

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, NOVEMBER 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 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:** Monsignor Jose Luis Hernando, Saint Agnes Catholic Church, was unable to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** Mr. Michael Bauman, Chief of Causeways Division for the Miami-Dade County Public Works and Waste Management Department addressed the Council giving an update on 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 stating that the estimated delay due to the asbestos found in the pipes will be 36 days. Mr. Cotarelo also stated that the Miami-Dade County Mayor is the only person that has the discretion to close the roadway to any kind of vehicles due to an emergency or safety situations. Mr. Frank Digilio with Kiewit also addressed the Council.

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5. **BRIEF COMMENTS BY COUNCIL:** Councilmember Davey announced that Sir Tom Flynn, former Yacht Club Commodore, passed away and that a service will be held at St. Agnes Church tomorrow; Councilmember Kelly addressed the Council and the public stating that the Miami-Dade County bureaucracy and Mayor Gimenez have made a conscious decision not to use their authority to prevent bicyclists from riding on the roadway. Their actions are sad, embarrassing, irresponsible and continue to maintain a life threatening situation for both cyclists and motorists from Key Biscayne. This Council has protested verbally and in writing, the Council has done everything they can do and we urge our residents to travel cautiously on this extremely dangerous construction site and Mayor Caplan addressed the Council regarding the success of the Lighthouse Run this past weekend.

6. **SPECIAL PRESENTATIONS:** The Manager addressed the Council regarding this "Operation". Chief of Fire Rescue Eric Lang made a presentation to Council and the public regarding "Operation Key Rescue". Chief Lang introduced Chief Mestas from the City of Miami and Key Biscayne Fire Captain Dan Feeney, Members of Task Force 2 and Lieutenant Mike Ortiz, US Coast Guard Commander. Chief Mestas addressed the Council reporting that the following agencies will participate in this Exercise: City of Miami Fire Department, City of Miami Division of Emergency Management, FEMA Urban Search and Rescue Florida Task Force 2, Village of Key Biscayne and the United States Coast Guard. On December 5, 2013, they will simulate a Category 5 storm.

7. **PUBLIC COMMENTS:** The following residents addressed the Council: Maria de Sierra, 135 Hampton Lane; Silvia Maulhardt Ciano, 150 Hampton Lane; Armando Nunez, 265 Glenridge Road; Tom Weber, 104 Crandon Boulevard; Deborah de Leon, 100 Buttonwood Drive and Willy Borroto, 101 Ocean Lane Drive.

8. **AGENDA:** The Manager requested the withdrawal of Items 9D and 11B; Councilmember Kelly requested the addition of a discussion regarding a request from residents on 100 to 200 Hampton Lane for speed bumps as Item 12A4 and Mayor Caplan requested to hear Item 11A immediately after the Consent Agenda and also requested the addition of a report on the Tennis Center as Item 12A5 and Councilmember London requested to add a discussion regarding making the temporary dog park a permanent dog park as Item 12A6. There was no objection to the agenda changes.

At this time Item 11A was heard.

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The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ATKINS NORTH AMERICA, INC. TO PREPARE A TRAFFIC STUDY RELATING TO A PROPOSED DEVELOPMENT ALONG CRANDON BOULEVARD AND HARBOR DRIVE; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT CONSISTENT WITH THE TERMS SET FORTH IN THE PROPOSAL ATTACHED AS EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor Lindsay.

The Manager and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding the selection of Atkins North America, Inc. as the Village's traffic consultant requesting authorization to negotiate and execute an Agreement consistent with the proposal.

Willy Borroto, 101 Ocean Lane Drive addressed the Council.

The Attorney addressed the Council regarding traffic impact information as it relates to new development on Crandon Boulevard and Harbor Drive.

The motion 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.

9. **CONSENT AGENDA:** Councilmember Davey made a motion to approve the following consent agenda. 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.

The minutes of the September 24, 2013 Second Budget Hearing; the minutes of the October 8, 2013 Regular Council Meeting and the minutes of the October 22, 2013 Zoning Meeting.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE IX "LANDSCAPE REGULATIONS" OF CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" IN ORDER TO CREATE SECTION 30-242 "ARTIFICIAL TURF" TO PROVIDE FOR REGULATIONS OF THE USE OF ARTIFICIAL TURF; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney and Director Kurlancheek addressed the Council regarding this ordinance.

It was the consensus of Council to add the following: a grand fathering clause, a radius for trees root bed, specific shade of green, pet waste, fading, holes and matting.

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

The ordinance, as amended, was adopted on first 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.

Mayor Caplan made a motion to hear the above ordinance on second reading on December 3, 2013. The motion was seconded by Councilmember Kelly and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmembers Davey and London voting No.

There were no ordinances on second reading, considered by Council.

11. **RESOLUTIONS:** The resolution was heard before the Consent Agenda.

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

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding flood insurance, reporting that flood insurance premiums are getting higher every year.

Mayor Caplan addressed the Council regarding the renewal of the Manager's contract pursuant to Section 2. Term, Subsection 2.2 of the contract.

Mayor Caplan made a motion to extend the Manager's contract to October 1, 2014 and to increase the insurance stipend to be the consistent with the rest of the employees. The motion was seconded by Councilmember Davey 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.

Mayor Caplan addressed the Council regarding the Mayor's Climate Action Pledge.

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Councilmember Davey made a motion to authorize the Mayor to sign the Mayor's Climate Action Pledge at the request of other Mayors within Miami-Dade County. 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 Kelly addressed the Council regarding the request for speed bumps from residents on Hampton Lane.

Councilmember Davey made a motion to install speed bumps on Hampton Lane as requested. 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.

Mayor Caplan addressed the Council regarding the November 5th Hearing of the Miami-Dade County Commission regarding the improvements to the Tennis Center. The Manager also addressed the Council regarding this issue.

Councilmember London addressed the Council proposing to make the temporary dog park to a permanent dog park. It was the consensus of Council to allow the Dog ark Committee, as requested, to further study other sites within the Village before making a final decision

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 2.02 (b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Councilmember London nominated Councilmember Davey.

Councilmember Davey nominated Councilmember Taintor. The motion was seconded by Vice Mayor Lindsay. Councilmember Taintor declined the nomination.

The London nomination was seconded by Councilmember Taintor. The Mayor closed the floor for nominations.

A vote was taken on the nomination of Councilmember Davey to be the next Vice Mayor. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Lindsay, London, Taintor and Mayor Caplan voting Yes.

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Mayor Caplan addressed the Council thanking Councilmember Lindsay for her service as Vice Mayor.

Pursuant to Ordinance 2007-5, the Council established a Board of Special Magistrates. The Board of Special Magistrates is responsible for the adjudication of code enforcement and building violations.

The Mayor, with consensus of Council, re-appointed Rosemary Sala, Mark Fried, Nancy Stoner and Michele Estevez to serve as Special Magistrates and also re-appointed Christina Chartouni and Gabriel Chavarria as Special Magistrates for a one year term from November 2013 to November 2014.

The Clerk presented to the Council the proposed 2014 Village Council meeting schedule.

Village Manager. The Manager addressed the Council regarding the permanent dog park and presented to the Council the Dog Park Committee Report.

The Manager addressed the Council recommending to hold a Beach Workshop on Tuesday, December 10, 2013 at 6:00 p.m. There was no objection to the request.

Director Kurlancheek made a presentation to Council on the proposed zoning changes.

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 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 10:50 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

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Approved this 3rd day of December 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.