

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAAYNE, FLORIDA

TUESDAY, OCTOBER 8, 2013

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:15 p.m. Present were Councilmembers Michael W. Davey, Theodore Holloway, Michael E. Kelly, Edward London, James S. Taintor and Mayor Franklin H. Caplan. Vice Mayor Mayra P. Lindsay was absent. Also present were Village Manager John C. Gilbert, Deputy Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.
2. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** Mr. Michael R. Bauman, Chief Causeways Division for the Miami-Dade County Public Works and Waste Management Department, addressed the Council giving an update of the Rickenbacker Toll Plaza. Mr. Antonio J. Cotarelo, P.E., Miami-Dade County Engineer, also addressed the Council regarding the Bear Cut Bridge construction project.
3. **BRIEF COMMENTS BY COUNCIL:** There were no comments by Council at this time.
4. **SPECIAL INTRODUCTIONS:** Chief of Fire Rescue Eric Lang addressed the Council regarding the recognition of the Fire Department employees' 20 year anniversary and upcoming re-accreditation process.
5. **PUBLIC COMMENTS:** The following persons addressed the Council: Tim Greener, 1141 Vintner Boulevard; Andrew Greener, 233 S. Federal Hwy; Robert Molinari, 276 Seaview Drive; Ray Thompson, 168 SW 13 Court; Antonio Camejo, 151 Crandon Boulevard; Robert P.

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Raymond, 791 Crandon Boulevard; Harvey Rosenwasser, 781 Crandon Boulevard; Clayton Peart, 250 NE 20 Street, Delray Beach; Ann Margo Cannon, 1015 Ingraham Avenue, Delray Beach; Ron Erbel, 786 Fernwood Road; Michael O' Brien, 685 Ocean Drive; Roberto Matos, 251 Crandon Boulevard; Patricia Peralta, 761 Woodcrest Road; Michael Hubbard, 240 Crandon Boulevard; Donald Elisburg, 177 Ocean Lane Drive and Larry Larusse, 200 Ocean Lane Drive addressed the Council.

6. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding a site analysis of the Village Green as Item 10A7, Councilmember Davey requested to move up Item 10A3 to Item 10A1, Councilmember Taintor requested the addition of a discussion regarding Ron Erbel's request as Item 10A8 and the Manager removed Item 10A2 on behalf of Vice Mayor Lindsay. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** Councilmember Davey made a motion to approve the Consent Agenda. The motion was seconded by Councilmember Kelly.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROCLAIMING THE LAST FRIDAY IN APRIL AS "ARBOR DAY"; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Caplan made an amending motion to insert "providing shade and beauty" to the second "Whereas". The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes.

The resolution, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes.

8. **ORDINANCES:** The Deputy Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$6,575,000 OF STORMWATER UTILITY REFUNDING AND IMPROVEMENT REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; DETERMINING COMPETITIVE BIDDING FOR SALE OF THE BONDS TO BE IMPRACTICABLE; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH PINNACLE PUBLIC FINANCE, INC. TO PURCHASE THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

The Manager, Jose Lopez, Village Stormwater Consultant, and Lourdes Abadin with Estrada Hinojosa, Financial Consultant for the Village, addressed the Council regarding the project.

There was extensive discussion from Council regarding this project.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes.

The Deputy Clerk announced the second reading of this ordinance will be October 22, 2013.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REZONING PROPERTY LOCATED AT 971 CRANDON BOULEVARD FROM O-1 LIGHT INTENSITY OFFICE TO C-1 LIGHT INTENSITY COMMERCIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager, Village Attorney and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council recommending approval of the ordinance based on the determination that the request is consistent with the Land Use designation in the Master Plan and the change in zoning criteria as set forth in the Zoning and Land Development Regulations.

There was extensive discussion from Council regarding the ordinance.

The Mayor opened the public hearing. Patricia Romano, 361 Beachwood Drive addressed the Council. The Mayor closed the public hearing.

The motion to adopt the ordinance, on second reading, was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO PARTICIPATE IN THE MIAMI-DADE COUNTY PROPERTY APPRAISER'S TASK

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FORCE TO INVESTIGATE HOMESTEAD EXEMPTION FRAUD WITHIN THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief of Police Charles Press addressed the Council recommending approval of the resolution to participate in the Miami-Dade County Property Appraiser's Task Force to investigate Homestead Exemption fraud within the Village.

There was extensive discussion from Council regarding the Village's participation in the Miami-Dade County Property Appraiser's Task Force

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes.

The Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING THE PROPOSAL OF W.D. THOMPSON, INC. D/B/A BEACH RAKER TO PROVIDE BEACH CLEANING, MAINTENANCE AND BEAUTIFICATION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Timothy K. Blankenship, P.E. from Coastal Systems International, Inc. addressed the Council recommending W.D. Thompson, Inc. D/B/A Beach Raker to provide the beach cleaning, maintenance and beautification services to the Village.

There was extensive discussion from Council regarding the selection of W.D. Thompson, Inc. D/B/A Beach Raker.

Councilmember London made a motion to table the resolution until further information is obtained. The motion was seconded by Councilmember Taintor and approved by a 5-1 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor and Mayor Caplan voting Yes. Councilmember Kelly voting No.

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The Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ALL FLORIDA TREE AND LANDSCAPE, INC. TO TRIM AND PRUNE TREES WITHIN THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Director Kurlancheek addressed the Council recommending All Florida Tree and Landscape, Inc. to trim and prune trees within the Village.

Councilmember Davey excused himself from the meeting at 10:00 pm.

There was discussion from Council regarding the selection of All Florida Tree and Landscape, Inc. to trim and prune trees within the Village.

The consensus of Council was to reject all bids and re-bid the tree trimming and pruning services within the Village.

The resolution failed by a 0-5 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor and Mayor Caplan voting No.

The Deputy 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 LEASE/PURCHASE OF ONE (1) FORD TRUCK FOR THE VILLAGE PUBLIC WORKS DEPARTMENT IN AN AMOUNT NOT EXCEEDING \$35,000; AUTHORIZING VILLAGE MANAGER TO SELL THE REPLACED VEHICLE; AUTHORIZING VILLAGE MANAGER TO ENTER INTO AN AMENDMENT TO LEASE/PURCHASE DOCUMENTS WITH BRANCH BANKING AND TRUST COMPANY FOR ACQUISITION OF VEHICLE AND TO IMPLEMENT THE TRANSACTION; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Director Kurlancheek addressed the Council regarding the lease/purchase of a Ford truck for the Village Public Works department.

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There was discussion from Council regarding the lease/purchase of the vehicle.

Councilmember London made a motion to amend the resolution to obtain three quotes for the lease/purchase of a Ford truck, authorizing the Manager to select the lowest quote and to enter into an amendment to lease/purchase documents with Branch Banking and Trust Company. The motion was seconded by Councilmember Kelly and approved by a 5-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes.

The resolution, as amended was approved, by a 5-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes.

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

Mayor and Councilmember. Councilmember Kelly addressed the Council regarding a proposed artificial turf ordinance.

It was the consensus of Council to direct the Village Attorney to bring forth an ordinance for first reading regarding artificial turf.

Councilmember Holloway addressed the Council regarding incorporating social media policies into the draft of the podcast ordinance.

It was the consensus of Council to allow Councilmember Holloway and the Village Attorney to amend the existing ordinance to include social media policies and return to Council for first reading.

Councilmember Holloway made a motion to extend the meeting 5 minutes. The motion was seconded by Councilmember Taintor and approved by a 4-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, and Mayor Caplan voting Yes. Councilmember London voting No.

Councilmember Taintor addressed the Council regarding deferring Items 10A3, 10A4 and 10A5 to the next Council Meeting. It was the consensus of Council to defer discussions on Items 10A3, 10A4 and 10A5 to the next Council Meeting.

Councilmember Taintor addressed the Council regarding Ron Erbel's request.

It was the consensus of Council to direct the Manager to meet with Ron Erbel and to report back to Council.

Councilmember Kelly addressed the Council regarding a site analysis of the Village Green.

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It was the consensus of Council to direct the Manager to seek a consultant to conduct a site analysis for the Village Green.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Deputy Clerk did not submit a report.

Village Manager. The report was deferred to the next Council Meeting.

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

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

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

14. **ADJOURNMENT:** The meeting was adjourned at 11:06 p.m.

Respectfully submitted:

*Jennifer Duque,
Chief of Staff/Deputy Village Clerk*

Approved this 12th day of November, 2013:

*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.