

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, MAY 13, 2014

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. **INVOCATION:** Rabbi Yoel Caroline from Chabad of Key Biscayne, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan expressed his condolences to the family and many friends of Adair A. Bush and acknowledged that she was a great contributor to this community; Mayor Caplan also addressed the Council regarding the Rickenbacker Task Force and also wanted to honor Chief of Police Charles Press who on Thursday will be anointed as the next President of the Miami-Dade Police Association; Councilmember Kelly also congratulated Chief Press on his eloquent statements regarding the tragedy on the Mashta Flats; Councilmember Holloway reminded the Council and the public that the 4th of July Barbeque will be held on Saturday, June 7th and tickets can be purchased at <http://kb4.org/> and all proceeds will go to the 4th of July Parade; Mayor Caplan also reported that the first meeting of the new Civic Engagement Academy occurred last week and it was a great evening. Joan Gill Blank provided a history lesson and Betty Sime Conroy and Gary Gross provided insight about incorporation and messages were substantive and interesting and thanked the KB Community Foundation's efforts for a successful launch.

5. **SPECIAL INTRODUCTION:** The Special Presentations by Fausto Gomez and Representative Jose Javier Rodriguez were deferred to later on the agenda.

Ms. Mari Novo, Director of Operations with the Monica Burguera Foundation addressed the Council regarding Boat Safety. Vice Mayor Davey addressed the Council and the public regarding boat safety and how important it is, especially in our Community.

Councilmember London addressed the Council regarding Mr. Scott Sharp and his work with the Coast Guard. Mr. Sharp has volunteered his time and energy to work with the Coast Guard and the Village of Key Biscayne.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Rosa Sugranes, 685 Harbour Lane; Michele Estevez, 798 Crandon Boulevard; Lois Greenberg, 1121 Crandon Boulevard; Luis Lauredo, 201 Crandon Boulevard; Betty Sime Conroy, 785 Crandon Boulevard; Pat Woodson, 940 Mariner Drive; Mike and Donna Rice, 325 Redwood Lane; Gary Gross, 211 Island Drive; Jorge Mendia, 111 Island Drive; Robert Vernon, 475 Ridgewood Road; Karen Beber, 786 Woodcrest; Bobby Savage, 640 Ridgewood Road, read a letter from Clifford Brody, 180 Harbor Drive; Jackie Kellogg, 115 Sunrise Drive; Mortimer Fried, 291 Harbour Court and Catherine Dowd, 101 Ocean Lane Drive.

7. **AGENDA:** Councilmember Kelly requested the deferral of Item 11A1 and thanked everyone who took the time to come this evening in support of the purchase of the entry block. Councilmember Kelly especially thanked all the former elected officials that came this evening in support of this item; Vice Mayor Davey requested the addition of a discussion regarding BZP policy with respect on liens of properties as Item 11A4, also requested the addition of a discussion regarding an RFP for 530 Crandon Boulevard as Item 11A5 and also requested an updated on the Beach Club process as Item 11A6; Mayor Caplan requested the addition of a resolution supporting the Pets' Trust Initiatives as Item 10D and also requested the addition of a brief report on the status of the K-8 as Item 11A7; Councilmember Taintor requested an update of the Emergency Moratorium for the Mashta Flats as Item 11A8 and also requested a discussion regarding proposed traffic changes to the Harbor Plaza Shopping Center as Item 11A9 and Councilmember London addressed the Council regarding Item 10B. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the April 15, 2014 Workshop on Park uses for 530 Crandon Boulevard. 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.

Councilmember Kelly made a motion to approve the minutes of the April 22, 2014 Zoning Meeting. The motion was seconded by Vice Mayor Davey.

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Mayor Caplan made an amending motion to page 4 of 5 of the minutes under Mayor and Councilmembers to add the following to Chief Press' statement regarding the Mashta Flats: "safety, nuisance and environmental protection. The motion was seconded by Councilmember Lindsay 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 minutes, as amended, were 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. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE SOCIAL MEDIA ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this ordinance and the scope of work of the Committee.

There was extensive discussion from Council regarding this ordinance.

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

The ordinance was adopted 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 announced the second reading of the ordinance will be on May 27, 2014.

The following ordinance is continued from the March 11, 2014 Council Meeting.

The Clerk read the following ordinance on second 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

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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 adopt the ordinance on second reading. The motion was seconded by Councilmember Kelly.

Director of Building, Zoning and Planning addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

Vice Mayor Davey made an amending motion to leave paragraph 3 on page 8 as it currently is. The motion was seconded by Councilmember Kelly and approved by a 5-2 roll call. The vote was as follows: Councilmembers Holloway, Kelly, London, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmembers Lindsay and Taintor voting No.

The second reading of the ordinance was tabled until after the Special Presentations.

At this time Representative Jose Javier Rodriguez addressed the Council regarding the legislative session that just ended.

Fausto Gomez with Gomez Barker & Associates, gave a legislative update to the Council.

At this time the discussion regarding the ordinance was heard.

The Mayor opened the public hearing. Wilfredo Borroto, 101 Ocean Lane Drive; Otto Borroto, 161 Crandon Boulevard; Bob Vernon, 475 Ridgewood Drive and Cecile Sanchez, 260 Cypress Drive addressed the Council. The Mayor closed the public hearing.

At 10:00 p.m. the Manager's report was heard.

Village Manager. The Manager and Director Kurlancheek addressed the Council regarding the Fernwood Golf Cart and Community Center parking.

At this time, the discussion on the Ordinance continued.

The Attorney will work on an ordinance for second reading that will include the items were the Council had consensus.

Councilmember London made a motion to continue the second reading of the ordinance to the Zoning Meeting of May 27, 2014. The motion was seconded by Vice Mayor Davey and approved

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING THE PROPOSAL OF GORGEOUS LANDSCAPES AND LAWNS, INC. TO PROVIDE COMPREHENSIVE LANDSCAPE MAINTENANCE SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Davey made a motion to table the resolution after the Pets' Trust Initiatives resolution is heard. The motion was seconded by Councilmember Lindsay 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 Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RECOGNIZING THE 2012 VOTE OF THE MIAMI-DADE COUNTY ELECTORATE SUPPORTING THE PETS' TRUST INITIATIVES FOR FUNDING ANIMAL SHELTERS, SPAY-NEUTER PROGRAMS AND OTHER ANIMAL WELFARE PROGRAMS; URGING THE MIAMI-DADE COUNTY COMMISSION TO ACT UPON SUCH VOTE IN THE CURRENT BUDGET SESSION BY ESTABLISHING FUNDING FOR AND IMPLEMENTING PETS' TRUST INITIATIVES; AND ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO EXPRESS THEIR SUPPORT FOR PETS' TRUST INITIATIVES.

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

Mayor Caplan addressed the Council regarding this resolution.

Michael Rosenberg, Miami Founder and President of the Pet's Trust addressed the Council.

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.

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Vice Mayor Davey made a motion to remove the landscape resolution from the table. The motion was seconded by Councilmember Lindsay 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 Manager and Director Kurlancheek addressed the Council regarding this resolution recommending approval of the resolution authorizing the Village Manager to execute the agreement with Gorgeous Landscapes & Lawns, Inc.

Vice Mayor Davey made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Lindsay 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.

There was extensive discussion from Council regarding this resolution.

Jesus Rodriguez with Gorgeous Landscapes and Lawns, Inc., Miami; Mark Fried, Attorney representing SFM Services; Christian Infante, Vice-President of SFM; Armando Nunez, 265 Glenridge Road and Bob Vernon, 475 Ridgewood Drive addressed the Council.

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

The Attorney requested an Executive Session regarding pending litigation. The Clerk will canvass the Council for a date.

The rest of the agenda that was not heard this evening will be moved to the May 27th Zoning Meeting.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **PENDING 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 11:15 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 10th day of June 2014:

*Franklin H. Caplan
Chairman*

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.