MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, OCTOBER 14, 2014

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Theodore Holloway, Michael E. Kelly, Mayra Peña Lindsay, Edward London, James S. Taintor, Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Deputy Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church, gave an invocation.

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

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan informed the Council that he will be attending a meeting tomorrow at Pinecrest Gardens-CLEO Institute at 11:00 a.m with five municipal Mayors and others regarding climate change and sea level rise; Mayor Caplan offered to conduct a follow-up Town Hall meeting, if desired, in regards to registration for the Cambridge Program at the MAST Academy.

5. **SPECIAL INTRODUCTION:** There were no special introductions heard by Council.

6. **AGENDA:** Mayor Caplan requested the addition of a special presentation by Mr. Frank Peña regarding an upcoming ballot question and to hear Item 11C immediately after Item 6; Mayor Caplan also requested to defer Item 12A3 to the October 28, 2014 Zoning meeting; Councilmember Taintor requested to remove Item 9A and 9B from the Consent Agenda and also requested the addition of a discussion item regarding a Zoning hearing at Crandon Park as Item 12A4; Mayor Caplan also requested the addition of a discussion item regarding Section 19.9 of the Village Code dealing with domestic animals as Item 12A5; Vice Mayor Davey requested the addition of a discussion item regarding Bike Key Biscayne as Item 12A6; Councilmember Holloway requested the addition of a discussion item regarding an ordinance relating to banning Styrofoam and also requested the addition of a discussion item regarding an appointment needed to the Social Media Committee. There were no objections to the agenda changes.

At this time, Mayor Caplan introduced Mr. Frank Peña, President of the Florida International University Alumni, which addressed the Council regarding a Miami-Dade County referendum ballot question to expand the grounds for the Florida International University.

7. **APPROVAL OF MINUTES:** Councilmember Lindsay made a motion to approve the minutes of the August 26, 2014 Regular Council Meeting. 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.

8. **PUBLIC COMMENTS:** The following residents addressed the Council: Joann Young, 600 Harbor Drive; James Vallord Costa, 350 Grapetree Drive; Carmen Sagehien, 789 Crandon Boulevard and Michael de Filippi, 410 Euclid Avenue.

9. **CONSENT AGENDA:** There were no items considered by Council.

At this time, Item 11C was heard.

The Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN EDUCATION COMPACT WITH MIAMI-DADE COUNTY PUBLIC SCHOOLS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution and introduced Mr. Brett Moss, Chair of the Key Biscayne Education Advisory Board, Ms. Iraida Mendez-Cartaya, Assistant

Superintendent Office of Intergovernmental Affairs, Grants Administration and Community Engagement for Miami-Dade County Public Schools and Ms. Lubby Navarro, Office of Intergovernmental Affairs, Grants Administration and Community Engagement for Miami-Dade County Public Schools

Mr. Brett Moss addressed the Council regarding the approval of the proposed Education Compact with Miami-Dade County Public Schools.

Ms. Iraida Mendez-Cartaya addressed the Council regarding the proposed Education Compact with Miami-Dade County Public Schools.

Ms. Lubby Navarro also addressed the Council regarding the proposed Education Compact with Miami-Dade County Public Schools.

Mayor Caplan addressed the Council regarding making reference to the updated Census population data within the Education Compact; additionally, within paragraph 3 of page 1 to include the MAST Academy and to add language regarding sustained high academic achievement within paragraph 4 of page 1 of the Education Compact.

There was extensive from Council regarding monitoring residency at the Key Biscayne K-8 Center.

The resolution, as amended, was approved 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE GREEN IMPLEMENTATION AND ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

There was discussion from Council regarding this ordinance.

The motion to adopt the ordinance, on first reading, was approved 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 Deputy Clerk announced the second reading of the ordinance will be on October 28, 2014.

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, AUTHORIZING THE PURCHASE AND SUSTAINMENT OF EQUIPMENT AND TRAINING FROM THE 2013 URBAN AREAS SECURITY INITIATIVE PROGRAM; APPROVING THE INTERLOCAL AGREEMENT FOR JOINT COMPLETION OF AN URBAN AREAS SECURITY INITIATIVE PROGRAM BETWEEN THE CITY OF MIAMI AND THE VILLAGE OF KEY BISCAYNE FOR THE PURPOSE OF CARRYING OUT FY2013 URBAN AREAS SECURITY INITIATIVE PROGRAM OBJECTIVES; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Taintor addressed the Chief of Fire Rescue Eric Lang regarding this resolution.

The Chief of Fire Rescue 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.

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 PURCHASE OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED) FROM ONE BEAT CPR LEARNING CENTER, INC., AT A COST NOT TO EXCEED $85,000; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Chief of Fire Rescue addressed the Council regarding this resolution.

There was extensive discussion from Council regarding the placement of the AEDs.

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.

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, SELECTING THE BID OF H & J ASPHALT, INC. FOR PAVEMENT REHABILITATION OF STREETS EAST OF CRANDON BOULEVARD; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SUCH PROJECT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion from Council regarding this resolution.

The Manager and the Superintendent of Public Works Tony Brown addressed the Council regarding this resolution.

It was the consensus of Council to direct the Manager to explore a more aesthetically pleasing traffic calming device and removing this item from the bid.

The resolution, as amended, 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.

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, SELECTING THE PROPOSAL OF LAYNE INLINER, LLC FOR REPAIR AND RELINING OF STORMWATER FACILITIES ON OCEAN LANE DRIVE; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT FOR THE WORK; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

There was extensive discussion from Council regarding this resolution.

The resolution was approved 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.

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

Mayor and Councilmembers. Councilmember Lindsay addressed the Council regarding the Village policy on employee leave.

It was the consensus of Council to direct the Manager to bring back a draft Village policy on employee long term disability for Council consideration.

The Attorney addressed the Council regarding this issue.

There was extensive discussion from Council regarding this issue.

The Mayor addressed the Council regarding an appointment to the Education Advisory Board. The Mayor, with consensus of Council, appointed Allison McCormick.

Councilmember Taintor addressed the Council regarding a Zoning Hearing involving Crandon Park.

The Attorney addressed the Council regarding the Zoning Hearing involving Crandon Park.

The Mayor addressed the Council regarding Section 19.9 of the Village Code dealing with domestic animals.

It was the consensus of Council to discuss this issue at the October 28, 2014 Zoning meeting.

The Attorney addressed the Council regarding this issue.

Vice Mayor Davey addressed the Council regarding Bike Key Biscayne.

Councilmember Lindsay and the Manager also addressed the Council regarding Bike Key Biscayne.

The Director of Parks and Recreation Todd Hofferberth addressed the Council regarding this issue.

There was extensive discussion from Council regarding this issue.

Councilmember Holloway addressed the Council regarding an ordinance in reference to banning

styrofoam.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to direct the Manager to bring back an ordinance for first reading relating to banning styrofoam for Council consideration.

Councilmember Holloway addressed the Council regarding a needed appointment to the Social Media Committee. Mayor Caplan appointed Michael Alessandro, with the consensus of Council, to the Social Media Committee.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and Attorney addressed the Council regarding a motion to authorize the Manager to issue the request for qualifications for the Villagewide mobility plan.

Councilmember London addressed the Council regarding this motion.

There was extensive discussion from Council regarding this issue.

Councilmember Kelly made a motion to authorize the Manager to issue a request for qualifications for the Villagewide mobility plan. The motion was seconded by Councilmember Lindsay and failed by a 2-5 roll call vote. The vote was as follows: Councilmember Holloway and Mayor Caplan voting Yes. Councilmembers Kelly, Lindsay, Taintor, London and Vice Mayor Davey voting No.

The Manager addressed the Council regarding a motion to authorize the Manager to proceed with a plan to address the Village Green north pavilion.

Vice Mayor Davey made a motion to authorize the Manager to proceed to donate and/or demolish the Village Green north pavilion. 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 addressed the Council regarding a motion to authorize the Manager to issue the request for qualifications for the stormwater improvement implementation plan for professional services.

Vice Mayor Davey made a motion to authorize the Manager to issue the request for qualifications for the stormwater improvement implementation plan for professional services. 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 Manager and the Director of Parks and Recreation addressed the Council regarding a motion to authorize the Manager to issue a request for proposals for the recreation center second level expansion.

Vice Mayor Davey made a motion to authorize the Manager to issue a request for proposals for the recreation center second level expansion. 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 Manager and the Director of Building, Zoning, Planning and Public Works Jud Kurlancheek addressed the Council regarding the draft ordinance relating to boat trailers.

There was discussion by Council regarding the draft ordinance relating to boat trailers.

It was the consensus of Council to revise section 2 of the draft ordinance to state any occupant and limiting the length of the boat to 32 feet. Additionally directed the Manager to bring back the ordinance for first reading at the October 28, 2014 Zoning meeting.

The Manager addressed the Council regarding family recognition recommendations.

At this time, the Attorney addressed the Council regarding the need for an executive session regarding entry block litigation.

It was the consensus of Council to direct the Clerk to caucus the Council for the soonest available date and time to schedule the executive session.

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 10:29 p.m.

October 14, 2014

Respectfully submitted:

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Jennifer Duque
Chief of Staff/Deputy Village Clerk

Approved this__day of _____ 2015:

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Mayra Peña Lindsay
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.