MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, OCTOBER 13, 2015

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:00 p.m. Present were Councilmembers Luis de la Cruz, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra Lindsay. 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. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church, gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.

4. **BRIEF COMMENTS BY COUNCIL:** The Mayor announced that Taste of Paradise has kicked off urging all residents to participate and also thanked Councilmember Kelly, who will be a speaker at the Homeowner's Association; the Mayor also gave a brief update on the Marine Stadium Park litigation.

5. **SPECIAL INTRODUCTION:** The Manager introduced Mr. Art Yerian to the Council. Bill Baggs Park Manager Art Yerian presented to the Council a $50,000 grant on behalf of the Florida Department of Environmental Protection for a FRDAP Grant to be used to improve the Village Green.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Kristen Guess, on behalf of Brett Moss, 731 Crandon Boulevard; Martin Margulis, 445 Grand Bay Drive; Robert Knecht, 1121 Crandon Boulevard; Krista DeCastro, 115 East Enid Drive; Anna Dick, 151 Crandon Boulevard and Julie Dick, 151 Crandon Boulevard.

7. **AGENDA:** Mayor Lindsay requested the addition of a discussion regarding the 2016 Legislative Priorities as Item 11A9; Councilmember Kelly requested to change the language in Item 11A5 to say "discussion" instead of "Motion" and the Manager requested the withdrawal of Item 10C. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the September 23, 2014 Second Budget Hearing. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Kelly made a motion to approve the minutes of the September 18, 2015 Special Council Meeting. 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, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Kelly made a motion to approve the minutes of the September 21, 2015 Second Budget Hearing. 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, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Kelly made a motion to approve the minutes of the September 28, 2015 Continuation of the Second Budget Hearing. 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, 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 OF KEY BISCAYNE, FLORIDA SUPPORTING THE CREATION OF THE SOUTH FLORIDA MAYORS' BEACH ALLIANCE; DIRECTING THE VILLAGE CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY AND ALL THE MEMBER MUNICIPALITIES OF THE SOUTH FLORIDA MAYORS' BEACH ALLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Lindsay addressed the Council regarding this resolution. There was discussion from Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, 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 AN ENVIRONMENTALLY PREFERABLE PURCHASING PROGRAM; PROVIDING FOR AUTHORIZATION; 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 approval of this resolution.

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

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

Mayor and Councilmembers. The Mayor, with consensus of Council, appointed Alejandra Parapar to the Dog Park Committee.

Councilmember Kelly addressed the Council regarding the shortage of parking spaces within the Village. There was discussion from Council regarding this issue.

Councilmember Kelly made a motion to direct the Manager to move forward with efforts to acquire by voluntary conveyance or purchase the Police Parking lot from Miami-Dade County by December 2015. The motion was seconded by Councilmember London and approved by a 6-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Kelly made a motion to direct the Manager to begin the process for the design/build of a new parking garage at the Police Station Parking lot. The motion was seconded by Councilmember London.

There was extensive discussion from Council on this issue. Building Zoning and Planning Director Jud Kurlancheek addressed the Council regarding the amount of parking spaces needed.

The Attorney also addressed the Council regarding the parking garage.

The Kelly motion was approved by a 5-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Taintor and Vice Mayor Caplan voting Yes. Mayor Lindsay voting No.

Councilmember Kelly addressed the Council regarding a Community Center Ride Service. The Attorney addressed the Council on providing this service reporting that he will look into it and report back to Council.

Councilmember Kelly discussed to potentially remove and replace Special Counsel concerning the City of Miami Boat Show issue. There was extensive discussion from Council regarding this issue. It was the consensus of Council to keep the Special Counsel the Village has currently retained.

Mayor Lindsay addressed the Council proposing to create a Water and Boat Safety Committee. It was the consensus of Council to direct the Attorney to draft legislation to create this Committee.

Chief of Police Charles Press also addressed the Council regarding the noise created by boats on Mashta Flats.

Councilmember de la Cruz addressed the Council regarding potential public/private/Village/School Board Partnership for the construction of a new Community School Building. There was extensive discussion from Council regarding this issue. It was the consensus of Council to appoint Councilmember London to work with the School Board and appoint Vice Mayor Caplan to work with the School Professional Administrators towards this goal.

Councilmember de la Cruz also addressed the Council regarding moving forward with a study of potential pros and cons of burying power lines. The Manager addressed the Council regarding this item.

Mayor Lindsay addressed the Council regarding proposed 2016 legislative priorities. It was consensus of Council to have a resolution with proposed 2016 Legislative priorities at the next meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council recommending that the Council determine if the "Ghost Swamp" Artwork should be purchased at a price of $9,100.00.

There was extensive discussion from Council regarding the purchase of the above mentioned Artwork. Director Kurlancheek also addressed the Council regarding this piece of Artwork.

Vice Mayor Caplan made a motion to purchase the "Ghost Swamp" Artwork at a price of $9,100.00. The motion was seconded by Councilmember London and failed by a 3-3 voice vote. The vote was as follows: Councilmembers London, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers de la Cruz, Kelly and Taintor voting No.

At this time the Attorney addressed the Council regarding the noise ordinance as it relates to boats and the direction previously given was to look into the noise of the motors on the boats. It was the consensus of Council to direct the Attorney to look into the noise coming from boom boxes on boats that are a nuisance to the Village residents.

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/events was presented to the Council.

15. **ADJOURNMENT:** The meeting was adjourned at 9:35 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 10th day of November, 2015:

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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.