

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, MARCH 10, 2015

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:11 p.m. Present were Councilmembers Luis de la Cruz, Theodore Holloway, Edward London, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra Lindsay. 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. **BRIEF COMMENTS BY COUNCIL:** The Mayor addressed the Council regarding the upcoming Town Hall Meeting organized by Chief of Police Charles Press on Wednesday, March 18th inviting the public to attend. Councilmember Taintor addressed the Council regarding a resident speeding down Harbor Drive. Vice Mayor Caplan addressed the Council regarding the Library project.
3. **SPECIAL INTRODUCTIONS:** Mr. Robert Brookes addressed the Council on behalf of the 51st Rotary Club Art Festival 2015.

At this time Item 9A2 was heard. Mayor Lindsay addressed the Council regarding the 4th of July Picnic, reporting that the Kiwanis Club is not able to do it anymore and that the Key Biscayne Rotary Club would like to take over this venue.

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Mark Fried, 525 Warren Lane, as Director of the Key Biscayne Rotary Club addressed the Council requesting to take over the 4th of July picnic from the Kiwanis Club, since according to the KB Rotary Club, the Kiwanis are no longer represented on Key Biscayne.

The Council requested that the Rotary Club contact the Kiwanis Club to make sure that they are no longer represented in Key Biscayne.

Councilmember London made a motion to allow the Key Biscayne Rotary Club to take over the 4th of July picnic and notify the Kiwanis that we no longer need their services. The motion was seconded by Vice Mayor Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Mr. Javier Salman with Stantec Consulting Services, Inc., made a presentation to Council regarding the design of the Dog Park and Multi-purpose Civic Center Park. Claire London, 736 Woodcrest Road, Katie Petros, 375 Redwood Lane and Andy Garcia on behalf of the Dog Park Committee also addressed the Council.

The Clerk read a statement, on behalf of Councilmember Kelly, recommending Option E as the best option for the dog park.

Councilmember London made a motion to approve Option E for the dog park. The motion was seconded by Councilmember de la Cruz and approved by a 4-2 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London and Mayor Lindsay voting Yes. Councilmember Taintor and Vice Mayor Caplan voting No.

The Mayor thanked the Dog Park Committee for their work and a job well done.

Chief of Police Charles Press addressed the Council regarding the Police Department Reaccreditation. The Mayor thanked the Chief of Police and Ana Guerra for a job well done.

4. **PUBLIC COMMENTS:** The following resident addressed the Council: Linda Davitian, 720 Myrtlewood Lane.

5. **AGENDA:** Councilmember Taintor requested the addition of a discussion regarding the KB Chamber of Commerce at Tennis Tournament as Item 9A6; Councilmember de la Cruz requested the addition of a brief discussion of a meeting held with Miami-Dade Traffic Signaling Department as Item 9A7; Mayor Lindsay requested to remove Item 9A3 and also requested the addition of a welcome discussion with Madam Clerk as Item 9A8 and the Manager requested the addition of an RFP to resurface the Village Green with natural turf as Item 9D4. There was no objection to the agenda changes.

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6. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the May 27, 2014 Zoning Meeting. The motion was seconded by Councilmember Taintor and approved by 5-0 voice vote. The vote was as follows: Councilmembers Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember de la Cruz abstained.

Vice Mayor Caplan made a motion to approve the minutes of the June 24, 2014 Zoning Meeting. The motion was seconded by Councilmember Taintor and approved by 5-0 voice vote. The vote was as follows: Councilmembers Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember de la Cruz abstained.

Vice Mayor Caplan made a motion to approve the minutes of the July 1, 2014 Regular Council Meeting. The motion was seconded by Councilmember Taintor and approved by 5-0 voice vote. The vote was as follows: Councilmembers Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember de la Cruz abstained.

Vice Mayor Caplan made a motion to approve the minutes of the October 28, 2014 Zoning Meeting. The motion was seconded by Councilmember Taintor and approved by 5-0 voice vote. The vote was as follows: Councilmembers Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember de la Cruz abstained.

Councilmember de la Cruz made a motion to approve the minutes of the February 24, 2015 Zoning Meeting. The motion was seconded by Vice Mayor Caplan and approved by 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

7. **ORDINANCES:** The 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” TO MAKE THE BENEFITS PROVIDED BY THE PLAN “DEFINITELY DETERMINABLE” IN ACCORDANCE WITH SECTION 401(a)(25) OF THE INTERNAL REVENUE CODE; BY AMENDING SECTION 23-32 “MEMBERSHIP,” SECTION 23-37 “PRE-RETIREMENT DEATH,” SECTION 23-40 “OPTIONAL FORM OF BENEFITS,” SECTION 23-48 “DISTRIBUTION OF BENEFITS” AND SECTION 23-55 “DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS” AND ADDING SECTION 23-58 “FEDERAL TAX PROVISIONS” AND SECTION 23-59 “QUALIFIED HEALTH INSURANCE PREMIUM DISTRIBUTIONS” TO COMPLY WITH THE FAVORABLE DETERMINATION LETTER ISSUED BY THE INTERNAL REVENUE SERVICE ON SEPTEMBER 12, 2014; BY AMENDING SECTION 23-35 “CONTRIBUTIONS” TO ENABLE THE VILLAGE TO USE \$504,093 IN ACCUMULATED EXCESS CHAPTER 185 PREMIUM TAX REVENUE RECEIVED BY

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THE PLAN ON OR BEFORE AUGUST 25, 2014 TO OFFSET THE VILLAGE'S REQUIRED CONTRIBUTION TO THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Village Attorney Brett Schneider addressed the Council regarding this ordinance.

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 de la Cruz, Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk announced the second reading of the ordinance will be on April 14, 2015.

Item 7B1 was deferred to April 14th, 2015.

Councilmember London excused himself from the meeting at 8:35 p.m.

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, SELECTING THE BID OF WILLIAMS PAVING CO., INC. FOR GOLF CART PARKING IMPROVEMENTS ALONG 301 OCEAN DRIVE ("PROJECT"); AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SUCH PROJECT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Taintor 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 authorizing the Village Manager to execute an Agreement with Williams Paving Co., Inc. for the Golf Cart improvements along 301 Ocean Drive.

Building, Zoning and Planning Director Jud Kurlancheek also addressed the Council regarding the extra parking spaces on East Enid at the Beach Park.

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The resolution was approved by a 4-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Holloway voting No.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; AUTHORIZING THE PURCHASE OF A RIBCRAFT VESSEL FOR THE VILLAGE POLICE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PURCHASE ORDER FOR ACQUISITION OF THE VESSEL AND TO IMPLEMENT THE TRANSACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief Press addressed the Council recommending approval of the resolution authorizing the purchase of a Ribcraft Vessel for the Police Department's current Marine Patrol Unit. The funding source will be the Federal Asset Sharing Fund.

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

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

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding hiring Traffic Aids by the Village Police Department to help with traffic on Crandon Boulevard.

Chief Press also addressed the Council regarding the Traffic Aids.

Councilmember Taintor addressed the Council regarding the Zoning Hearing/Crandon Park Golf Course. There was discussion from Council on this issue. It was the consensus of Council to allow Vice Mayor Caplan to write a letter to Miami-Dade County regarding this hearing.

Mayor Lindsay and the Manager addressed the Council giving an update on the Marine Stadium issue on the City of Miami Agenda for the Meeting of March 12.

Councilmember Taintor and Vice Mayor Caplan addressed the Council reporting that the Key Biscayne Chamber of Commerce will not be allowed to have a tent to promote the businesses on the Key this year. The Manager also addressed the Council regarding this issue. There was extensive discussion from Council regarding this issue.

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Councilmember de la Cruz addressed the Council regarding a meeting with Miami-Dade Traffic and Signaling Chief Frank Arias which included the Village Manager and Chief Press. There was discussion from Council regarding this issue. Councilmember de la Cruz proposed to pass a resolution requesting that Miami-Dade County consider the Village for their pilot program regarding traffic and signaling.

Mayor Lindsay addressed the Council welcoming the Village Clerk as she has resumed working full time. The Clerk thanked the Mayor and Council and reported that she is healthy and glad to be back.

Village Attorney. The Mayor addressed the Council giving an update on the City of Miami Marine Stadium mediation process and read a statement from John Shubin with Shubin and Bass.

The Attorney addressed the Council regarding the process that will take place.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council reporting that the Village is going forward with the Request For Proposals for the Community Center Expansion.

Paul Abbott addressed the Council.

The Manager also addressed the Council regarding the status of hiring a Public Relations Firm. The Manager will bring back legislation at the Special Council Meeting scheduled for Thursday, March 19th.

The Manager addressed the Council regarding the Citizen Survey. The Manager requested to add this item also to the agenda of the 19th.

The Manager addressed the Council regarding a Request for Proposals to Resurface the Village Green with Natural Turf.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding the above matter.

There was extensive discussion from Council regarding the condition of the playing fields.

It was the consensus of Council to go ahead with the RFP to Resurface the Village Green with Natural Turf.

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

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11. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A scheduled of future meetings and events was presented to the Council.
13. **ADJOURNMENT:** The meeting was adjourned at 10:44 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 14th day of April 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.