MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 14, 2015

COUNCIL CHAMBER
560 CRANDON BOULEVARD.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:06 p.m. Present were Councilmembers Luis de la Cruz, Theodore Holloway, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. 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 Lindsay reported that she attended Dade Days in Tallahassee last week. The Mayor reported that the two main issues our lobbyist were pursuing were beach renourishment and traffic lights. The Mayor also reported on the pending litigation with the City of Miami regarding the proposed development of the Marine Stadium. Councilmember Taintor and Vice Mayor Caplan also reported on the meeting with the City of Miami regarding the proposed development of the Marine Stadium. Councilmember de la Cruz also addressed the Council asking what is the Village's next step for the Village on the proposed development of the City of Miami Marine Stadium.

3. **SPECIAL INTRODUCTION:** Ms. Helen Witty, Program Specialist with Mothers Against Drunk Driving, Miami-Dade County addressed the Council. Ms. Witty explained that MADD is dedicated to helping parents of middle school and high school students keep their kids safe through the research-based **Power of Parents** program, based on principles proven to reduce underage drinking by up to 30 percent. The Mayor, on behalf of the Council, presented a proclamation to Ms. Witty proclaiming Monday, April 21st as "Power Talk 21 Day".

Mr. Michael Futterman, CPA, Audit Partner with Marcum LLP presented to the Council the 2014 Comprehensive Annual Financial Report.

Mr. Gonzalo Valdes-Fauli, Chairman of the Investment Advisory Committee, addressed the Council reporting on the activities of the Committee.

4. **PUBLIC COMMENTS:** The following residents addressed the Council: Clifford Brody, 180 Harbor Drive; Tania Peck, 225 Cranwood Drive; Robert Hinckley, 155 Sunrise Drive; Rafael Momene, 881 Ocean Drive; Alejandro Zizold, 798 Crandon Boulevard; Cristina Figueredo Zizold, 798 Crandon Boulevard; Dr. Joan Gluck, 1111 Crandon Boulevard; Conchita Suarez, 201 Crandon Boulevard; Patricia Woodson, 940 Mariner Drive; Lindsay Lara, 301 Sunrise Drive; Mark Fried , 525 Warren Lane; Patricia Romano, 361 Beechwood Drive; Dr. Idalia Lastra, President, Kiwanis Club of Key Biscayne; Kira Grossman, 240 Galen Drive; Ginny Valls, 325 Fernwood Road; Christina Chartouni, 340 Harbor Drive; Katie Petros, 375 Redwood Lane; Bradley Newsom, 345 Pacific Road; Joseph Kellogg, 115 Sunrise Drive and Patricia Peralta, 761 Woodcrest Road.

5. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding the Dog Park boundaries as Item 9A9; Mayor Lindsay requested the addition of a discussion regarding the next step of the Mediation process as Item 9A10; Councilmember Taintor requested the addition of questions regarding the Sunrise/Galen Hotel issue as Item 9A11 Vice Mayor Caplan requested the deferral of Item 9A4 and Councilmember London requested the addition of a discussion to change the Village's Investment Policy as Item 9A12. There was no objection to the agenda changes.

6. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the March 10, 2015 Regular Council Meeting. The motion was seconded by Councilmember de la Cruz and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Kelly was out of the room at the time the vote was taken.

Vice Mayor Caplan made a motion to approve the minutes of the March 19, 2015 Special Council Meeting. The motion was seconded by Councilmember de la Cruz and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Kelly was out of the room at the time the vote was taken.

At this time Item 9A6 was heard. Councilmember de la Cruz addressed the Council regarding the presentation by Stantec. Councilmember de la Cruz introduced Mr. David Nardone. Mr. Nardone, Landscape Architect with Stantec, made a presentation to the Council regarding natural turf for athletic fields.

There was extensive discussion from Council regarding the state of the fields and the remedies proposed by Mr. Nardone.

Councilmember Kelly made a motion to direct the Manager to proceed with an RFP for comprehensive redevelopment of grass fields, with programming as needed, including level of maintenance. The motion was seconded by Vice Mayor Caplan and approved by a 5-2 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers London and Taintor voting No.

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" OF THE VILLAGE CODE OF ORDINANCES RELATING TO POOL FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

There was extensive discussion from Council regarding this ordinance. The Attorney and Jud Kurlancheek, Building Zoning and Planning Director also addressed the Council regarding this ordinance.

Vice Mayor Caplan will work with the Village Attorney on the proposed amendments for second reading.

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

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE XIX CHAPTER 2 OF THE VILLAGE CODE OF ORDINANCES REDUCING THE MEMBERS OF THE LAND ACQUISITION COMMITTEE FROM NINE (9) TO SEVEN (7) AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember de la Cruz.

There was extensive discussion from Council regarding this ordinance. The Attorney also addressed the Council regarding this ordinance.

Councilmember de la Cruz withdrew his second to the motion. The ordinance died for lack of a second.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA ("VILLAGE"), AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 23 "RETIREMENT," SECTION 23-31 "DEFINITIONS" TO MAKE THE BENEFITS PROVIDED BY THE PLAN "DEFINITELY DETERMINABLE" IN ACCORDANCE WITH SECTION 401(a)(25) OF THE INTERNAL REVENUE CODE; BY AMENDING SECTION 23-32 "MEMBERSHIP," SECTION 23-37 "PRE-RETIREMENT DEATH," SECTION 23-40 "OPTIONAL FORM OF BENEFITS," SECTION 23-48 "DISTRIBUTION OF BENEFITS" AND SECTION 23-55 "DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS" AND ADDING SECTION 23-58 "FEDERAL TAX PROVISIONS" AND SECTION 23-59 "QUALIFIED HEALTH INSURANCE PREMIUM DISTRIBUTIONS" TO COMPLY WITH THE FAVORABLE DETERMINATION LETTER ISSUED BY THE INTERNAL REVENUE SERVICE ON SEPTEMBER 12, 2014; BY AMENDING SECTION 23-35 "CONTRIBUTIONS" TO ENABLE THE VILLAGE TO USE $504,093 IN ACCUMULATED EXCESS CHAPTER 185 PREMIUM TAX REVENUE RECEIVED BY THE PLAN ON OR BEFORE AUGUST 25, 2014 TO OFFSET THE VILLAGE'S REQUIRED CONTRIBUTION TO THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember de la Cruz made a motion to adopt the ordinance on second 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.

Village Attorney Brett Schneider addressed the Council, via telephone, regarding this ordinance.

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN SUPPORT OF AND REQUESTING MIAMI-DADE COUNTY TO IMPLEMENT ADAPTIVE TRAFFIC SIGNAL CONTROL TECHNOLOGIES, AND INCLUDE THE VILLAGE IN ANY PILOT PROGRAMS FOR SUCH TECHNOLOGIES; PROVIDING FOR TRANSMITTAL; DIRECTING THE VILLAGE MANAGER AND OFFICIALS TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE USE OF ADAPTIVE TRAFFIC SIGNAL CONTROL TECHNOLOGIES WITHIN THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution requesting Miami-Dade County to implement adaptive traffic signal control technologies, to include the Village in any pilot program and to authorize the Village Manager to take all action necessary to implement the use of such technologies. Councilmember de la Cruz addressed the Council regarding this resolution.

Mr. Edward Ng with the Corradino Group addressed the Council.

The following resident addressed the Council: Clifford Brody, 180 Harbor Drive addressed the Council.

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

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council requesting authorization to issue a request for proposals for Solid Waste Contract.

Mariana Dominguez-Hardie with the Public Works Department addressed the Council.

Councilmember Holloway made a motion to authorize the Village Manager to go out with a request for proposals for Solid Waste Contract. The motion was seconded by Vice Mayor Caplan and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Manager also addressed the Council regarding the Citizen Survey update. There was extensive discussion from Council regarding the Citizen Survey.

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

Mayor and Councilmembers. At this time David Nardone addressed the Council regarding the use of artificial turf for the dog park.

Alejandro Ziezold, 798 Crandon Boulevard addressed the Council.

There was extensive discussion from Council regarding putting artificial turf on the dog park.

Councilmember Kelly addressed the Council regarding a potential ordinance to empower the Village Manager to enter into a contract for land acquisition that would then have to come before the Council for approval.

There was extensive discussion from Council regarding this matter.

Vice Mayor Caplan made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember London and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Kelly reported that together with Mayor Lindsay they are working on the possibility of creating a playing field at the Presbyterian Church parking lot.

Mayor Lindsay gave an update on the meeting with the City of Miami Preservation Board regarding the Marine Stadium.

Vice Mayor Caplan made a motion to direct the Attorneys to move forward aggressively with the appeal regarding the decision from the City of Miami Preservation Board. The motion was seconded by Councilmember de la Cruz and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

It was the consensus of Council to hold another meeting in the Sunshine with Counsel hired by the Village regarding the City of Miami proposed expansion of the Marine Stadium.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of April: World Lupus Day.

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

13. **ADJOURNMENT:** The meeting was adjourned at 11:10 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 28th day of April 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.