

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, AUGUST 25, 2015

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 Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra Lindsay. Councilmembers Luis de la Cruz and Theodore Holloway were absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorneys Chad Friedman and Stephen J. Helfman.
2. **INVOCATION:** Reverend Susan Bruttell with Saint Christopher's By The Sea gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay addressed the Council and the public welcoming everyone back from the summer hiatus; the Mayor gave an update on the pending litigation regarding the Marine Stadium and the City of Miami reporting that this matter continues to be of great importance; Councilmember Kelly addressed the Council regarding the wider lanes on Crandon Boulevard and the safety of the cyclists recommending that car drivers be aware of the cyclists; Councilmember Taintor addressed the Council regarding the opening of the new High School at MAST and the great opportunity for the Key Biscayne children to have such a wonderful

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school to go to and also congratulated the Police Department for catching some thieves that were causing problems within the Village; Vice Mayor Caplan addressed the Council regarding the problems caused by texting while driving mentioning the loss of Key resident Patrick Wanninkhof while he was bicycling and a driver that was texting fatally hit him and Mayor Lindsay addressed the Council regarding our Congresswoman Ileana Ros-Lehtinen thanking her for being so responsive to the environmental impacts of the proposed Boat Show and also the Congresswoman will sign a Bill regarding sea level rise.

5. **SPECIAL INTRODUCTION:** The Mayor, on behalf of the Council, presented a proclamation to Mr. Bill Durham for his many years of dedicating himself to promotion bicycling and healthy living on Key Biscayne and for his contributions to the Village. Mr. Durham addressed the Mayor and Council thanking them for the honor.

The Manager addressed the Council giving an update on the Village's Strategic Plan and Capital Improvement Projects.

6. **PUBLIC COMMENTS:** The following persons addressed the Council: Dr. Steven Liedner, Miami; Scott Hardie, 155 Sunrise Drive; Robert Knecht, 1121 Crandon Boulevard; Patricia Woodson, 940 Mariner Drive; Michael Davey, 50 Ocean Lane Drive; Dr. Steve Simon, 355 Harbor Lane; Bradley Newsom, 345 Pacific; Alejandro Zizold, 798 Crandon Boulevard; Cristina Zizold, 798 Crandon Boulevard; Alan Fein, 525 Allendale Road; Mary Jo and Alejandro Pinedo, 365 Atlantic Road.

7. **AGENDA:** Councilmember Kelly requested an update on stop signs as Item 11A10 and also requested the addition of a discussion regarding 202 Sunrise to be heard together with Item 11A4; Vice Mayor Caplan also requested the addition of a discussion regarding 202 Sunrise to be heard together with Item 11A4; Councilmember London requested the addition of a discussion regarding the possibility of appointing the Finance Director as Chief Financial Officer as Item 11A11 and also requested a monthly review of operations and budgets discussion as Item 11A12; the Manager requested the addition of information on Needs Assessment as Item 11D6; the Attorney requested the addition of a request for an Executive Session as Item 11B1 and the Clerk requested, on behalf of Councilmember de la Cruz, the deferral of Item 11A2 to the September 1, 2015 Council Meeting. The proposed changes to the agenda failed by a 3-2 voice vote. Councilmembers Kelly, Taintor and Vice Mayor Caplan voting Yes. Councilmember London and Mayor Lindsay voting No.

Councilmember Kelly and Vice Mayor Caplan withdrew the discussion on 202 Sunrise Drive. The amended proposed changes to the agenda were approved by a 4-1 voice vote. The vote was as follows: Councilmembers Kelly, London, Taintor and Mayor Lindsay voting Yes. Vice Mayor Caplan voting No.

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8. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the July 7, 2015 Regular Council Meeting. The motion was seconded by Vice Mayor Caplan.

Councilmember Taintor brought to the attention of the Clerk and the Council that the resolution and vote on page 4 of 8 was duplicated. The Clerk reported that the minutes would be amended to reflect this change.

The minutes, as amended, were approved by a 5-0 voice vote. The vote was as follows: Councilmembers Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Kelly made a motion to approve the minutes of the July 30, 2015 Special Council Meeting. The motion was seconded by Vice Mayor Caplan.

Councilmember Taintor brought to the attention of the Clerk that the name of Attorney Ian DeMello was omitted from those present at the meeting. The Clerk reported that the minutes would be amended to reflect this change.

The minutes, as amended, were approved by a 5-0 voice vote. The vote was as follows: Councilmembers Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REVISING SERVICE FEES FOR THE COLLECTION OF SOLID WASTE AND RECYCLING SERVICES; AMENDING FEES AS PROVIDED BY RESOLUTION NO. 2010-11; REPEALING RESOLUTION NO. 2010-11; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Vice Mayor Caplan.

The Manager addressed the Council recommending approval of the resolution which provides for an annual fee in the amount of \$525.00 per household for collection of solid waste and recycling services for residential customers in single family and duplex dwellings within the Village.

Finance Director Vivian Parks addressed the Council regarding this resolution.

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The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING THE 2015 MIAMI-DADE COUNTY LOCAL MITIGATION STRATEGY; AUTHORIZING THE VILLAGE MANAGER TO IDENTIFY AND PRIORITIZE HAZARD MITIGATION GRANT PROGRAM PROJECTS TO BECOME A PART OF THE LOCAL AND STATEWIDE HAZARD MITIGATION STRATEGY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Vice Mayor Caplan.

The Manager addressed the Council recommending the adoption of the Local Mitigation Strategy. This item is a requirement of the National Flood Insurance Program's Community Rating System (CRS), in which the Village has been participating since 1998.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the Crandon Boulevard Cycle Track proposing different options to protect the Cyclists on Crandon Boulevard. There was extensive discussion from Council regarding this issue.

Due to the absence of Councilmember de la Cruz, the discussion of the proposed "Plan Z" was deferred to the next meeting.

Mayor Lindsay, with consensus of Council, re-appointed Mrs. Martha F. Broucek for a two year term and appointed Mr. William Stephens to a two year term to the Pension Board, due to the resignation of Mr. Ramon Rodriguez.

Mayor Lindsay also addressed the Council regarding the role and procedures for action by the Land Acquisition Committee.

There was extensive discussion from Council regarding the role and procedures of the Land Acquisition Committee.

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Mayor Lindsay also addressed the Council regarding a policy for recognition and naming opportunities for Village residents for example donation of benches for 530 Crandon Boulevard and/or the Dog Park. The Manager addressed the Council stating that a proposed policy will be brought back to Council at a future meeting.

Councilmember Kelly addressed the Council regarding phone inquiries at Village Hall. The Manager addressed the Council stating that he will look into this issue and that with the new phone system there should not be any problems regarding phone inquiries. Councilmember Kelly requested that the Manager add a Receptionist/Concierge to his budget for the coming upcoming budget hearing.

Councilmember Taintor addressed the Council regarding the Boat Show Mediation/Litigation stating that the City of Miami continues to work on the parking lot. The Attorney will request an Executive Session regarding this issue.

Councilmember Taintor also addressed the Council regarding existing front yard swimming pools. Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding this issue.

Councilmember Taintor also addressed the Council regarding the Beach Club land acquisition reporting that former Councilmember Mike Davey will make a presentation regarding this issue.

Councilmember Kelly requested an updated on stop signs. The Manager addressed the Council giving an update on this issue. There was extensive discussion from Council on this issue.

Councilmember London addressed the Council regarding changing the status of the Finance Director to Chief Financial Officer. Councilmember London reported that he had requested that the Village Attorney look into what needs to take place to make this change. The Attorney addressed the Council regarding this proposed change.

Councilmember London addressed the Council regarding a request to receive monthly reviews of operations and budgets. The Manager addressed the Council regarding these reports.

Village Attorney. The Attorney, on behalf of Special Village Counsel Shubin and Bass, requested an Executive Session regarding *Village of Key Biscayne vs. NMMA, et al, Case Number 15-0909160-CA 11 and Village of Key Biscayne vs. City of Miami, Case Number 15-2997-CA 21, in the 11th Judicial Circuit, In and For Miami-Dade County, Florida.*

The Attorney also reported that all on going litigation with the Entry Block will probably be resolved, since the property was sold.

Village Clerk. The Clerk did not submit a report.

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Village Manager. The Manager addressed the Council regarding the Fernwood and West Heather intersection improvements recommending the raised intersection as the crosswalk safety design for the intersection and authorize the project to go out to bid.

Mr. Joe Corradino with the Corradino Group and Director Kurlancheek addressed the Council regarding the above project.

Sean Compel with Stantec addressed the Council regarding the above project.

Councilmember Kelly made a motion to go out to bid for the raised intersection as the crosswalk safety design for the intersection and authorize the project to go out to bid. The motion was seconded by Vice Mayor Caplan and approved by a 4-1 voice vote. The vote was as follows: Councilmembers Kelly, London, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Taintor voting No.

The Manager and Director Kurlancheek also addressed the Council regarding the installation of speed tables on North and South Mashta Drive recommending that Council authorize the project to go to bid.

There was extensive discussion from Council regarding the speed tables.

Councilmember Kelly made a motion to go out to bid for the installation of speed tables on North and South Mashta Drive and authorize the project to go out to bid. The motion was seconded by Vice Mayor Caplan and approved by a 4-1 voice vote. The vote was as follows: Councilmembers Kelly, London, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Taintor voting No.

The Manager addressed the Council regarding the installation of speed tables on the 700 block of Woodcrest Road recommending that Council authorize the project to go to bid.

Councilmember Kelly made a motion to go out to bid for the installation of speed tables on North and South Mashta Drive and authorize the project to go out to bid. The motion was seconded by Vice Mayor Caplan and approved by a 4-1 voice vote. The vote was as follows: Councilmembers Kelly, London, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Taintor voting No.

The Manager gave an update on the SunTrust parking lot issue.

Chief of Police Charles Press addressed the Council giving an update on the parking at SunTrust.

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The Attorney also addressed the Council regarding the above subject.

The Manager also addressed the Council regarding the Key Biscayne Community Foundation proposal.

The Manager also addressed the Council regarding the information provided this evening about the Needs Assessment Project.

12. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
13. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
14. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
15. **ADJOURNMENT:** The meeting was adjourned at 10:50 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 8th day of September, 2015:

Mayra Peña Lindsay
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.