MINUTES

VILLAGE COUNCIL MEETING

TUESDAY, MAY 14, 2013

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 p.m. Present were Councilmembers Michael W. Davey, Theodore Holloway, Edward London, Michael E. Kelly, James S. Taintor, Vice Mayor Mayra Lindsay 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. **INVOCATION:** Rabbi Yoel Caroline, Chabad of Key Biscayne was unable to attend the meeting.

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

At this time the Mayor recognized Village Manager John C. Gilbert for his 20 years of service to our community. Manager Gilbert addressed the Mayor and Council and the residents of the Village of Key Biscayne.

4. **RICKENBACKER/BEAR CUT BRIDGE UPDATE BY KIEWIT AND CUNNINGHAM GROUP:** Frank Digilio with Kiewit addressed the Council giving an update on the Bear Cut Bridge.

Tasha Cunningham with the Cunningham Group will be handling outreach for this project. Miss Cunningham gave the following information for questions that the residents might have on the Bear Cut Bridge: Bearcutbridge.com, call 311 for questions and you can also text messages to Bearcut 65047.

5. **BRIEF COMMENTS BY COUNCIL:** Councilmember Kelly addressed the Council regarding the good condition of the beach and was very pleased to see our residents enjoying the beach. Vice Mayor Lindsay informed the Council that Miami-Dade Commissioners Suarez and Zapata did an interview on the Bear Cut Bridge on Channel 4.

6. **SPECIAL INTRODUCTIONS:** Bob Bristol and Vicky Rivas-Vasquez made a presentation to Council regarding a memorial for Dr. Robert Maggs, founding member of the KB Historical Society. The memorial would consist of a street clock made by the Verdin Company. The KB Historical Society is requesting that the Village provide the foundation and electrical supply. The KB Historical Society is also requesting permission to place a plaque on the foundation to commemorate Dr. Maggs service to the Village.

Councilmember London made a motion to approve to place the clock on the Village Green subject to the Historical Society paying for the foundation and electricity. The motion died for lack of a second.

Councilmember Kelly made a motion to provide the foundation and the electrical supply as requested by the KB Historical Society. The motion was seconded by Councilmember Holloway and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember London voting No.

Chief of Fire Rescue Eric Lang and Tom Weber with Tom Webber Studios made a presentation to Council regarding Key Biscayne 9-11 Memorial Documents.

Councilmember Davey made a motion to approve the Key Biscayne 9-11 Memorial. 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.

7. **PUBLIC COMMENTS:** The following residents addressed the Council: Fernando Vasquez, 177 Ocean Lane Drive; Alexa Holloway, 575 Crandon Boulevard; Alex Miller, 575 Crandon Boulevard; Jon Heider, 791 Crandon Boulevard on behalf of the Ocean Club; Stefan Moyer, 485 Glenridge; Roberto Matus, Attorney on behalf of L'Esplannade and Patricia Romano, 361 Beechwood Drive.

8. **AGENDA:** Councilmember Holloway requested the addition of a discussion regarding guidelines for non-profit organizations that receive money from the Village as Item 12A8; Mayor Caplan requested the addition of the appointment of residents to the Green Committee as Item 12A9; the Village Manager requested the addition of a report regarding the RFP for salary survey as Item 12D2 and the Village Attorney requested a report on the Silver Sands vested right hearing as Item 12B1. There was no objection to the agenda changes.

9. **CONSENT AGENDA:** Councilmember Davey made a motion to approve the following Consent Agenda. The motion was seconded by Vice Mayor Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember Kelly was out of the room at the time the vote was taken.

The minutes for the June 26, 2012 Zoning Meeting; the minutes of the November 28, 2012 Community Planning, Zoning and Design Workshop; the minutes of the February 12, 2013 Regular Council Meeting; the minutes of the April 9, 2013 Regular Council Meeting; the minutes of the April 23, 2013 Special Council Meeting and the minutes of the April 23 2013 Second Community Planning, Zoning and Design Workshop.

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA RECOGNIZING POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY, MAY 12 THROUGH MAY 18, 2013.**

10. **ORDINANCES:** There were no Ordinances considered by Council, on first reading.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING CHAPTER 5 "PROPERTY MAINTENANCE STANDARDS;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Vice Mayor Lindsay.

Councilmember Taintor proposed to add the word "sidewalk" and the end of paragraph (e) in Section 5.4. There was no objection to the request.

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

The ordinance, as amended, was adopted on second reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmembers Davey and London voting No.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN INTERGOVERNMENTAL AGENCY AGREEMENT WITH MIAMI-DADE COUNTY FOR THE INSTALLATION OF VILLAGE STREET SIGNS AND TRAFFIC CALMING DEVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution providing for an Interlocal Agreement with Miami-Dade County for the installation of street signs and traffic control devices.

The resolution was 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.

The Clerk 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 TRAFFIC SIGNS FROM LSJ CORPORATION (DBA GRAPHPLEX SIGNAGE) AT A COST NOT TO EXCEED $214,155; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Mayor Caplan.

The Manager addressed the Council recommending the approval of the resolution waiving competitive bidding and authorizing the purchase of traffic signs at a cost not to exceed $214,155.00.

Jack Gervais with Graphplex addressed the Council.

The resolution was approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmembers Davey, Holloway and London voting No.

The Clerk read the following resolution, by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND MUSCO SPORTS LIGHTING LLC, CONCERNING THE PURCHASE AND INSTALLATION OF LIGHTING EQUIPMENT FOR VILLAGE GREEN NORTH AND CONTROL LINK SYSTEM FOR ST. AGNES ACADEMY SCHOOL; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Mayor Caplan.

The Manager addressed the Council recommending the approval of the agreement for lighting improvements with Musco Lighting LLC, for purchase and installation of lighting equipment at the Village Green North and St. Agnes.

> Todd Hofferberth, Director of Parks and Recreation and Glen Waldman, 240 Woodcrest Road addressed the Council regarding the proposed lights.
>
> Jason Frucht with Musco lighting LLC addressed the Council stating that if within 6 months the company sells the same type of light for a lower amount of money, Mr. Frucht agreed to give the Village a rebate.

The resolution was approved by a 4-2 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London and Mayor Caplan voting Yes. Councilmembers Davey and Taintor voting No. Vice Mayor Lindsay was out of the room at the time the vote was taken.

The Clerk read the following resolution, by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RATIFYING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MANAGING RESULTS, LLC; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Mayor Caplan.

The Manager addressed the Council recommending the approval of the resolution authorizing the Village Manager to enter into an agreement with Managing Results, LLC as the consultant to guide the strategic planning process on May 18-19, 2013 in the amount not to exceed $12,492.00.

The Attorney addressed the Council regarding the agreement. There was extensive discussion from Council regarding the resolution.

The resolution was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmembers London and Taintor voting No.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding waiving the minimum requirement of 800 ft. for the 600 block of Fernwood Road and Redwood Lane to allow for the placement of a speed cushion or speed bumps.

Building, Zoning and Planning Department Director Jud Kurlancheek addressed the Council regarding this request.

Councilmember London made an amending motion that when you have a majority of residents on any given street request speed bumps, that the Village installs them. The motion died for lack of a second.

Sarah Fernandez Mendoza, 688 Fernwood Road addressed the Council.

Councilmember Davey made a motion to waive the minimum 800 ft. requirement of the Master Plan, for the 600 block of Fernwood Road and Redwood Lane to allow for the placement of a speed cushion or speed bumps. The motion was seconded by Councilmember London 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 Taintor addressed the Council regarding the Manager's 20 years of service to the Village and resulting pay increase.

The Manager addressed the Council regarding the employee policy for longevity pay increases.

Councilmember Taintor made a motion to give the Manager the Longevity pay increase for his 20 years of service to the Village effective May 24, 2013. The motion was seconded by Councilmember Davey and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Holloway, London, Taintor and Mayor Caplan voting Yes. Councilmembers Davey, Kelly and Vice Mayor Lindsay voting No.

At this time the Village Manager's report was heard.

Village Manager. The Manager and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council giving a status report of pedestrian crossing signage on Crandon Boulevard.

The Manager addressed the Council regarding the request for proposals for a salary survey. Councilmember London requested to add to the RFP what the Village contributes to each employee.

Councilmember Holloway addressed the Council regarding creating procedures by which residents would be allowed to use Village media facilities such as computers, switchboards and microphones to generate podcasts.

The Manager addressed the Council regarding Village policies already in place for the use of Village media facilities by residents.

The Attorney addressed the Council stating that the Village has certain professional grade equipment, and it's not available to residents generally out in the world and asked the Council if they wanted to allow the Village's equipment to be used by the general public for their own private use.

There was extensive discussion from Council regarding this issue.

Councilmember Davey presented to the Council the Dog Park Committee Report.

Councilmember Davey made a motion to implement the prior action by Council for a temporary dog park at 530 Crandon Boulevard. The motion was seconded by Councilmember Kelly 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.

Vice Mayor Lindsay requested that the Mayor report on the Virginia Key Sewage Treatment Plant status. Mayor Caplan addressed the Council regarding this issue.

Mayor Caplan addressed the Council regarding the Regional Planning Council reporting that he has joined the Board.

Mayor Caplan also addressed the Council regarding the rezoning of L'Esplanade from office to commercial for consistency with the Master Plan.

Councilmember London made a motion to proceed with the rezoning of L'Esplanade from office to commercial for consistency with the Master Plan. The motion was seconded by Mayor Caplan. Mayor Caplan withdrew his second to the motion.

The Mayor, with consensus of Council, appointed the following residents to the Green Committee: Antonio Gisbert, Julie Dick, Daniel Mac-Crohon, Derek Duzoglou, Monica Larriva, Jane Torres, Gretchen Clark and Cindy Cutler.

Councilmember Holloway addressed the Council regarding reporting guidelines for non-profit organizations to which the Village contributes money to.

Village Attorney. The Attorney addressed the Council regarding the Silver Sands vested rights hearing. The Silver Sands is requesting an extension of 90 days for the hearing on the Silver Sands vested rights.

Village Clerk. The Clerk reported that the Mayor issued the following proclamation during the month of may: Appreciation for Jane M. Garraux, Principal for Mast Academy.

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

14. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to 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 11:05 p.m.

***Respectfully submitted:***

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***Conchita H. Alvarez, MMC***
***Village Clerk***

***Approved this __ day of _____ 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.***