

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, OCTOBER 12, 2004

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 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. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mr. and Mrs. Eliecer Mendia led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Mayor Oldakowski, on behalf of the Village Council, presented a Certificate of Election to the newly elected members of the Village of Key Biscayne Youth Council.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: Annika Akerlund-Tarajano, 200 Cypress Drive.
6. **AGENDA:** The Clerk requested the addition of a motion authorizing the Manager to send a

October 12, 2004

mailing to all registered voters regarding the Charter Amendment as Item 10A3 and the addition of a motion to consider the broadcasting of the Mayoral Debate and Council Forum sponsored by the Islander News on Channel 16 as Item 10C5 and Vice Mayor Mendia requested to take Item 10A1 out of order after Item 7A. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the September 28, 2004 Second Budget Hearing. 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.

At this time Item 10A1 was heard.

Councilmember Fried made a motion to reconsider the decision made by Council to remove 21 Mahogany trees on Harbor Drive. 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 voting Yes.

The following residents addressed the Council regarding the trees: Bruce Cuthbertson, 635 Allendale Road; Jim Taintor, 355 Harbor Drive; Lee Schmachtenberg, 201 Crandon Boulevard; Colette Dates, 180 Harbor Drive; Hugh Dates, 180 Crandon Boulevard; Dr. Jaime Zambrano, 169 Harbor Drive; Roberto Porcari, 181 Harbor Drive; Cecile Sanchez, 260 Cypress Drive and Dr. Alex Zacharia, 245 Harbor Drive.

Councilmember Broucek made a motion to direct the Manager to meet with the residents in order to get their input, to hire an arborist to look at the Mahogany Trees on Harbor Drive and all other trees within the Village and make recommendations to Council, including a financial component. The motion was seconded by Vice Mayor Mendia.

There was extensive discussion from Council regarding this issue.

Director of Public Works, Armando Nunez addressed the Council regarding the Mahogany trees on Harbor Drive.

The Broucek motion was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Peters was out of the room at the time the vote was taken .

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

October 12, 2004

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, 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 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; REQUIRING REMOVAL OF EXOTIC PLANTS AND TREES; 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.

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

Jud Kurlancheek, Director of Building, Zoning and Planning and Director Nunez addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

The Mayor opened the public hearing. James Taintor, 355 Harbor Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Diaz-Castro made an amending motion to eliminate subsection (b) **Removal of Exotic Plants and Trees**. The motion was seconded by Councilmember Peters 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.

It was the consensus of Council to direct staff to add to the ordinance for second reading, the requirement of access to the FPL easement.

The ordinance, as amended, was adopted on first 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.

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

October 12, 2004

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF LAND ACQUISITION AND CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2004, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,800,000 FOR THE PURPOSE OF REIMBURSING THE PROJECT FUND FOR COSTS OF ACQUIRING LAND LOCATED AT 530 CRANDON BOULEVARD (THE FORMER CITGO STATION SITE) FOR VILLAGE PURPOSES; FINANCING A PORTION OF THE COSTS OF SITE IMPROVEMENTS FOR THE VILLAGE'S CIVIC CENTER, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDING THE SALE OF THE BONDS TO SUNTRUST BANK; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

The Manager and Finance Director, Randolph White addressed the Council regarding this resolution.

Vice Mayor Mendia 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 voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR PURPOSE OF SOLICITING BIDS FROM SOLID WASTE HAULERS; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Fried 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 voting Yes.

October 12, 2004

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, CONCERNING PURCHASE OF THEATER EQUIPMENT FOR THE VILLAGE OF KEY BISCAIYNE COMMUNITY CENTER; WAIVING COMPETITIVE BIDDING FOR PURCHASE OF THEATER EQUIPMENT PURSUANT TO VILLAGE CODE SECTION 2-85; AUTHORIZING VILLAGE MANAGER TO COMPLETE THE PURCHASE OF THEATER EQUIPMENT ITEMS; PROVIDING FOR A FUND TRANSFER CONCERNING THE 2003-2004 FISCAL YEAR BUDGET TO ACCOMPLISH THE PURCHASE AUTHORIZED HEREIN, BY PROVIDING FOR TRANSFER OF \$180,000.00 FROM THE ADMINISTRATION AND FINANCE DEPARTMENT CONTINGENCY ITEM OF THE GENERAL FUND TO THE FURNITURE, FIXTURE AND EQUIPMENT ITEM OF THE CAPITAL PROJECTS FUND FOR PURCHASE OF THEATER EQUIPMENT FOR THE COMMUNITY CENTER; PROVIDING AN EFFECTIVE DATE.

Councilmember Diaz-Castro made a motion to approve the resolution. The motion was seconded by Councilmember Vernon.

Susie Westfall, 525 Allendale Road and Michelle Barnett, 355 West Wood Drive addressed the Council regarding this resolution.

Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this resolution.

The resolution was 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 BISCAIYNE, FLORIDA, CONCERNING INITIAL ANNUAL MEMBERSHIP FEES FOR THE USE OF THE VILLAGE OF KEY BISCAIYNE COMMUNITY CENTER; SUPPLEMENTING RESOLUTION NO. 2004-12 CONCERNING SCHEDULE OF FEES FOR USE OF THE VILLAGE'S COMMUNITY CENTER

The Manager and Director White addressed the Council regarding this resolution.

Councilmember Diaz-Castro made a motion to approve the resolution. The motion was seconded by Vice Mayor Mendia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek was out of the room at the time the vote was taken.

October 12, 2004

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, CONCERNING PURCHASE OF ONE (1) PLAY STATION AS A FURNITURE, FIXTURE AND EQUIPMENT (THE FF&E") ITEM FOR THE VILLAGE OF KEY BISCAIYNE COMMUNITY CENTER; WAIVING COMPETITIVE BIDDING FOR PURCHASE OF PLAY STATION ITEM PURSUANT TO VILLAGE CODE SECTION 2-85; AUTHORIZING VILLAGE MANAGER TO COMPLETE PURCHASE OF PLAY STATION ITEM; PROVIDING FOR EFFECTIVE DATE.

The Manager and Paul Abbott, Consultant for the project addressed the Council regarding this resolution.

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

Pat Weinman, 940 Mariner Drive addressed the Council.

The resolution was 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 BISCAIYNE, FLORIDA, APPROVING LICENSE AGREEMENT FOR THE USE OF CHANNEL 17 FOR EDUCATIONAL PROGRAMMING PURPOSES BETWEEN THE VILLAGE OF KEY BISCAIYNE AND KEY BISCAIYNE COMMUNITY TELEVISION, INC.; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE; AUTHORIZING IMPLEMENTATION; PROVIDING AN EFFECTIVE DATE.

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

Councilmember Vernon made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro.

Manny Cambo, 621 Harbor Drive; Joe Kiene, 151 Crandon Boulevard and Bill Durham, 230 Seaview Drive addressed the Council regarding this resolution.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Diaz-

October 12, 2004

Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek voting No.

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

Mayor and Councilmembers. Councilmember Peters made a motion to name the Fitness Room in the Community Center in memory of Michael Scholz. The motion was seconded by Councilmember Vernon.

Bonnie Cooper, 77 Crandon Boulevard addressed the Council regarding this motion.

It was the consensus of Council to refer this request to the Community Center Advisory Board.

Councilmember Diaz-Castro made a motion to table the motion. The motion was seconded by Councilmember Peters 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.

Mayor Oldakowski addressed the Council regarding the Charter Amendment on the November 2, 2004 ballot.

Councilmember Broucek made a motion to extend the meeting until 11:15 p.m. 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.

Mayor Oldakowski made a motion to authorize the Manager to send a mailing to all registered voters urging them to vote YES on the proposed Charter amendment and include the Council's support for the Miami-Dade County General Obligation Bond issue. 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.

Village Attorney. The Attorney did not submit a report.


Village Clerk. Pursuant to Sections 3 and 4 of Ordinance 92-14 adopted by Village Council on June 23, 1992, established the Village's Code Enforcement procedures including the appointment of Special Masters. The Special Masters are appointed by the Council for a one year term.

Mayor Oldakowski made a motion to re-appoint Mr. Dennis O'Hara, Ms. Rosemary Sala and Ms. Jennifer Leal as Special Masters for a one year term. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek,

October 12, 2004

Diaz-Castro, Fried, Peters, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Vernon was out of the room at the time the vote was taken.

The Clerk submitted to the Council a proposed 2005 Council Meeting Schedule. This item was deferred to the next Council Meeting.

proclaiming August 21, 2004 as Kevin Burham Day; proclaiming October 10, 2004 as Taiwan Day; proclaiming November 21 to 28, 2004 as Bible Week and proclaiming the month of November 2004 as National Epilepsy Awareness Month.

The Clerk also addressed the Council regarding the broadcasting of the Mayoral Debate and Council Forum sponsored by the Islander News on Channel 16 requesting a motion to allow the debate and the forum to be broadcast on Channel 16.

Councilmember Broucek made a motion to permit the broadcasting of the Mayoral Debate and Council Forum sponsored by the Islander News on Channel 16. 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.

Village Manager. The Manager and Director Kurlancheek addressed the Council regarding the off-site activities conducted on the Public Beach. If the Council decides to allow the rental of watercraft and other concessions to continue on the public beach, it is recommended that the GU Government Use zoning regulations be amended and a comprehensive set of rules be adopted that address watercraft rentals, as well as all other beach activities. The activities and issues are broad in scope and requires extensive discussion, it is suggested that the Council schedule a workshop meeting.

Councilmember Fried made a motion to extend the meeting until 11:20 p.m. 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.

The Clerk was directed to look for a date for the above mentioned workshop and present it to Council at the next Council Meeting.

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.

October 12, 2004

13. **ADJOURNMENT:** The meeting was adjourned at 11:20 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 9th day of November, 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.