

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, SEPTEMBER 14, 2004

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:04 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. Ed Stone led the Pledge of Allegiance.
3. **SPECIAL PRESENTATIONS:** There were no special presentations.
4. **PUBLIC COMMENTS:** Annika Akerlund-Tarajano, 200 Cypress Drive and Drake Jackman, 881 Ocean Drive addressed the Council.
5. **AGENDA:** Councilmember Broucek requested the addition of a brief discussion regarding the Hurricane as it relates to the Public Works Department as Item 10A3. There was no objection to the agenda change.
6. **APPROVAL OF THE MINUTES:** Councilmember Fried made a motion to approve the minutes of the August 31, 2004 Regular 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.

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

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT ON BEHALF OF THE VILLAGE WITH GOMEZ BARKER ASSOCIATES, INC. FOR INTERGOVERNMENTAL REPRESENTATIVE SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council regarding this resolution.

Councilmember Broucek 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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN SKYLINE MANAGEMENT GROUP, INC. ("SKYLINE") AND THE VILLAGE OF KEY BISCAYNE, PROVIDING FOR AMENDMENT TO AGREEMENT BETWEEN THE VILLAGE AND SKYLINE CONCERNING SKYLINE'S PROVISION OF SERVICES TO THE VILLAGE AS THE OWNER'S REPRESENTATIVE FOR VILLAGE'S COMMUNITY CENTER AND CIVIC CENTER PROJECT; AUTHORIZING IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

The Manager and Paul Abbott, Skyline Management Group Inc. addressed the Council regarding this resolution.

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

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING THE VILLAGE OF KEY BISCAYNE CIVIC CENTER PROJECT; AUTHORIZING CONSTRUCTION EXPENSE ITEMS DESCRIBED HEREIN; AUTHORIZING AMENDMENT NO. 18 TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER CONCERNING

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MATTERS DESCRIBED THEREIN; PROVIDING FOR EFFECTIVE DATE.

The Manager and Mr. Paul Abbott, Construction Manager for the Civic Center 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 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski.

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

Mayor and Councilmembers. The following persons addressed the Council regarding the ban of motorized vessels on the beach: Rick Fuentes, 881 Ocean Drive; Maria Gralia, Shutz & Bowen representing El Club; Hector Meneses, 425 Grand Bay, representing the Grand Bay Club; Eduardo Holguin, 881 Ocean Drive; Susan Amick, 100 Ocean Lane Drive; Matthias Kammerer, 765 Curtiswood; Kim Reyes, 355 Redwood Lane; Veronica Vidal, 303 Galen Drive; Ed Stone, 145 Hampton Lane, representing the Key Biscayne Chamber of Commerce; Linda Chehab, 151 Crandon Boulevard; John Davis, 265 Grapetree Drive; Bonnie Cooper, 77 Crandon Boulevard and Drake Jackman, 881 Ocean Drive.

Councilmember Diaz-Castro addressed the Council regarding the consideration of amendments to Ordinance 94-4 (vessel exclusion zone ordinance).

The Attorney addressed the Council regarding Ordinance 94-4 and the business activity occurring on the beach.

Councilmember Diaz-Castro made a motion to direct staff to meet with the interested parties and start the process to consider amendments to Village Ordinance No. 94-4 (vessel exclusion zone ordinance), including the zoning aspect of the business activity occurring on the beach and report back to Council at the October 12, 2003 Council Meeting. The motion was seconded by Councilmember Fried.

There was extensive discussion of Council regarding this issue.

The Diaz-Castro motion was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek voting No.

The Manager stated that if there is a violation of the zoning code on the above issue, it will be enforced.

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Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Councilmember Fried made a motion to table the remaining items on this agenda to after the First Budget Hearing. The motion was seconded by Councilmember 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.

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 7:50 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this __ day of _____, 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.