MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JULY 5, 2011

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, Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.

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

3. **PUBLIC COMMENTS:** The following persons addressed the Council: Firefighter/Paramedic Ron Erbel thanked the community for their contributions to the MDA and Gary Carter, President of the Firefighters Labor Union addressed the Council.

4. **AGENDA:** Mayor Caplan requested the addition of a discussion regarding Public Comment Protocol as Item 8A5, requested the addition of a discussion regarding the 4th of July Celebrations as Item 8A6 and also requested the addition of a report on Land Acquisition as Item 8A7. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the June 14, 2011 Regular Council Meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Lindsay made a motion to approve the minutes of the June 21, 2011 Budget Workshop. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Davey made a motion to approve the minutes of the June 28, 2011 Regular Council Meeting. The motion was seconded by and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

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

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

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

It was the consensus of Council to direct the Clerk to place and ad in the Islander News requesting volunteers for this Committee.

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

The Clerk announced the second reading on August 30, 2011.

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND

THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK AND MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and the Attorney addressed the Council regarding this resolution.

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

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

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding the drafting of an ordinance as recommended by the Dock Committee in their report requesting that staff draft an ordinance and present it to Council at the first meeting in September.

Councilmember Taintor also addressed the Council requesting an update on the Nixon Beach Ordinance. The Attorney addressed the Council stating that the ordinance will be brought to Council for second reading at the August 30th meeting.

Mario Garcia-Serra, Attorney representing Claudio and Ivonne Alvarez and Yvonne Alvarez, 452 Harbor Drive addressed the Council.

Mayor Caplan made a motion to direct staff to draft an ordinance with the Dock Committee recommendations and present it to Council at the September 6, 2011 for first reading. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Taintor also requested a Mashta Flat update. The Manager addressed the Council regarding this issue.

Councilmember Kelly addressed the Council regarding the second reading of the HR Ordinance.

Councilmember Kelly made a motion to hold the Public Hearing on the second reading of the HR Ordinance on September 6, 2011. The motion was seconded by Councilmember Taintor.

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

The Kelly motion failed by a 2-5 roll call vote. The vote was as follows: Councilmembers Taintor and Vice Mayor Kelly voting Yes. Councilmembers Davey, Garcia, Gusman, Lindsay and Mayor Caplan voting No.

Mayor Caplan addressed the Council regarding public comment protocol.

Mayor Caplan also addressed the Council regarding the festivities of the 4th of July. The Manager also addressed the Council and the public explaining the unfortunate situation we had with the start of the fireworks.

Vice Mayor Kelly excused himself and left the meeting at 8:26 p.m.

Mayor Caplan also addressed the Council regarding the last report from the Land Acquisition Committee as it pertains to the feasibility of leasing or acquiring land at MAST Academy, Virginia Key and the entry block to the Village. It was the consensus of Council to direct the Manager to pursue the feasibility of purchasing the entry block for the Village and the feasibility of leasing land at MAST Academy and Virginia Key.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council recommending that Council provide Village staff direction on processing the under billed, unbilled and overbilled stormwater accounts.

Councilmember Lindsay made a motion to impose collection fees going back four (4) years, waiving interest and late charges for both billed and underbilled stormwater accounts. The motion was seconded by Councilmember Davey and approved by a 6-0 voice. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting Yes.

Councilmember Taintor made a motion to freeze the overbilled account by the method that the Manager is currently using. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting Yes.

The Manager addressed the Council recommending that the Council authorize the Manager to expend funds for a landscape project for Ridgewood Road and West Wood Drive. The total project cost is $19,868.50.

Councilmember Garcia made a motion to authorize the expenditure of $19,868.50 for a landscape project for Ridgewood Road and West Wood Drive. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting Yes.

The Manager addressed the Council recommending that the Council approve funding for an additional Whitefly Treatment Program not to exceed $30,000 and to authorize staff to award the work once we are able to confirm work references on the lowest bidders. As per the Village Arborist report submitted on April 30, 2011 from Sutton Consulting Arborist, Inc., the Village right-of-ways are the highest infested areas.

Councilmember Davey made a motion to approve funding for an additional Whitefly Treatment Program not to exceed $30,000 and to authorize staff to award the work once we are able to confirm work references on the lowest bidders. The motion was seconded by Councilmember Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting Yes.

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

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

11. **ADJOURNMENT:** The meeting was adjourned at 9:30 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 18th day of August, 2011:

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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.