MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, OCTOBER 28, 2014

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:15 p.m. Present were Councilmembers Michael E. Kelly, Mayra Lindsay, Edward London, James S. Taintor, Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Councilmember Theodore Holloway 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.

3. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council honoring former Councilmember Mortimer Fried, with a proclamation, for his leadership and many years of service to this community. Former Councilmember Fried addressed the Council thanking the Council for this recognition. Mark Fried also addressed the Council regarding his father.

Councilmember Kelly welcomed back Village Clerk Conchita Alvarez. The Mayor, on behalf of the Council, joined Councilmember Kelly in welcoming the Clerk.

The Mayor also recognized Vice Mayor Davey for his dedication and 8 years of service to the community. Vice Mayor Davey addressed the Council thanking the Mayor and Council for the recognition.

The Mayor also addressed the Council regarding coastal communities.

The Manager addressed the Council thanking the volunteers of the Community Center and the Parks and Recreation Director on the 10th Anniversary Celebration of the Community Center.

Julie Dick, 660 Crandon Boulevard addressed the Council in support of the Resolution supporting the Miami-Dade Sea Level Rise Task Force recommendations and the polystyrene ordinance.

4. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding outdoor performance space as Item 8A3; Councilmember London requested the addition of a discussion regarding moving the dog park from 530 Crandon to the North end of the Village Green as Item 8A4; Councilmember Taintor requested the addition of a discussion regarding forming a Beach Club Land Acquisition Committee as Item 8A5 and also requested a discussion regarding the Police parking lot as Item 8A6; Councilmember London requested the addition of a discussion regarding the acquisition of the Beach Club as Item 8A5(a); Mayor Caplan requested the addition of a presentation of the KB Library project as Item 8A7 and the Clerk requested to hear her Item 8A1 after Item 8D2. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** There were no minutes submitted to the Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 7, "BUSINESS REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES TO INCLUDE SECTION 7-1, "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY VILLAGE CONTRACTORS;" AMENDING CHAPTER 19, "PARK RULES AND REGULATIONS" TO INCLUDE SECTION 19-17, "PROHIBITION ON POLYSTYRENE;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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.

Councilmember Kelly proposed to add a line item that would encourage private businesses to not sell polystyrene products.

The Attorney also addressed the Council regarding this ordinance.

Mayor Caplan proposed to eliminate "and takes hundreds to thousands of years to degrade in the environment" from the second Whereas clause; proposed to eliminate the word "also" from the fourth Whereas clause and also proposed to insert "polystyrene materials" instead of "disposable food service articles' in the fifth Whereas clause. There was no objection to these proposals.

The ordinance, as amended, was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Clerk announced the second reading will be on November 25, 2014.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100 "SINGLE-FAMILY AND TWO-FAMILY DISTRICTS" OF THE VILLAGE CODE OF ORDINANCES, IN ORDER TO AMEND DEVELOPMENT STANDARDS FOR BOATS AND BOAT TRAILERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

There was discussion from Council on this ordinance.

The ordinance was adopted on first by a 6-0 roll call vote. The vote was as follows: Councilmembers Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Clerk announced the second reading will be on November 25, 2014.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE GREEN IMPLEMENTATION AND ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The Attorney addressed the Council regarding this ordinance. There was discussion from Council regarding this ordinance.

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA SUPPORTING THE MIAMI-DADE SEA LEVEL RISE TASK FORCE RECOMMENDATIONS AND URGING THE BOARD OF COUNTY COMMISSIONERS TO IMPLEMENT SUCH RECOMMENDATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Lindsay proposed to eliminate the following words "human induced" from the first Whereas clause. There was no objection to the proposal.

Mayor Caplan proposed to strike the following words "tractable, and relentless" from the 8th Whereas clause; add to the 10th Whereas clause after Miami-Dade County "and other jurisdictions"and in Section 2 insert the word "implementing" after contained in the, strike the word "and" after oriented and eliminate the "s" in the word further. There was no objection to the proposed changes.

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

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF MICROSOFT SOFTWARE LICENSES OF EXCHANGE SERVER, SQL SERVER,

SERVER 2012, AND OTHER SERVERS, DESKTOPS, AND LAPTOPS SOFTWARE LICENSES; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR IMPLEMENTATION AND AUTHORIZING THE VILLAGE MANAGER TO COMPLETE THE PURCHASE OF THE SOFTWARE LICENSES AND EXECUTE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmember London voting No.

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

Mayor and Councilmembers. The Mayor appointed, with consensus of Council, the following residents to the Investment Policy Committee: Peter Walden, Ken Anderson, Amelia Blanik and Gonzalo Valdes-Fauli as alternate.

Mayor Caplan addressed the Council regarding Village Code Section 19-9 (Domestic Animals). The Attorney also addressed the Council regarding this section of the Village Code.

Councilmember Kelly addressed the Council regarding an outdoor performance space where the current gazebo is right now on the Village Green. Staff was directed to prepare legislation to create an Outdoor Performance Space Committee.

At this time Item 8D2 was heard. Christobal Betancourt with Chen-Moore & Associates made a presentation to the Council regarding a proposed design of a multipurpose Civic Center Park at 530 Crandon Boulevard.

Mr. Javier F. Salman with Stantec made a presentation to the Council regarding a proposed design of a multipurpose Civic Center Park at 530 Crandon Boulevard and Dog Park.

Councilmember London addressed the Council regarding moving the dog park from 530 Crandon Boulevard to the North end of the Village Green. It was the consensus of Council to move the dog park to the North end of the Village Green.

Councilmember London made a motion to hire Stantec. The motion was seconded by Councilmember Lindsay and approved by a 4-2 roll call vote. Councilmembers Kelly, Lindsay, London and Mayor Caplan voting Yes. Councilmember Taintor and Vice Mayor Davey voting No.

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council regarding the selection of the Needs Assessment Surveying Service Proposal.

Councilmember Taintor addressed the Council regarding the creation of a Beach Club Land Acquisition Committee.

Councilmember London addressed the Council regarding the acquisition of the Beach Club. There was extensive discussion from Council regarding the acquisition of the Beach Club.

The Attorney also addressed the Council regarding the acquisition of the Beach Club.

It was the consensus of Council to appoint Vice Mayor Davey as liaison on the fact finding mission of acquiring the Beach Club.

Councilmember Taintor addressed the Council regarding the purchase of the Police Parking Lot. The Manager also addressed the Council regarding the purchase of the Police Parking Lot.

Mayor Caplan addressed the Council regarding the Library Project. The Manager also addressed the Council regarding this project.

There was extensive discussion from Council regarding the Library Project.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk, on behalf of the Council, staff and residents of the Village of Key Biscayne, presented a token of appreciation to the Mayor for his passion and dedication to this community.

Mayor elect Lindsay also thanked the Mayor for his commitment and ability of building consensus.

The Clerk also thanked Vice Mayor Davey stating that it was a pleasure to work with him for the last 8 years. Vice Mayor Davey also thanked the Attorney, Manager and staff and said good night to Mia.

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

10. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business and pending litigation was presented to the Council.

11. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A list of future meetings and events was presented to the Council

12. **ADJOURNMENT:** The meeting was adjourned at 10:50 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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Frank 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.