MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, DECEMBER 3, 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 Theodore Holloway, Michael E. Kelly, Mayra Lindsay, Edward London, James S. Taintor, Vice Mayor Michael W. Davey 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. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council and the public hoping that everyone had a nice Thanksgiving and looks forward to a beautiful Holiday Season; Councilmember Taintor congratulated the Auburn football team for their miraculous win over Alabama; Councilmember Kelly congratulated our Key Rat football team who will be playing next week in Pahokee with the opportunity of becoming State Champions and Councilmember Holloway reminded everyone of the Winterfest this weekend inviting the public to attend.

3. **PUBLIC COMMENTS:** The following residents addressed the Council: Dr. David Breznick, 650 Allendale Road and Martha F. Broucek, 170 Ocean Lane Drive.

4. **AGENDA:** Councilmember Kelly made a motion to defer Items 6A and 6B, due to the need of further traffic analysis, to the February 11, 2014 Council Meeting. The motion was seconded by Councilmember Lindsay.

There was extensive discussion from Council regarding the deferral of the hearings. The Attorney and Building, Zoning and Planning Director Jud Kurlancheek also addressed the Council regarding the traffic study.

Mr. Neisen O. Kasdin, Attorney representing the applicant, and Mario Garcia-Serra, Attorney representing the owners, addressed the Council.

The Kelly motion to defer Items 6A and 6B to the February 11, 2014 Council Meeting was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay Vice Mayor Davey and Mayor Caplan voting Yes. Councilmembers London and Taintor voting No.

Vice Mayor Davey requested the addition of a discussion regarding the traffic study as Item 9A5 and also added a discussion regarding crosswalks as Item 9A6 and Mayor Caplan requested the addition of a proclamation for Ms. Tarafa as Item 9A7. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes, of the November 12, 2013 Regular Council Meeting, as amended. The motion was seconded by Mayor Caplan and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

6. **BUILDING, ZONING AND PLANNING:** The hearings were deferred to the February 11, 2014 Regular Council Meeting.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100 "SINGLE-FAMILY AND TWO-FAMILY DISTRICTS" AND SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" OF THE VILLAGE CODE OF ORDINANCES, IN ORDER TO AMEND DEVELOPMENT STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY HOMES; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Kelly.

There was extensive discussion from Council regarding this ordinance. It was the consensus of Council to submit amendments and/or other issues to the ordinance to the Village Attorney, prior to second reading.

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

Director Kurlancheek addressed the Council regarding the ordinance.

The ordinance was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Clerk read the following ordinance on second 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 WITH PINNACLE FINANCE, INC. TO PURCHASE THE BONDS; AND PROVIDING AN EFFECTIVE DATE

Vice Mayor Davey made a motion to approve the ordinance on second reading. The motion was seconded by Councilmember Lindsay.

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

The ordinance was adopted on second reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmember London voting No.

The Clerk read the following ordinance on second 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.

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

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

The Attorney addressed the Council regarding this ordinance.
Councilmember Kelly made an amending motion to add a grandfather clause and also add a permit installation requirement. The motion was seconded by Councilmember Lindsay and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmember London and Vice Mayor Davey voting No.

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

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF STORMWATER UTILITY REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2013, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF $6,575,000 FOR THE PURPOSE OF (A) REFUNDING THE VILLAGE'S STORMWATER UTILITY REVENUE REFUNDING BONDS, SERIES 2011 AND (B) FINANCING IMPROVEMENTS AND REPLACEMENTS OF DRAINAGE WELLS AND OUTFALLS FOR THE STORMWATER UTILITY IN AN AMOUNT NOT EXCEEDING $3,500,000; AWARDING THE SALE OF THE BONDS TO PINNACLE PUBLIC FINANCE, INC.; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; REPEALING RESOLUTION NO. 2013-39; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to approve the resolution. The motion was seconded by Councilmember Lindsay and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmember London voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN JOHN C. GILBERT AND THE VILLAGE OF KEY BISCAYNE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Taintor addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Councilmember Holloway addressed the Council regarding creating an E-mail distribution list for residents who would like to receive E-mail notifications when meeting minutes have been posted online and adding information to the minutes about how people can sign up or learn more.

It was the consensus of Council to create a place on the website where residents can sign up to receive the link to the Council Agendas when they are ready.

Councilmember Holloway also addressed the Council proposing to add benches ($1,500 each) along Harbor Drive next to existing bus stops. It was the consensus of Council not to proceed with this project at this time.

Councilmember Holloway also addressed the Council regarding the proposed social media disclaimer and policy as drafted in conjunction with the Village Attorney.

There was extensive discussion from Council, the Attorney and the Clerk regarding social media.

It was the consensus of Council to create a Digital Committee consisting of five members appointed by the Mayor with consensus of Council. Councilmember Holloway will be the liaison to this Committee.

Councilmember Taintor addressed the Council regarding the Mashta Flat mitigation project. Councilmember Taintor reported that a cleanup, together with the Citizens Scientist Project, has been scheduled for the second Saturday in January at around noon within the Village limits of the Mashta Flat. Residents can participate and will meet at the Monaco Fountains and the Village Bus will transport the residents to the Mashta Flats.

The Manager also addressed the Council regarding the Mashta Flats.

Vice Mayor Davey addressed the Council regarding the Atkins Traffic Report that was presented to the Council. The Attorney also addressed the Council regarding the traffic report. There was also extensive discussion from Council regarding the Traffic Report.

It was the consensus of Council that the Traffic Report needs to be site specific and also include the uses that would be permitted on that site under the Village Code.

Vice Mayor Davey also addressed the Council regarding the crosswalks and the lack of signs.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council the proposed 2014 Council Meeting schedule for approval.

Vice Mayor Davey made a motion to approve the proposed 2014 Council Meeting schedule. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Office of the Mayor issued the following proclamations during the month of December: "Commemorating Flipper's 50th Anniversary" and proclaiming December 4, 2013 as "Silvia Tarafa Day".

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 list of future meetings and events was presented to the Council.

13. **ADJOURNMENT:** The meeting was adjourned at 10:45 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC

December 3, 2013

Village Clerk

Approved this __ day of _____ 2014:

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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.