

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, AUGUST 26, 2014

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 Theodore Holloway, Michael E. Kelly, Mayra Lindsay, Edward London, James S. Taintor, Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Deputy Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Susan Brutell, St. Christopher by the Sea, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council, hoping everyone had a nice summer break and thanked the Miami-Dade County League of Cities for hosting their monthly meetings on Key Biscayne and also showed appreciation for the participation of Vice Mayor Davey and Councilmember Holloway at the event; Vice Mayor Davey thanked the candidates for running for the Office of Councilmember.
5. **SPECIAL INTRODUCTION:** The Manager and the Parks and Recreation Director Todd Hofferberth addressed the Council introducing Mr. Ken Ballard from Ballard and Associates, Inc., who made a presentation requesting Village Council's approval of an annual independent operational audit and assessment of the Community Center.
6. **AGENDA:** Councilmember Taintor requested the addition of a discussion item regarding the Consultatio Easement as Item 11A4, the status of the Traffic Study Request for Proposals as Item 11A5 and also requested to hear Item 9A2 immediately after the Consent Agenda; Vice Mayor Davey requested to hear Items 11A1 and 11A3 together after Item 9A2; Mayor Caplan

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requested to hear Item 9A1 immediately after Items 10A and 10B and the Manager requested to defer Item 10C to the September 2, 2014 Regular Council Meeting. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Taintor made a motion to approve the minutes of the August 6, 2014 Special Council Meeting. The motion was seconded by Vice Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

8. **PUBLIC COMMENTS:** Ann Taintor, 355 Harbor Drive, addressed the Council.

At this time Item 9A2 was heard.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, SECTION 19-9 DOMESTIC ANIMALS, ALLOWING FOR A PERMITTED USE OF VILLAGE PARKS BY DOMESTIC ANIMALS AND TO PROHIBIT THE PROPERTY AT 530 CRANDON BOULEVARD FROM BEING USED BY DOMESTIC ANIMALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

Mayor Caplan made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Lindsay.

The Mayor addressed the Council regarding the ordinance.

There was extensive discussion from Council regarding this ordinance.

The Mayor opened the public hearing. Jorge Mendia, 111 Island Drive and Robert L. Vernon, 475 Ridgewood Road, addressed the Council. The Mayor closed the public hearing.

The ordinance failed on first reading by a 3-4 roll call vote. The vote was as follows: Councilmembers Lindsay, Taintor and Mayor Caplan voting Yes. Councilmembers Holloway, Kelly, London and Vice Mayor Davey voting No.

At this time Item 11A1 and 11A3 was heard.

Councilmember Kelly and Councilmember London addressed the Council regarding boat trailers.

Robert L. Vernon, 475 Ridgewood Road, Louis Thomas, 200 Buttonwood Drive, Silvio

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Martinez, 101 Buttonwood Drive and Cam Griffen, 350 Woodcrest Road addressed the Council regarding boat trailers.

The Building, Zoning, Planning and Public Works Director Jud Kurlancheek addressed the Council regarding boat trailers.

It was the consensus of Council to direct staff to bring back revised legislation allowing trailers providing the trailer is no longer than what is required to accommodate the boat owned.

At this time Item 10A was heard.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (“VILLAGE”), PROVIDING FOR RATIFICATION OF THE 2013-2016 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE KEY BISCAYNE POLICE OFFICER’S ASSOCIATION, LOCAL 6023, FOR THE BARGAINING UNIT THAT CONSISTS OF POLICE OFFICERS AND SERGEANTS; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Lindsay made a motion to approve the resolution. The motion was seconded by Councilmember Kelly.

Mayor Caplan addressed the Council regarding this resolution.

There was discussion from Council regarding this resolution.

The Manager and the Village Attorney Brett Schneider addressed the Council regarding this resolution.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Deputy Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (“VILLAGE”), PROVIDING FOR RATIFICATION OF THE 2013-2016 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO, FOR

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THE BARGAINING UNIT CONSISTING OF THE VILLAGE'S POLICE LIEUTENANTS; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Caplan addressed the Council regarding this resolution.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

At this time Item 9A1 was heard.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA ("VILLAGE"), AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 23 "RETIREMENT," SECTION 23-31 "DEFINITIONS"; BY AMENDING SECTION 23-35 "CONTRIBUTIONS" TO SET A CAP ON THE VILLAGE'S ANNUAL CONTRIBUTION INTO THE RETIREMENT PLAN AND TO ESTABLISH A CAP ON THE RETIREMENT PLAN'S UNFUNDED LIABILITY; BY AMENDING SECTION 23-36 "BENEFIT AMOUNTS AND ELIGIBILITY" TO REDUCE THE RETIREMENT BENEFIT TO 2.75 PERCENT OF AVERAGE FINAL COMPENSATION, TO REVISE THE NORMAL RETIREMENT AGE AND TO LIMIT THE MEMBERS' ANNUAL SERVICE RETIREMENT BENEFIT TO THE LESSER OF \$90,000.00 OR 90% OF AVERAGE FINAL COMPENSATION; BY AMENDING SECTION 23-56 "FIREFIGHTERS' SHARE PLAN" TO CLOSE THE SHARE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Caplan addressed the Council regarding clarification of Section 3, page 4 and page 7 of the ordinance.

The Village Attorney Brett Schneider addressed the Council regarding this ordinance.

There was discussion from Council regarding this ordinance.

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The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Deputy Clerk announced the second reading of the ordinance will be on September 23, 2014.

At this time Item 10D was heard.

RESOLUTIONS: The Deputy Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A GRANT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE VILLAGE FOR IMPROVEMENTS TO THE VILLAGE GREEN; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to approve the resolution. The motion was seconded by Councilmember Lindsay.

The Manager and Director Todd Hofferberth addressed the Council regarding the resolution.

There was discussion from Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Councilmember Lindsay addressed the Council regarding the Rickenbacker Causeway construction status on Bear Cut Bridge.

The Manager addressed the Council regarding the status of the construction on the Rickenbacker Causeway-Bear Cut Bridge.

There was discussion from Council regarding the status of the construction on the Rickenbacker Causeway- Bear Cut Bridge.

Councilmember Taintor addressed the Council regarding the Consultatio easement.

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The Chief of Fire Rescue Eric Lang and Director Kurlancheek addressed the Council regarding the Consultatio easement.

There was discussion from Council regarding the Consultatio easement.

It was the consensus of Council to analyze the possibility of creating more golf cart parking spaces at the end of the Consultatio easement.

Councilmember Taintor addressed the Council regarding the status of the Traffic Study Request for Proposals "RFP".

The Manager and Attorney addressed the Council regarding the current status of the RFP and bringing forth the RFP for Council approval on the October 14, 2014 Council Meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Deputy Clerk reported that Councilmember Mayra P. Lindsay ran unopposed for the Office of Mayor. Therefore, Ms. Lindsay has been elected Mayor by operation of law. Additionally, the Deputy Clerk reported that the following residents had qualified for the 2014 Key Biscayne Municipal Election as candidates for the Office of Councilmember: the Honorable James S. Taintor, Ms. H. Frances Reaves, Mr. Luis F. De La Cruz, Mr. Dwight C. Hewett, the Honorable Franklin H. Caplan, Mr. Brett Moss and Mr. Alex Lipzer.

Mayor Caplan thanked the candidates for their participation in the 2014 Key Biscayne Municipal Election.

Village Manager. The Manager addressed the Council reporting on the status of the Mashta Flats permit application.

The Manager and Director Kurlancheek addressed the Council regarding the Garden District.

Councilmember Lindsay addressed the Council regarding the Garden District.

It is the consensus of Council to further analyze the qualifications for the designation in the National Register of Historic Places.

The Manager addressed the Council regarding the responses for the Multi-Purpose 530 Crandon Boulevard Request for Qualifications.

It is the consensus of Council to direct the Manager and Attorney to prepare and provide an amended scope of work to the firms that responded to the Multi-Purpose 530 Crandon Boulevard Request for Qualifications. The amended scope of work will include the North and South ends of the Village Green as alternate potential designs.

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The Manager addressed the Council regarding the issuance of the Request for Proposals for the Needs Assessment Surveying Services.

Councilmember Davey made a motion to authorize the Village Manager to issue the Request for Proposals for the Needs Assessment Surveying Service. The motion was seconded by Mayor Caplan and approved by a 7-0 vice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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 10:37 p.m.

Respectfully submitted:

Jennifer Duque
Chief of Staff/Deputy Village Clerk

Approved this 14th day of October 2014:

Franklin H. Caplan
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.