MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, FEBRUARY 24, 2008

COUNCIL CHAMBER

1. **CALL TO 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 Chad Friedman.

2. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.

3. **AGENDA:** Councilmember Mendia requested to expand Vice Mayor Davey's Item 7A1 on the Federal Stimulus Package; the Attorney requested an Executive Session regarding Franklin Barron vs. Village of Key Biscayne. It was the consensus of Council to hold the Executive Session on Tuesday, March 10, 2009 at 6:00 p.m.; the Manager requested the addition of a discussion regarding the participation of the Village on Earth Hour Day occurring on March 28, 2009 as Item 7D1 and also requested the addition of a brief discussion regarding baseball at the School as Item 7D2. There was no objection to the agenda changes.

4. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the February 10, 2009 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.

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF KEY BISCAYNE, FLORIDA BY AMENDING CHAPTER 23 "RETIREMENT" AT SECTION 23-31 "DEFINITIONS;" BY AMENDING SECTION 23-35 "CONTRIBUTIONS;" BY AMENDING SECTION 23-36 "BENEFIT AMOUNTS AND ELIGIBILITY;" BY AMENDING SECTION 23-56 "SHARE PLAN;" AND BY CREATING A NEW SECTION 23-57 "DEFERRED RETIREMENT OPTION PROGRAM" TO IMPLEMENT THE TERMS AND CONDITIONS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the adoption of this ordinance which amends the Village's Police Officers and Firefighters Retirement Plan to reflect the changes to the Plan that were agreed upon in the collective bargaining agreement between the Village and the Key Biscayne Professional Firefighters Association, Local 3638.

Village Attorney Raquel Elejabarrieta and Fire Rescue Captain Mike Haring, Chairman of the Pension Board 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 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 March 10, 2009.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER II, "ADMINISTRATION" OF THE CODE OF KEY BISCAYNE, FLORIDA CREATING NEW ARTICLE XVII, "GOLF CART SAFETY BOARD"; ESTABLISHING A NEW BOARD AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Vernon made a motion to amend Section 2-231 by amending the composition of the Board to reflect: "up to seven members". The motion was seconded by Councilmember Mendia 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.

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

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 March 10, 2009.

There were no ordinances on second reading considered by Council.

6. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. Vice Mayor Davey and Councilmember Mendia addressed the Council regarding the possibility of funding the proposed Charter High School and also funding for any other projects that the Village of Key Biscayne would qualify for, through the Federal Stimulus Package.

Charles Viscito, 141 Crandon Boulevard addressed the Council.

The Manager addressed the Council reporting that Intergovernmental Representatives Fausto Gomez and Manny Reyes with Gomez Barker and Associates and Federal Representatives Javier Soto and Michael Lu with Dutko Worlwide are in attendance this evening to answer any questions the Council might have regarding the Stimulus Package.

Mr. Gomez addressed the Council regarding the availability of State stimulus dollars for the Village of Key Biscayne indicating that the best opportunities are in transportation, beach renourishment, stormwater and waste water.

Mr. Souto and Mr. Lu also addressed the Council regarding the availability of Federal stimulus dollars to the Village of Key Biscayne.

Vice Mayor Davey also addressed the Council regarding the representation of individual sports on the Youth Athletics Advisory Board.

The Mayor addressed the Council requesting nominations from Councilmembers for the Youth Athletics Advisory Board, indicating that three members need to be appointed.

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 Village of Key Biscayne endorse "Earth Hour Day" on March 28th. It was the consensus of Council to direct staff to draft a resolution for the March 10th, 2009 Council Meeting.

The Manager addressed the Council regarding a problem with foul balls when baseball is played at the school. Some of those balls have broken car windows and house windows. The Manager is proposing the installation of a net that would prevent balls from going outside the field.

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

Councilmember Kelly thanked the Manager, the Clerk and the IT Technician for wi-fi enabling the Council Chamber.

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

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

10. **ADJOURNMENT:** The meeting was adjourned at 9:00 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this___ day of _____, 2009:

February 24, 2009

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.