

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, AUGUST 26, 2008

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 Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney David M. Wolpin.
2. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Council, presented a Proclamation to the Village of Key Biscayne Fire Rescue Department recognizing their efforts on behalf of the Muscular Dystrophy Association. Firefighter/Paramedic Justin Connors accepted the proclamation on behalf of the Fire Rescue Department.
3. **PUBLIC COMMENTS:** The following resident addressed the Council: Camille Guething, 260 Seaview Drive.
4. **AGENDA:** Councilmember Garcia requested to hear Item 8A1 immediately after Item 6A1; Councilmember Davey requested the addition of a discussion regarding the County's attempt to take the Fire Rescue Department as Item 8A3; Vice Mayor Mendia requested the addition of an update on the Virginia Key Master Plan as Item 8A4 and Mayor Vernon requested the addition of a discussion regarding re-appointments to the Community Center Advisory Board as Item 8A5. There was no objection to the agenda changes.

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5. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the July 22, 2008 Special Council Meeting. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS " OF THE VILLAGE CODE OF ORDINANCES, BY CREATING ARTICLE XI "NEWSRACKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS RELATING TO NEWSRACKS WITHIN THE VILLAGE PUBLIC RIGHTS-OF-WAY AND UPON PRIVATE PROPERTY; PROVIDING FOR NONCONFORMING NEWSRACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Davey made a motion to adopt the ordinance on second reading as recommended by the Local Planning Agency. The motion was seconded by Councilmember Garcia.

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

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

At this time Item 8A1 was heard. Councilmember Garcia addressed the Council regarding the public access to the Beach Park and fishing activities by non-residents.

The following residents addressed the Council: Alma Garay, 290 Sunrise Drive; Maria Cristina Bell, 300 Sunrise Drive; Raoul Robau, 300 Sunrise Drive; Tere Sosa, 550 Ocean Drive; Leo Brito, 775 Curtiswood Drive; Camille Guething, 260 Seaview Drive and Bill Stephens, 159 East Enid Drive.

The Attorney addressed the Council stating that the Florida Statutes prohibit municipalities from enacting legislation regarding saltwater fishing except from property owned by municipalities.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding this issue.

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There was extensive discussion from Council regarding this issue. It was the consensus of Council to direct staff to look into the covenant for the Beach Park and to look into the cost of a scanning system for the Beach Park.

7. **RESOLUTIONS:** The 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 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE KEY BISCAYNE PROFESSIONAL FIREFIGHTER’S ASSOCIATION, LOCAL 3638, FOR THE BARGAINING UNIT CONSISTING OF FIREFIGHTERS BELOW THE RANK OF FIRE CAPTAIN; 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 Davey made a motion to approve the resolution. The motion was seconded by Councilmember Weinman.

The Manager addressed the Council recommending the approval of the resolution which authorizes and approves the ratification of the Collective Bargaining Agreement between the Village of Key Biscayne and the Key Biscayne Professional Firefighters Association, Local 3638, for the bargaining unit that consists of firefighters/paramedics, driver engineers, fire lieutenants and executive assistants to the Fire Chief.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The 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 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE KEY BISCAYNE PROFESSIONAL FIREFIGHTER’S ASSOCIATION, LOCAL 3638, FOR THE BARGAINING UNIT CONSISTING OF FIRE CAPTAINS; 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.**

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

The Manager addressed the Council recommending the approval of the resolution which authorizes and approves the ratification of the Collective Bargaining Agreement between the Village of Key Biscayne and the Key Biscayne Professional Firefighters Association, Local 3638, for the bargaining unit that consists of Fire Captains.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, TO TAKE ALL ACTION NECESSARY TO IMPROVE CALUSA PARK IN CRANDON PARK; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Vernon addressed the Council regarding the proposed improvements to Calusa Park and thanked Otto Borroto with Borroto Architects for the drawings of the proposed plan.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Liedman.

The Manager addressed the Council recommending the approval of the resolution urging the Board of County Commissioners of Miami-Dade County, Florida to take all necessary actions to improve Calusa Park.

The following residents addressed the Council: Willy Borroto with Borroto Architects and Leo Brito, 775 Curtiswood Drive.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE BUILDING, ZONING, AND PLANNING FEE SCHEDULE; ADDING A SUBSECTION PERTAINING TO NEWSPAPER RACK FEES; PROVIDING FOR AN EFFECTIVE DATE.**

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Director of Building, Zoning and Planning Jud Kurlancheek addressed the Council recommending approval of the resolution establishing a fee of \$25.00 per newsrack application.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Weinman addressed the Council regarding a revised timetable to begin the public process to define a potential Charter High School.

Angel Martin, 151 Crandon Boulevard; Leo Brito, 775 Curtiswood Drive; Arthur Levey, 785 Crandon Boulevard and Dr. Michael Kelly, 395 Gulf Road addressed the Council.

There was extensive discussion from Council regarding this issue.

Councilmember Weinman made a motion to instruct staff to prepare the first public session on the proposed Charter High School for mid to late October. The motion was seconded by Councilmember Davey. Councilmember Weinman withdrew her motion.

It was the consensus of Council to direct staff to contact Fielding Nair and obtain a timeline for the workshops and present it to Council at the September 9, 2008 meeting.

It was also the consensus of Council to cancel the September 2, 2008 Council Meeting and instead hold a meeting at 6:30 p.m. on September 9, 2009, prior to the Budget Hearing.

Councilmember Davey addressed the Council regarding the County's attempt to take our Fire Rescue Department. The Manager and Chief of Fire Rescue John C. Gilbert addressed the Council regarding this issue.

Vice Mayor Mendia requested an update on the Virginia Key Master Plan. Mayor Vernon addressed the Council regarding the proposed Master Plan for Virginia Key urging the Council and residents to monitor the potential impact of this proposal to the Village of Key Biscayne.

Mayor Vernon addressed the Council regarding the re-appointment of three members of the Community Center Advisory Board. The Mayor requested that Council submit nominations to this Board to the Clerk.

Village Attorney. The Attorney did not submit a report.

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Village Clerk. The Clerk reported that the following residents had qualified as candidates for Council for the 2008 Municipal election. The Clerk also reported that pursuant to the Charter of the Village of Key Biscayne, Article V. Elections, Section 5.01 (h) *Single candidates*. In the event that the number of persons who qualify as candidates for the Council Member positions to be filled at an election is equal to or less than the number of positions to be filled at such election, those positions shall not be listed on the primary or regular election ballot.

The Office of the Mayor issued the following proclamation during the month of July: proclaiming July 26, 2008 as "FBI Day".

Village Manager. Ramon Castella with C3TS addressed the Council reporting on the status of the Water and Sewer Project.

9. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
11. **ADJOURNMENT:** The meeting was adjourned at 10:40 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, CMC*  
*Village Clerk*

*Approved this 9th day of September, 2008:*

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*Robert L. Vernon*  
*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.***