MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JUNE 24, 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, Mayra Lindsay, Edward London, James S. Taintor (via skype), Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Councilmember Michael E. Kelly was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

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

Mayor Caplan made a motion to allow Councilmember Taintor to participate via Skype. The motion was seconded by Vice Mayor Davey and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Vice Mayor Davey and Mayor Caplan voting Yes.

3. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan, on behalf of the Council, congratulated Mayor Elect Mayra Lindsay.

4. **AGENDA:** Mayor Caplan requested the addition of a brief report on the meeting with the Florida Wildlife and Conservation as Item 9A1; Vice Mayor Davey requested to amend Item 9A3 to include permit fees and the Village Attorney requested the deferral of Item 7A1. There was no objection to the agenda changes.

5. **CONTINUATION OF BUDGET WORKSHOP:** The Manager addressed the Council regarding the Transportation Special Revenue Fund, the Stormwater Fund and Solid Waste.

The Manager also addressed the Council regarding the Fiscal Year 2015-2019 Capital Improvement Projects, recommending that the Council focus on just deciding on Fiscal Year 2014-2015 Operational and Non-Operational projects. The Manager also stated that the deficit of $4,119,256 of the total funding needed for Fiscal Year 2014-2015 projects could be reduced with the transfer of a portion of the excess revenue over expenditures in the General Fund Budget. Final action will be taken at the Budget Hearings in September.

Director of Building, Zoning and Planning Jud Kurlancheek addressed the Council regarding the Building, Zoning and Panning and Public Works CIP.

Parks and Recreation Director addressed the Council reporting that in order to apply for grants, the projects need to be identified in the CIP.

Lourdes Abadin, Financial Advisor for the Village with Estrada Hinojosa, addressed the Council regarding the bids for the second traunch of the construction project of the school at MAST Academy.

Deputy Chief of Police Jason Younes addressed the Council regarding the use of tech advances due to the amount of burglaries that have recently occurred.

Chief of Fire Rescue Eric Lang addressed the Council regarding the Fire Department's CIP.

Councilmember Davey requested to add the Beach Club to the list of Non-Operational Capital Projects.

There was extensive discussion from Council regarding the Capital Improvement Projects.

6. **APPROVAL OF MINUTES:** Councilmember Lindsay made a motion to approve the minutes of the June 10, 2014 Regular Council Meeting. The motion was seconded by Vice Mayor Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE INVESTMENT ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Clerk announced the second reading will be on August 26, 2014.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING THE VILLAGE'S ABILITY TO FUND AND SUPPORTING THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE VILLAGE'S BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE AGREEMENT WITH W.D. THOMPSON, INC. D/B/A BEACH RAKER FOR BEACH CLEANING, MAINTENANCE AND BEAUTIFICATION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The representative from Beach Raker also addressed the Council regarding the service they will provide.

The Attorney also addressed the Council regarding this agreement.

The resolution, as revised, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. The Mayor, together with the Village Manager and Chief of Police attended a meeting with the FWC. The Mayor and the Manager reported on their presentation before the FWC.

Mayor Caplan and Councilmember Lindsay addressed the Council proposing to have a formal written process on competitive bidding protocol and training for staff evaluators.

The Attorney and the Manager addressed the Council regarding the above mentioned process. It was the consensus of Council to review the RFP or RFQ before it goes out to the public.

Vice Mayor Davey addressed the Council regarding the Building Zoning and Planning policy with respect to liens on properties and permit fees.

Director Kurlancheek and the Attorney addressed the Council regarding the policy with respect to liens of properties and permit fees.

There was extensive discussion by Council regarding the process of imposing liens on properties.

Councilmember Holloway addressed the Council proposing to direct the Manager to begin collecting the 46 data points outlined for cities by ISO.

The Manager addressed the Council regarding the above mentioned proposal. There was extensive discussion from Council regarding the above mentioned proposal.

Councilmember Lindsay addressed the Council regarding the status of the Rickenbacker Causeway Plan and lobbying at the State level.

Councilmember Lindsay also addressed the Council regarding the MAST Academy issue in reference to the destruction of plant and environment proposal to partner with MAST Community

for rebuild.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk reported that only one resident qualified for the Office of Mayor. That candidate is Councilmember Mayra Lindsay and since she ran unopposed, she is our new Mayor elected by Operation of Law.

Village Manager. The Manager did not submit a report.

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

11. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was provided to the Council.

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 10:46 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 10th day of March, 2015:

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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.