MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JANUARY 13, 2009

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL T O ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Enrique Garcia, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Michael W. Davey and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

Rabbi Yoel Caroline, Chabad of Key Biscayne, gave an invocation.

Mayor Vernon led the Pledge of Allegiance.

The Attorney and the Clerk announced that the Local Planning Agency Meeting Agenda and Regular Meeting Agenda Item 6B1 will be continued to the February 10, 2009 Council Meeting. There will be no further advertisement on these items.

2. **SPECIAL PRESENTATIONS:** Chief of Fire Rescue John C. Gilbert addressed the Council introducing Firefighter/Paramedic Thomas Dunfee as the recipient of the Bronze Star Medal for his outstanding performance at the scene of a medical emergency.

Chief Gilbert also introduced Firefighter/Paramedic Ron Erbel as the first Key Biscayne Fire Department Chaplain.

3. **PUBLIC COMMENTS:** The following residents addressed the Council: Camille Guething, 260 Seaview Drive; Cecile Sanchez, 240 Cypress Drive and Michele Estevez, 798 Crandon Boulevard.

At this time the Manager addressed the Council regarding the loss of the Village's Finance Director Randolph G. White after battling an extremely rare form of cancer.

4. **AGENDA:** Councilmember Garcia requested the addition of a discussion regarding pedestrians, cars, roller blades and bicycles as item 10A4 and the Manager requested the addition of the Charter High School Feasibility Report prepared by Fielding Nair and Ed Visions acknowledging receipt and possibly scheduling a workshop with the Consultant as Item 10D2. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the December 2, 2008 5-Year Capital Improvement Plan Workshop. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

Vice Mayor Davey made a motion to approve the minutes of the December 9, 2008 Regular Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING THE VILLAGE CODE BY AMENDING ARTICLE VII, "WORKS OF ART IN PUBLIC PLACES" OF CHAPTER 2 "ADMINISTRATION," BY AMENDING SECTION 2-142 "ART-IN-PUBLIC-PLACES BOARD"; BY AMENDING PARAGRAPH B (1), "MEMBERSHIP; QUALIFICATIONS"; BY ADDING AN ADDITIONAL BOARD MEMBER AND RETAINING STAGGERED TERMS FOR MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE.

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

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

Councilmember Mendia proposed to amend the composition of the board to indicate up to 8 members. There was no objection to the proposal.

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

The Clerk announced the second reading of this ordinance for February 10, 2009.

Item 6B1 is continued to the February 10, 2009 Council Meeting.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING CHAPTER 2, ARTICLE XIV, "ZONING ORDINANCE REVIEW COMMITTEE, SECTION 2-215, "JURISDICTION, DUTIES"; BY EXPANDING JURISDICTION TO INCLUDE HOTEL RESORT ZONING DISTRICT; 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 second reading. 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 Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; INSTRUCTING THE ZONING ORDINANCE REVIEW COMMITTEE TO EVALUATE AND MAKE RECOMMENDATIONS ON POSSIBLE CHANGES TO THE DEVELOPMENT CRITERIA FOR THE HOTEL RESORT DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council recommending to amend Section 2 of the resolution to reflect the addition of land use to the duties of the ZORC.

Councilmember Mendia made an amending motion to amend Section 2 by adding the word "use" before the word "setbacks" and strikeout the following: "~~but not including land use~~". The motion was seconded by Vice Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

The Clerk read the following resolution by title:

A CAPITAL PROJECT RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE AND EXPENDITURE OF AN AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND DOLLARS ($28,000) FROM THE LAW ENFORCEMENT TRUST FUND FOR X-26 ADVANCED TASERS.

Chief of Police Charles Press addressed the Council recommending approval of the request to implement a Department Wide Taser Program to reduce the probability of injury to our officers and provide a safe an effective method to overcome a subject's combative intent, physical resistance and/or assaultive behavior. The expenditure will be from the Federal Asset Sharing Account.

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

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

Mayor and Councilmembers. The Mayor addressed the Council regarding the appointment of a new member to the Youth Athletics Advisory Board.

Due to the vacancy left by the resignation of Ms. Marianne de la Fuente to the Youth Athletics Advisory Board, the Mayor, with the approval of Council appointed Mr. Manny Rionda to that Board.

Councilmember Kelly addressed the Council regarding a newsletter/E-Mail system for the Community. It was the consensus of Council to direct the Manager to bring information to Council either to the January 27th or February 10th, 2009 Council Meeting, on the cost of mailing out a newsletter.

The Mayor addressed the Council regarding the current employee 10 step salary plan. It was the consensus of Council to direct staff to provide to Council a comparable table of employee salary plans in similar communities to Key Biscayne and present it to Council at the February 10, 2009 Council Meeting.

Councilmember Garcia addressed the Council regarding the use of Crandon Boulevard by pedestrians, rollerbladers, skateboards and bicyclists and the lack of courtesy to each other.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a copy of her office's 2008 Annual Report.

Village Manager. The Manager addressed the Council regarding the environmental cleanup of the property at 530 Crandon Boulevard. The contamination cleanup started on Monday, January 12th, 2009.

Director of Public Works Armando Nunez addressed the Council regarding the use of the property at 530 Crandon Boulevard.

The Manager also addressed the Council regarding the Feasibility Draft Report for proposed Key Biscayne Charter High School by Fielding Nair and Ed Visions received on Monday, January 12, 2009.

The Clerk reminded the Council and the public that a Landscape Committee Workshop has been scheduled for next Tuesday, January 20, 2009 at 6:00 p.m. in the Council Chamber.

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

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 8:40 p.m.

January 13, 2009

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 10th day of February, 2009:

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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.