addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Gloria Izaguirre, 285 Hampton Lane addressed the Council. The Mayor closed the public hearing.

Councilmember Mendia made an amending motion to delete the first sentence in (c) **Protection of Electric Power Lines.** and to add the following language: In the event that a person owning or controlling such real property does not timely cause the landscaping to be maintained and trimmed as described above within seven (7) days after having received a written demand from the Village to do so, the Village Manager shall be authorized to arrange for Village employees or contractors to perform such work. Village shall have a lien, in the nature of a special assessment, upon the property for the purpose of securing full reimbursement to the Village for all costs incurred for said work, and may record and enforce said lien to the fullest extent authorized by law. The procedures applicable to the enforcement and collection of said lien shall be the same as those which are authorized for solid waste collection service liens pursuant to Section 2-62 of the Village Code. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The ordinance, as amended, was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE AND PST SERVICES, INC., DOING BUSINESS AS PER-SE TECHNOLOGIES, FOR BILLING AND ACCOUNT MANAGEMENT SERVICES REQUIRED BY THE VILLAGE FOR THE VILLAGE'S FIRE RESCUE TRANSPORT FEES; AUTHORIZING**

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**VILLAGE MANAGER TO EXECUTE AND IMPLEMENT THE AGREEMENT;  
PROVIDING FOR EFFECTIVE DATE.**

Councilmember Thornton made a motion to approve the resolution. The motion was seconded by Councilmember Garcia.

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

Mauricio Chavez with Per-Se Technologies and Lieutenant Delgado addressed the Council.

The resolution failed by a 3-4 voice vote. The vote was as follows: Councilmembers Liedman, Thornton and Mayor Oldakowski voting Yes. Councilmembers Garcia, Mendia, Weinman and Vice Mayor Vernon voting No.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REPEALING RESOLUTION NO. 2005-30 WHICH HAD CALLED AN ELECTION FOR NOVEMBER 1, 2005 TO PRESENT TO THE ELECTORS OF THE VILLAGE THE CHARTER AMENDMENTS CONCERNING THE TERM OF OFFICE OF COUNCIL MEMBERS AND THE ELIMINATION OF PRIMARY ELECTIONS FOR COUNCIL MEMBERS, AS AUTHORIZED BY CHARTER AMENDMENT ENABLING ORDINANCES OF THE VILLAGE, TO ENABLE NEW CHARTER AMENDMENT ELECTION DATE TO BE LATER SET; PROVIDING FOR EFFECTIVE DATE.**

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

It was the consensus of Council to direct the Attorney to draft a resolution for a mail ballot election to take place some time in January or February of 2006.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon 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 AGREEMENTS BETWEEN WASTE MANAGEMENT, INC. OF FLORIDA AND THE VILLAGE OF KEY BISCAYNE FOR HURRICANE KATRINA DISASTER RECOVERY SERVICES; AUTHORIZING ADDITIONAL TREE REMOVAL**

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**AGREEMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.**

The Attorney, Director Nunez and the Manager addressed the Council regarding this resolution.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the Atlantis Artificial Reef Project.

It was the consensus of Council to send a letter to the Jacksonville District Corps of Engineers in support of the Atlantis Artificial Reef Project as defined in the Public Notice issued on August 15th, 2005 - Permit Application Number 2003-4189 (IP-RK).

Councilmember Weinman and the Manager addressed the Council giving an update on the enhancement of the Village's website.

Vice Mayor Vernon addressed the Council regarding street signs.

Director Nunez addressed the Council regarding this issue.

Councilmember Garcia addressed the Council regarding the traffic lights in front of the Fire Station.

Director Nunez and Deputy Chief of Fire Rescue Franklin Barron addressed the Council regarding the traffic lights.

Director Nunez addressed the Council regarding the work at Crandon Boulevard and Harbor Drive.

Councilmember Thornton requested an update on the PBS&J revision of the Sanitary Sewer Project.

The Manager and Director Nunez addressed the Council regarding this item.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

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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 8:40 p.m.

*Respectfully submitted:*

*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 13th day of September, 2005:*

*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.***