

MINUTES
REGULAR COUNCIL MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, NOVEMBER 26, 2002

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, Jorge Mendia, James L. Peters, Robert L. Vernon and Mayor Robert Oldakowski. 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: Mr. Jorge Mendia, Jr. led the Pledge of Allegiance.

The Mayor addressed the Council and the public welcoming the newly elected Councilmembers.

4. SPECIAL PRESENTATIONS: Ms. Karen Simon from Senator Gwen Margolis' office addressed the Council.

5. PUBLIC COMMENTS: The following residents addressed the Council: Julie Alvarez, 150 Sunrise Drive; Ed Meyer, 100 Sunrise Drive; Mabel Miller, 210 Seaview Drive; Jim Taintor, 355 Harbor Drive; Henny Groschel-Becker, 290 West Mashta Drive.

6. AGENDA: The Manager requested the deferral of Item 9C; Mayor Oldakowski requested the addition of a brief discussion regarding the scheduling of the rezoning of Fernwood Road as Item 10A3 and Councilmember Diaz-Castro requested the addition of a discussion regarding the Community Center Site Plan as Item 10A4. Councilmember Broucek opposed the agenda changes.

7. APPROVAL OF MINUTES: Councilmember Fried made a motion to approve the minutes of the October 22, 2002 Regular Council and Zoning Meeting. 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, Diaz-Castro, Peters, Vernon and Mayor Oldakowski voting Yes.

8. ORDINANCES: There were no ordinances considered by Council.

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA,
AUTHORIZING THE ISSUANCE OF CAPITAL IMPROVEMENT REVENUE BONDS,
SERIES 2002, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE**

AGGREGATE PRINCIPAL AMOUNT OF \$9,987,551 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF CONSTRUCTION AND EQUIPPING OF A COMMUNITY CENTER, INCLUDING A PARKING GARAGE AND SWIMMING POOL, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDDING 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.

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

The Manager and Mr. James Ward, Finance Director through the firm of Moyer & Associates addressed the Council regarding this resolution.

Michael Kahn, 881 Ocean Drive and Bonnie Cooper, 77 Crandon Boulevard addressed the Council.

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

There was extensive discussion from Council regarding this resolution.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; ESTABLISHING A POLICY FOR AN ANNUAL EMPLOYEE COST OF LIVING ADJUSTMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Fried made an amending motion to add the word "proposed" in Section 1 of the resolution before the word "annual". 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, Mendia, Peters, Vernon and Mayor Oldakowski voting Yes.

The resolution as amended was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Mendia, Peters, Vernon and Mayor Oldakowski voting Yes.

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

Mayor and Councilmembers. At this time, Councilmember Diaz-Castro addressed the Council regarding changing the site plan for the Community Center.

There was extensive discussion from Council regarding this issue, however, no consensus was reached.

Councilmember Peters made a motion to direct staff to draft a resolution opposing the City of Miami proposed zoning changes that would allow commercial development on Virginia Key. The motion was seconded by Councilmember Vernon.

The Attorney addressed the Council regarding this motion.

There was extensive discussion from Council regarding the development on Virginia Key. Councilmember Peters withdrew his motion.

Councilmember Peters made a motion to direct staff to draft a resolution by the Council to direct the zoning of the land known as the "Citgo Property" purchased from John Devaney so as to be zoned to the classification of PROS. Further, to implement the same change in the Village of Key Biscayne Land Use Master Plan, these actions to ensure this property to be utilized as park/open space for the residents of Key Biscayne. The motion was seconded by Councilmember Diaz-Castro. Councilmember Peters withdrew his motion.

Mayor Oldakowski requested a brief discussion regarding an ordinance rezoning Fernwood Road.

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

It was the consensus of Council to conduct a survey of the homes affected by the rezoning on Fernwood Road.

The Attorney addressed the Council regarding the rezoning of Fernwood Road.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council the certification of the November 5, 2002 General Election results. Councilmember Fried made a motion accepting the Clerk's certification of the November 5, 2002 General Election results. 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, Mendia, Peters, Vernon and Mayor Oldakowski voting Yes.

The Clerk also presented to the Council the certification of the November 19, 2002 Run-off Election results. Councilmember Broucek made a motion accepting the Clerk's certification of the November 19, 2002 Run-Off Election results. The motion was seconded by Councilmember Councilmember Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Mendia, Peters, Vernon and Mayor Oldakowski voting Yes.

Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

Councilmember Broucek nominated Councilmember Jorge E. Mendia. The nomination was seconded by Councilmember Vernon.

Councilmember Fried nominated Councilmember James L. Peters. The nomination was seconded by Councilmember Diaz-Castro.

Councilmember Broucek made a motion to close the nominations. 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, Mendia, Peters, Vernon and Mayor Oldakowski voting Yes.

A vote was taken on the nomination of Councilmember Mendia as Vice Mayor. The vote was as follows: Councilmembers Broucek, Mendia, Vernon and Mayor Oldakowski voting Yes.

Councilmember Mendia was elected Vice Mayor by a 4-0 vote as mentioned above.

The Clerk presented to the Council a proposed 2003 Council Meeting schedule. Mayor Oldakowski requested to move the Goals and Objectives workshop to January 21, 2003 and to move the July 8, 2003 meeting to June 24, 2003. There was no objection to the Meeting schedule changes.

The Clerk submitted to the Council a copy of the following proclamations issued by the Office of the Mayor during the month of October 2002: Nova Southeastern University; proclaiming October 24, 2002 as Dr. H. Wells Singleton Day; Dr. Armando Rodriguez and proclaiming the month of November 2002 as "National Epilepsy Awareness Month".

Village Manager. The Manager addressed the Council requesting a motion to authorize the Village Manager to place an order for two fire trucks. Councilmember Fried made a motion to approve the request. The motion was seconded by Councilmember Vernon.

John C. Gilbert, Chief of Fire Rescue and Mr. Mark Jones, Vice President 10-8 Equipment addressed the Council regarding the fire trucks.

Randy White, Finance Director through the firm of Moyer & Associates and the Attorney addressed the Council.

The motion to place an order for two fire trucks 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.

11. OTHER BUSINESS/GENERAL DISCUSSION: It was the consensus of Council to re-schedule the December 3, 2002 Council Meeting to December 10, 2002.

The Manager addressed the Council regarding an upcoming Workshop, probably in January, regarding the lights at Crandon Park.

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 9:16 p.m.

Respectfully submitted:

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

Approved this 10th day of December , 2002:

***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.