

MINUTES  
VILLAGE COUNCIL MEETING

TUESDAY, MARCH 13, 2012

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 8:56 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 Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council congratulating everyone that was involved with the Bedia Plazas inauguration and also informed the Council that the Manager and the Mayor have been involved in several meetings concerning Virginia Key, in particular the Marine Stadium and would like to appoint a representative to the Marine Stadium Steering Committee.
3. **SPECIAL PRESENTATIONS:** RSMAS new salt and water building project. This item was heard at the Local Planning Agency Meeting.
4. **PUBLIC COMMENTS:** The following residents addressed the Council: Ed Stone, 145 Hampton Lane; Cecile Sanchez, 260 Cypress Drive; Servando Parapar, 240 Cypress Drive; Tim Stickney, 285 Woodcrest Road; Brigitte Newsome, 345 Pacific and Nestor Perez, 255 Cranwood Drive.

March 13, 2012

5. **AGENDA:** Mayor Caplan requested the addition of an appointment to the Steering Committee for the Marine Stadium as Item 8A8; Councilmember Davey requested the addition of a discussion regarding Strategic Planning as Item 8A9 and the Manager requested the deferral of Item 7B to the April 10, 2012 Council Meeting and requested the addition of a report regarding the hiring of the Finance Director as Item 7D4. There was no objection to the agenda changes.

6. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the February 28, 2012 Zoning Meeting. The motion was seconded by Councilmember Garcia 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. **ORDINANCES:** There were no ordinances on first reading, considered by Council.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-32 "PROHIBITED WATER ACTIVITY" CREATING A VESSEL EXCLUSION ZONE WHICH LIMITS THE MASHTA FLAT AREA, AS FURTHER DESCRIBED ON EXHIBIT "A," WITHIN THE VILLAGE'S MUNICIPAL BOUNDARIES TO NON-MOTORIZED VESSELS; 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.

Tim Blankenship with Coastal International and the Manager addressed the Council regarding this Ordinance.

The Mayor opened the public hearing. Tim Stickney, 285 Westwood Road addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

Councilmember Lindsay made a motion to table the ordinance. The motion died for lack of a second.

The ordinance failed on second reading by a 0-7 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting No.

*March 13, 2012*

Mayor Caplan made a motion to direct staff to draft a resolution establishing a seagrass protection zone for the Mashta Flats. The motion was seconded by Vice Mayor Kelly and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Gusman voting No.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 2-101 "QUALIFYING PERIOD" OF ARTICLE V "ELECTIONS" OF THE VILLAGE CODE OF ORDINANCES, RELATING TO THE QUALIFYING PERIOD FOR THE MAYOR AND VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Davey made a motion to adopt the ordinance on second reading. The motion was seconded by 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, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AMENDING THE FUTURE LAND USE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT; AMENDING THE HOUSING ELEMENT; AMENDING THE INFRASTRUCTURE ELEMENT; AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; AMENDING THE RECREATION AND OPEN SPACE ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

March 13, 2012

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, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING THE VILLAGE AS A WIRELESS/TEXT FREE ZONE; ADOPTING A POLICY THAT NO PERSON SHALL USE A WIRELESS ELECTRONIC COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE WITHIN THE VILLAGE; PROHIBITING VILLAGE EMPLOYEES, VENDORS, CONTRACTORS, AND OTHERS FROM USING SUCH DEVICES WHILE OPERATING A MOTOR VEHICLE; ESTABLISHING A POLICY PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE OPERATING A VESSEL ON WATERS WITHIN THE VILLAGE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING THE VILLAGE COUNCIL QUALIFYING PERIOD FOR THE NOVEMBER 6, 2012 GENERAL ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Davey was out of the room at the time the vote was taken.

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

Mayor and Councilmembers. Vice Mayor Kelly addressed the Council regarding a referendum on Hotel only Use in the HR District. The Attorney addressed the Council regarding the referendum.

March 13, 2012

Michele Estevez, 798 Crandon Boulevard addressed the Council.

Mayor Caplan deferred the appointments to the Youth Athletic Board and the appointments to the Land Trust Committee to a later date.

Councilmember Lindsay reported on a meeting she had with the Historical Virginia Key Trust.

Vice Mayor Kelly made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Lindsay 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.

Vice Mayor Kelly addressed the Council regarding funding the Land Trust Fund.

Vice Mayor Kelly also addressed the Council regarding negotiating additional years with Crandon Park for Baseball. The Manager addressed the Council regarding this issue.

Vice Mayor Kelly addressed the Council regarding Council policy on free tickets to events.

Councilmember Davey addressed the Council regarding Contractor's notice to abutting property owners.

Mayor Caplan addressed the Council regarding the appointment of a resident or residents to the Steering Committee for Marine Stadium.

Mayor Caplan proposed former Councilmember Alan Fein and Mr. Peter Harrison. Councilmember Garcia proposed former Councilmember Michele Estevez. It was the consensus of Council that the Mayor will contact these residents in the above order.

Councilmember Davey addressed the Council regarding strategic planning. The strategic planning session will be tentatively set for April 24, 2012 at 7:00 p.m.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

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

March 13, 2012

10. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
11. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
12. **ADJOURNMENT:** The meeting was adjourned at 11:15 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 10th day of April, 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.***