MINUTES
VILLAGE COUNCIL MEETING

TUESDAY, OCTOBER 11, 2011

COUNCIL CHAMBER
560 CRANDON BOULEVARD

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 Michael W. Davey, Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Also present were Interim Village Manager John C. Gilbert and Village Attorney Stephen J. Helfman.

2. **SPECIAL PRESENTATIONS:** Chief of Police Charles Press addressed the Council making a Distinguished Service Presentation to the Key Biscayne Marine Patrol Officers.

Manager Gilbert addressed the Council, introducing Marilyn Borroto, Chairman of the XX Anniversary Celebration giving an update to the Council regarding the Celebration.

Mayor Caplan, on behalf of the Council made a presentation of a proclamation to Mr. Bill Sussman with the Alzheimer's Association.

3. **PUBLIC COMMENTS:** There were no speakers present.

4. **AGENDA:** Councilmember Garcia requested the addition of a discussion regarding Art in Public Places as Item 8A3; Councilmember Davey requested the addition of a Welcome Home

Event for Wesley Pritchett as Item 8A4, requested the addition of report regarding the use of the Community Center by Olympic Sailing Athletes as Item 8A5 and also requested the addition of a discussion regarding Fernwood Road issues as Item 8A6; Councilmember Taintor requested the addition of a discussion regarding the Manager's search process as Item 8A7 and also requested a discussion regarding the Spanish Celebration as Item 8A8. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** There were no minutes considered by Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100(F)(4) OF THE VILLAGE CODE OF ORDINANCES RELATING TO DOCKS AND MOORING PILES WITHIN THE SINGLE FAMILY DISTRICTS; PROHIBITING DOCKS ON CERTAIN PROPERTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Councilmember Lindsay made a motion to continue the hearing to the October 25, 2011 Zoning Meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-103 "HOTEL RESORT DISTRICT;" PROVIDING FOR AMENDMENTS TO THE MAIN PERMITTED USES AND THE DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" RELATING TO THE REQUIRED OFF-STREET PARKING FOR APARTMENT BUILDINGS, HOTELS, AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Beth-Ann Krimsky with Ruden McClosky on behalf of the Silver Sands addressed the Council.

Councilmember Davey made a motion to continue this hearing to the November 22, 2011 Zoning Meeting. The motion was seconded by Vice Mayor Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

7. **RESOLUTIONS:** The Attorney read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) RESCUE VEHICLES AND ACCOMPANYING EMERGENCY EQUIPMENT FOR THE VILLAGE FIRE DEPARTMENT IN AN AMOUNT NOT EXCEEDING $400,000; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A LEASE PURCHASE AGREEMENT RELATED TO THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Acting Chief of Fire Rescue Eric Lang addressed the Council recommending that the Council approve the Fire Department's request to purchase two (2) Rescue Transport Vehicles and accompanying emergency equipment and also approve the Municipal Lease Purchase Agreement with Sovereign/Santander Bank in an amount not to exceed $400,000 with a Bank Qualified Tax Exempt interest rate of 1.40% for a five (5) year term and an annual payment of $83,391.14.

The resolution was approved by a 7-0 roll call. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Councilmember Garcia addressed the Council regarding a petition from residents on Glenridge Road.

Vice Mayor Kelly addressed the Council proposing to enact legislation that would ban texting and cell phone use while driving within the Village limits.

The Attorney addressed the Council regarding legislation that would ban texting and cell phone use while driving within the Village limits.

It was the consensus of Council to direct the Attorney to look into this issue and report back to Council.

Councilmember Garcia addressed the Council regarding the Bedia Plazas and the upcoming Art Basel in Miami proposing to have these Plazas dedicated in conjunction with Art Basel.

Councilmember Davey addressed the Council regarding the Welcome Home event organized for Wesley Pritchet.

Councilmember Davey addressed the Council regarding the Olympic Athletes that are in town for the Sailing Competition, thanking Parks and Recreation Director Todd Hofferberth for making it possible for these athletes to use the Community Center Gym.

Councilmember Davey also addressed the Council regarding some Fernwood Road issues. The Manager, Building, Zoning and Planning Director Jud Kurlancheek, Chief of Fire Rescue Eric Lang and Chief of Police Charles Press addressed the Council regarding these issues.

Councilmember Taintor addressed the Council regarding the Manager's Search Process. There was extensive discussion from Council regarding this process.

Councilmember Taintor also addressed the Council regarding the Spanish Celebration of the landing of Ponce de Leon in Florida. The Mayor reported that the King and Queen of Spain will be in attendance for this Celebration. Councilmember Taintor proposed that Key Biscayne should be part of this Celebration.

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 requesting a motion to authorize the Village Manager to proceed with the Village Green Irrigation System Rehabilitation bid process.

Councilmember Davey made a motion to authorize the Village Manager to proceed with the Village Green Irrigation System Rehabilitation bid process. The motion was seconded by Councilmember Garcia.

The Manager and Director Hofferberth addressed the Council regarding the irrigation for the Village Green.

The motion was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Manager and Director Hofferberth also addressed the Council giving an update on the construction on Calusa Park.

The Manager addressed the Council regarding Landscape Projects on West Wood Drive and Fernwood Road.

Mercedes Porcari, Landscaping Consultant for the Village addressed the Council regarding these projects.

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 9:30 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 7th day of February, 2012:

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Franklin H. Caplan
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.