MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, FEBRUARY 12, 2013

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, Theodore Holloway, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Mayra P. Lindsay and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Acting Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.

2. INVOCATION: Reverend Susan Bruttell from St. Christopher's by the Sea gave an invocation.

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

4. RICKENBACKER/BEAR CUT BRIDGE UPDATE: The Manager introduced Michael R. Bauman, Miami-Dade County Public Works and Waste Management Department Chief Causeways Division. Mr. Bauman addressed the Council providing an overall update of the Rickenbacker/Bear Cut Bridge.

5. BRIEF COMMENTS BY COUNCIL: Mayor Caplan addressed the Council regarding the Miami-Dade County League of Cities Installation dinner which took place Saturday, February 9, 2013 and acknowledged President Abraham Lincoln's Birthday. Councilmember Kelly addressed the Council regarding his absence at the next two Council Meetings due to a charitable cause taking place in Cambodia.

6. SPECIAL PRESENTATIONS: The Manager addressed the Council regarding the introduction of the new Village of Key Biscayne Police motorcycle traffic unit.

Mr. Dennis Canon on behalf of the Anti-Defamation League, Silvia Tarafa, Principal of Key Biscayne K-8 Center and Dr. Josephina Estrella, Counselor for Key Biscayne K-8 Center addressed the Council regarding the Community of Respect Initiative.

Mr. Jaime Torrens, Chief Facilities Officer for Miami-Dade County Public Schools, addressed the Council regarding the MAST field and new school facility. Ms. Silvia R. Rojas, Treasurer for Miami-Dade County Public Schools, acknowledged Councilmember London for being an essential member for the Miami-Dade County Public School oversight board.

Mr. Wilfredo Borroto, Mr. Tom Weber, Mr. Otto Borroto from Borroto & Weber Architects, Former Councilmember Ray Sullivan and Mr. Edward Stone from the A.S.K. Club, addressed the Council regarding the proposed Cultural Center, its components and possible locations for the facility. The Village Council directed the Village Attorney to review the Miami-Dade County Library Development Order and Conveyance within Key Biscayne.

7. PUBLIC COMMENTS: The following residents addressed the Council: Trisha Conroy, 151 Crandon Boulevard; Michele Estevez, 798 Crandon Boulevard; Eduardo Von Simson, 749 Ridgewood Road; Catalina Uribe, 724 Ridgewood Road; Solange Teran, 280 Hampton Lane; York Flik, 338 W Heather Drive; Alfredo Zecchini, 251 Crandon Boulevard and Jancarlo Alvarez-Tabio, 155 Ocean Lane Drive.

8. AGENDA: Councilmember Kelly requested the addition of a discussion item regarding the 3 Minute Rule as Item 12A1; Mayor Caplan requested the discussion of Item 12A9, Proposed Alternative to the Landscape Ordinance, simultaneously with the second reading of the Landscape Ordinance. There was no objection to the agenda changes.

9. APPROVAL OF MINUTES: Councilmember Kelly made a motion to approve the minutes of the July 10, 2012 Special Council Meeting. The motion was seconded by Vice Mayor Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

Councilmember Davey made a motion to approve the minutes of the September 11, 2012 First Budget Hearing. The motion was seconded by Councilmember Holloway and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

Councilmember Davey made a motion to approve the minutes of the January 22, 2013 Zoning Meeting. The motion was seconded by Councilmember Kelly and approved as amended by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

10. ORDINANCES: The Acting Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" BY AMENDING ARTICLE II "DEFINITIONS," SECTION 30-11, BY CREATING A "PERMANENT HARDSCAPE FEATURE" DEFINITION, AND AMENDING ARTICLE IX "LANDSCAPE REGULATIONS," SECTION 30-235, RELATING TO TREE REMOVAL PERMIT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The second reading of this ordinance was continued from the January 22, 2013 Zoning Meeting.

Mayor Caplan's discussion item, Proposed Alternative to the Landscape Ordinance, was also heard at this time.
Councilmember Davey made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Kelly.

The Attorney and Mayor Caplan addressed the Council regarding the proposed alternative to the Landscape Ordinance.

There was an extensive discussion from Council regarding Mayor Caplan's proposed alternative to the Landscape Ordinance.

Councilmember London made a motion to amend the ordinance on second reading to include additional pest trees that are listed in the alternate ordinance. The motion was seconded by Councilmember Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

Councilmember Davey made a motion to amend, Section 3-d, Item 6- Tree Removal Evaluation Criteria, to insert the following: for which there is no scientifically recognized treatment available to preserve the life of the tree and/or for which there is no scientifically recognized treatment available to control the infestation. The motion was seconded by Councilmember Kelly and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

Councilmember Davey made a motion to table the ordinance. The motion was seconded by Mayor Caplan and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

There was extensive discussion by Council regarding this ordinance.

Councilmember Kelly made a motion to extend the meeting 15 minutes. The motion was seconded by Councilmember London and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, and Vice Mayor Lindsay voting Yes. Councilmember Taintor and Mayor Caplan voting No.

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

The ordinance will be continued to the next Council Meeting.

11. RESOLUTIONS: The below resolution was deferred to the next Council Meeting:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING DONATION OF $10,000 TO BISCAYNE BAY WATERKEEPER, INC.; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

12. REPORTS AND RECOMMENDATIONS: The following items were not discussed:

Mayor and Councilmembers. The reports were deferred to the next Council Meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and Mr. Fausto Gomez from Gomez Barker, addressed the Council regarding the legislative update and preparation for 2013.

The Manager and Mr. Jose Lopez, Owners Representative for Key Biscayne Special Projects, addressed the Council regarding an update for the DERM sanitary sewer pump stations. It was the consensus of Council to direct the Village Manager to search for temporary solutions.
The Manager and the Village Attorney addressed the Council regarding an update on the requests for vested rights exemption.

The Manager and Police Chief Charles R. Press, addressed the Council regarding the status and resolution of kite boards in front of the Commodore Club.

Councilmember Kelly made a motion to remove the Landscape ordinance from the table. The motion was seconded by Councilmember London and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Davey, Kelly London and Vice Mayor Lindsay voting Yes. Councilmembers Holloway, Taintor and Mayor Caplan voting No.

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

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

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

16. ADJOURNMENT: The meeting was adjourned at 11:15 p.m.

Respectfully submitted:

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Jennifer Duque,
Executive Assistant to the Village Manager/Acting Village Clerk

Approved this 9th day of April, 2013:

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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.