MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, MAY 22, 2012

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 Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

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

3. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council and the public congratulating the class of 2012 and Vice Mayor Kelly addressed the Council and the public stating that the Village's thoughts and prayers are with Officer Real.

4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Village Council and the residents of the Village of Key Biscayne presented a Proclamation to BSO Deputy Osvaldo Petitfrere tor his heroic actions on May 10, 2012 coming to the aid of our valued Officer Real, whose life he has helped preserve.

The Mayor, on behalf of the Council, presented a proclamation to the American Legion Auxiliary designating May 23-26, 2012 as Poppy Week in Key Biscayne.

Ms. Tanya Brinkley candidate for County Court Judge and Mr. Robert Coppel, candidate for Circuit Court Judge addressed the Council.

The Mayor also, on behalf of the Council, presented a proclamation to the Rotary Club of Miami on their 95th Anniversary.

Mr. Bernard Zyscovich addressed the Council presenting planning ideas for Rickenbacker Causeway and roadway solutions for traffic separation and bike safety.

The school compact presentation was deferred to the June 12, 2012 Council Meeting.

At this time Item 9A3 was heard. Ms. Silvia Tarafa, Principal of the Key Biscayne Community School, addressed the Council.

> Betty Sime Conroy, 785 Crandon Boulevard; Gloria Plaza, Librarian for the KBCS and Hanna Yezeni, student from the Key Biscayne Community School addressed the Council regarding the Environmental Program that the School has undertaken requesting for help from the Council and the residents of the Village.

Mr. Tom Weber with the Weber Studio made a presentation to Council regarding street signs. Melissa White with the Key Biscayne Foundation, also addressed the Council regarding this issue.

It was the consensus of Council to direct staff to bring prices for the crisscross street signs in blue and white with the lighthouse and also for a second option with the integrated horizontal signs with street light and present them to Council at a future Council Meeting.

5. **AGENDA:** Councilmember Davey requested the addition of a discussion regarding the Miami-Dade County Mayoral Election as Item 9A4. There was no objection to the agenda change.

6. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the April 24, 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 considered by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND ESTRADA HINOJOSA & COMPANY, INC., CONCERNING FINANCIAL ADVISORY SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

Vivian Parks, Finance Director and the Village Manager addressed the Council recommending the adoption of the resolution approving the Professional services Agreement with Estrada Hinojosa & Company for specialized financial advisory services for a term expiring on June 1, 2013, subject to further annual renewals if necessary, at the same annual retainer of $50,000. This retainer is the same amount as originally approved on June 14th, 2011.

Councilmember Taintor requested the following items be added under Item 11: The Consultant shall at all times carry Comprehensive General Liability, Automobile Liability, Professional Liability, and Employers Liability insurances, with minimum policy limits for each coverage in the amounts of at least $1,000,000 per Occurrence Combined Single Limit for Bodily Injury, including death, and Property damage as well as Florida Statutory Workers Compensation insurance and coverage as provided by Chapter 440 of the Florida Statutes. There was no objection to the request.

The resolution, as amended 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.

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

Mayor and Councilmembers. Councilmember Lindsay addressed the Council regarding representation of the Village of Key Biscayne.

There was extensive discussion from Council regarding this issue. The Attorney also addressed the Council regarding this issue.

It was the consensus of Council to direct the Attorney to bring some ideas back before Council regarding a full time liaison or representative for the Village to keep an eye on all projects that would impact the Village from the City of Miami, Virginia Key and Miami-Dade County.

The Manager also addressed the Council regarding these projects.

Former Mayor Robert Vernon addressed the Council regarding this issue.

Councilmember Davey addressed the Council regarding the relationship with our County representatives and the proposed bike action plan.

Councilmember Davey addressed the Council reminding everyone that the next Mayoral County Election is in August urging all Key Biscayne electors to go out and vote.

Village Attorney. The Attorney presented to the Council a draft Ordinance amending the site plan review procedures to prohibit the approval of additional density.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTIONS 30-33(3) AND 30-73(G) OF THE VILLAGE CODE OF ORDINANCES, AMENDING THE SITE PLAN REVIEW PROCEDURES TO PROHIBIT THE APPROVAL OF ADDITIONAL DENSITY IN EXCESS OF DENSITY PREVIOUSLY APPROVED PURSUANT TO A VALID DEVELOPMENT ORDER; PROVIDING FOR SUBMITTAL OF PROPOSED AMENDMENTS TO THE VILLAGE CODE OF ORDINANCES TO THE QUALIFIED ELECTORS OF THE VILLAGE; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR FORM OF BALLOT AND PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Attorney address the Council regarding this draft legislation.

David Cardenas and Bob de la Fuente, Attorneys with Tew Cardenas representing the Sands; Betty Sime Conroy, 785 Crandon Boulevard; Robert Vernon, 475 Ridgewood Road and Barry Goldmeir, 1000 Mariner Drive, on behalf of the Siver Sands addressed the Council.

Building, Zoning and Planning Director Jud Kurlancheek addressed the Council.

There was extensive discussion from Council regarding this legislation.

Councilmember Gusman made a motion to not go forward with this legislation. The motion was seconded by Councilmember Garcia and failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Davey, Garcia and Gusman voting Yes. Councilmembers Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting No.

Vice Mayor Kelly made a motion to direct staff to bring back this ordinance for first reading at the next possible Council Meeting so that we can meet the advertising requirements. The motion was seconded by Councilmember Lindsay and approved by a 4-3 roll call vote. The vote was as follows:

Councilmembers Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Davey, Garcia, Gusman voting No.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

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

11. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

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 11:00 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 12th day of June, 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.