

MINUTES
VILLAGE COUNCIL MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, OCTOBER 8, 2002

COUNCIL CHAMBER

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 Scott Bass, Martha F. Broucek, Alan H. Fein, Mortimer Fried, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Councilmember James L. Peters was absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

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

3. SPECIAL PRESENTATIONS: Councilmember Bass introduced the newly elected members of the Village of Key Biscayne Youth Council. Mayor Rasco presented the members, on behalf of the Village Council, a Certificate of Election.

Mr. James Brewster, 100 Ocean Lane Drive, addressed the Council regarding the 25th Annual Lighthouse Run.

Officials from the Miami-Dade County Public Works Department made a special presentation regarding the concept Master Plan Study Work for the Rickenbacker Causeway.

4. PUBLIC COMMENTS: The following resident addressed the Council: Dr. Henny Groschel-Becker, 290 West Mashta Drive.

5. AGENDA: Mayor Rasco requested to hear Item 8A2 before Item 8A1. There was no objection to the agenda change.

6. APPROVAL OF MINUTES: Councilmember Fried made a motion to approve the minutes of the September 24, 2002 Budget Workshop and the minutes of the September 24, 2002 Second Budget Hearing. The motion was seconded by Vice Mayor Oldakowski and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE VILLAGE COMMUNITY CENTER; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT AND EQUIP A COMMUNITY CENTER FOR THE VILLAGE; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

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

The Mayor opened the public hearing. Carol Diaz-Castro, 240 Hampton Lane; Arturo Aballi, 91 Island Drive; Pat Weinman, 940 Mariner Drive; Basha Hicks, 1121 Crandon Boulevard; Andrew Gordon, 269 Cranwood Drive; Dr. Michael Kelly, 305 Gulf Road; Dr. Robert Maggs, 155 Ocean Lane Drive; Michael Kahn, 881 Ocean Drive; Dr. Jorge Mendia, 111 Island Drive; Bonnie Cooper, 77 Crandon Boulevard; Robert Vernon, 475 Ridgewood Road and Lance Pulver, 430 Grand Bay Drive. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk announced the second reading on October 22, 2002 in the new Council Chamber.

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 \$9,987,551 OF 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.**

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

Jeffrey D. DeCarlo, Bond Counsel for the Village of Key Biscayne with Adorno & Zeder, 2601 South Bayshore Drive, Miami addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Carol Diaz-Castro, 240 Hampton Lane; Arturo Aballi, 91 Island Drive; Jim Taintor, 355 Harbor Drive; Michael Kahn, 881 Ocean Drive; Andrew Gordon, 269 Cranwood Drive; Camille Guething, 260 Seaview Drive and Robert Vernon, 475 Ridgewood. The Mayor closed the public hearing.

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

Randolph White, Finance Director through the firm of Moyer & Associates addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk announced the second reading on October 22, 2002.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 28 "TAXATION," AT ARTICLE II "OCCUPATIONAL LICENSE TAX," BY AMENDING SECTION 25-31 "OCCUPATIONAL LICENSE TAX SCHEDULE," TO PROVIDE FOR A 5% INCREASE IN THE OCCUPATIONAL LICENSE TAX SCHEDULE FOR ALL BUSINESSES, OCCUPATIONS OR PROFESSIONS LISTED IN THE SCHEDULE, AND TO PROVIDE FOR A REDUCTION IN THE CATCH ALL PROVISION WHICH IS APPLICABLE TO ANY BUSINESS NOT LISTED IN THE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

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

Director of Building, Zoning and Planning, Jud Kurlancheek 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 second reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass was out of the Chamber at the time the vote was taken.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING THE VILLAGE OF KEY BISCAYNE RULES FOR USE OF THE GOVERNMENT ACCESS CHANNEL IN CONNECTION WITH VILLAGE ELECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this resolution recommending to delete the words "the upcoming" and add an "s" to the word election on the fourth WHEREAS clause. The Attorney also recommended to delete the schedule on page 4 of the rules. There was no objection to these recommendations.

Carol Diaz-Castro, 240 Hampton Lane, Andrew Gordon, Jorge Mendia, 111 Island Drive, James Taintor, 355 Harbor Drive; Michael Kahn, 881 Ocean Drive and Barry Goldmeir, 1000 Mariner Drive addressed the Council.

There was extensive discussion from Council regarding this resolution.

Councilmember Fein made an amending motion to remove the second sentence on A4. The motion was seconded by Councilmember Bass and approved by a 5-1 voice

vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried and Mayor Rasco voting Yes. Vice Mayor Oldakowski voting No.

Councilmember Bass made an amending motion to remove the second sentence on A7. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Fried made a motion to reduce the Candidate's Statement to three (3) minutes maximum duration. The motion was seconded by Councilmember Bass and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried and Vice Mayor Oldakowski voting Yes. Councilmember Fein and Mayor Rasco voting No.

The resolution as amended was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

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

Mayor and Councilmembers. Mayor Rasco addressed the Council regarding the appointment of a three member Committee to assist in evaluating and ranking RFPs for a Construction Program Manager for the proposed Community Center as approved by Council on September 3, 2002, Resolution No. 2002-40. The Mayor proposed the following residents: Mr. Ed Easton, Mr. Barry Goldmeir and Mr. Raul Llorente.

Barry Goldmeir, 1000 Marine Drive addressed the Council.

Councilmember Bass made a motion to approve the appointment of the three member Committee as proposed by the Mayor. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Pursuant to Ordinance 92-14, Section 3, Councilmember Bass made a motion to reappoint Rosemary Sala, Dennis O'Hara and Jennifer Leal as Special Masters. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Broucek addressed the Council regarding the enforcement of BZP and Public Works Codes.

Councilmember Broucek addressed the Council regarding the Miami-Dade County Elections Department problems.

The Clerk addressed the Council regarding the issues of the primary Election.

Councilmember Broucek addressed the Council regarding a discussion of second trash bulk pick-up.

Director of Public Works, Armando Nunez addressed the Council regarding the trash bulk pick-up.

Mayor Rasco addressed the Council regarding improving the Miami-Dade County 911 system for Key Biscayne.

John C. Gilbert, Chief of Fire Rescue and Cathy McElhaney, Deputy Chief of Police addressed the Council regarding the 911 system.

Mayor Rasco addressed the Council and the public regarding the importance of the Notice of Hearing No. 02GF07, applicant Village of Key Biscayne, requesting approval to amend the Crandon Park Master Plan to permit the existing Ball Fields or Lighted Baseball Fields with backstops to remain, rather than converting them to an unmarked multi-purpose playing meadow. This Hearing will take place in the County Commission Chamber at 9:30 a.m. on October 22, 2002.

Mayor Rasco addressed the Council regarding the appointment of a Noise Ordinance Review Committee. The Mayor, with consensus of Council, appointed the following individuals: Jose Penichet, Mike Stefans, Clint Archambault, Camille Guething, Bill Pickell, Serge Barder, Ramon Rodriguez, Luis Arrondo and Michael Carash.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk requested that Council cancel the November 21, 2002 Zoning Meeting in order to hold the Installation Ceremony for the newly elected Mayor and Councilmembers on that day. There was no objection to the request.

The Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of September 2002: proclaiming September 21, 2002 as International Day of Peace.

Councilmember Broucek made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Village Manager. The Manager addressed the Council regarding the status of the Fire Station and the Police/Administration Building. The Manager also addressed the Council reporting that the Dedication Ceremony for the Fire Station and the Police/Administration Building will be held on Monday, October 28, 2002 at 6:30 p.m. Everyone is invited to attend.

10. OTHER BUSINESS/GENERAL DISCUSSION: There was no further business discussed.

11. SCHEDULE OF FUTURE MEETINGS/EVENTS: A scheduled of future meetings and events was presented to the Council.

12. ADJOURNMENT: The meeting was adjourned at 11:04 p.m.

Respectfully submitted:

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

Approved this 22nd day of October , 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.