MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JANUARY 8, 2013

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Michael W. Davey, Theodore Holloway, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Mayra Lindsay and Mayor Franklin H. Caplan.

2. **INVOCATION:** Father Bob Libby gave an invocation.

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

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan announced that a Special Presentation by former Councilmembers will be heard immediately after the presentation by State Representative Rodriguez.

5. **SPECIAL PRESENTATIONS:** Mayor Caplan addressed the Council introducing State Representative Elect Jose Javier Rodriguez. Mr. Rodriguez addressed the Council and the public.

At this time Mayor Caplan gave an overview of the conditions of the Bear Cut Bridge.

Former Councilmembers Betty Sime, Ray Sullivan (via letter due to an accident), Enrique Garcia, Mortimer Fried, Alan Fein, Luis Lauredo, Pat Woodson, Jorge Mendia, Michele Estevez, Thomas Thornton and former Mayor Robert Vernon addressed the Council urging the Council to purchase the entry block property (former Stefano's/La Carreta).

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Barry Goldmeir, 1000 Island Drive; Manny Cambo, 621 Harbor Drive; Sergio Mendoza, 686 Fernwood Road; Sarah Fernandez-Mendoza. 686 Fernwood Road; David Rocker, 791 Crandon Boulevard; James Fulton, 335 Atlantic Road; Sergio Mendoza, 761 Ridgewood Road; Santiago Cordovez, 664 Fernwood Road and Miguel Suarez, 281 Island Drive.

7. **AGENDA:** Mayor Caplan requested the addition of a presentation by Miami-Dade County regarding the repairs at the Bear Cut Bridge before the Consent Agenda; Vice Mayor Lindsay requested the addition of an update regarding the Virginia Key Sewer Plant as Item 11A12. There was no objection to the agenda changes.

At this time, Mike Bauman, Causeways Division Chief and Antonio Cotarelo, Miami-Dade County Engineer addressed the Council regarding the Bear Cut Bridge repairs and traffic issues.

The following residents addressed the Council: David Rocker, 791 Crandon Boulevard; Faye Cohen, 798 Crandon Boulevard; Max Puyanic, 48 South Mashta Drive; Michele Estevez, 798 Crandon Boulevard and former Mayor Robert Vernon, 475 Ridgewood Drive.

8. **CONSENT AGENDA:** Councilmember Davey made a motion to approve the following consent agenda. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

The minutes of the December 4, 2012 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH GRUCCI, INC FOR THE ORGANIZING, PRODUCING, MANAGING, STAGING AND PROVIDING OF THE VILLAGE'S JULY 4TH FIREWORKS DISPLAY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MIAMI FIRE RESCUE DEPARTMENT, AS THE SPONSORING AGENCY OF FLORIDA TASK FORCE 2 OF THE NATIONAL URBAN SEARCH AND RESCUE (USAR) RESPONSE SYSTEM, AND THE VILLAGE AS A PARTICIPATING AGENCY OF THE

TASK FORCE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING ASSIGNMENT OF ALL EXISTING CONTRACTS WITH CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. ("C3TS") TO STANTEC CONSULTING SERVICES INC.; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE II "DEFINITIONS", AT SECTION 30-11, RELATED TO REGULATIONS OF SIGNS, AND ARTICLE VIII "SIGNS", AT SECTIONS 30-190, 30-191, 30-193, 30-196, 30-197, 30-198, 30-199 AND 30-200, TO AMEND THE REGULATIONS REGARDING PLACEMENT OF SIGNS WITHIN PUBLIC RIGHTS-OF-WAY, AND TO PROVIDE UPDATED PROCEDURES AND STANDARDS FOR SIGNS GENERALLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Councilmember Davey made an amending motion to delete the maximum number of signs allowed per parcel. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

The Attorney addressed the Council regarding this amendment.

Councilmember Taintor made an amending motion to add under prohibited signs: "for sale signs that are displaying the sale of boats or cars." The motion was seconded by Councilmember Davey and failed by a 2-5 voice vote. Councilmembers Taintor and Davey voting Yes. Councilmembers Holloway, Kelly, London, Vice Mayor Lindsay and Mayor Caplan voting No.

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

The Clerk announced the LPA and second reading on January 22, 2013.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" BY AMENDING ARTICLE II "DEFINITIONS," SECTION 30-11, BY CREATING A "PERMANENT HARDSCAPE FEATURE" DEFINITION, AND AMENDING ARTICLE IX "LANDSCAPE REGULATIONS," SECTION 30-235, RELATING TO TREE REMOVAL PERMIT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

It was the consensus of Council to delete "available to preserve the life of the tree" and insert "to eliminate the infestation" under Section 30-235 subsection (d)(6).

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

The Attorney addressed the Council regarding all the comments made by Council regarding this ordinance. The Attorney will make those changes between first and second reading.

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

The Clerk announced the LPA and second reading on January 22, 2013.

10. **RESOLUTIONS:** Resolutions were included in the Consent Agenda.

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council regarding fishing on Mashta Bridge and will report back on this item at the January 22, 2013 Council Meeting.

The Manager also addressed the Council regarding the use of cameras on the waterways.

The Manager addressed the Council giving an update on MAST/MAST fields.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding outdoor performance space.

> Gloria Kahn and Pat Woodson made a presentation to Council regarding the proposed outdoor performance space.

At this time Councilmember Kelly addressed the Council regarding the property at the entrance to the Village.

Councilmember London made a motion to direct the Manager and the Attorney to obtain two appraisals for the purpose of determining the purchase of the entry block. The motion was seconded by Vice Mayor Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

> Former Councilmember Luis Lauredo addressed the Council regarding the process to determine the purchase of the entry block.

Councilmember Kelly also addressed the Council regarding the Gazebo on the Village Green, its upkeep and future plans.

Vice Mayor Lindsay made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

Councilmember Holloway addressed the Council regarding Youth Council applications and administration.

It was the consensus of Council to direct the Manager to present a proposal to the Council in February for such a program.

Councilmember Holloway also addressed the Council regarding timely Quarterly Reports from non-profit organizations receiving Village funds.

Councilmember Holloway addressed the Council regarding annual surveys for strategic planning purposes.

Councilmember London addressed the Council regarding reconsidering the expenditure for policing county owned Rickenbacker Causeway and park roads.

Councilmember London made a motion to no longer have Village police do the job that the Miami-Dade County Police Department should do outside the Village. Councilmember Davey seconded the motion.

Chief of Police Charles Press addressed the Council regarding this issue. There was extensive discussion from Council regarding this issue.

Vice Mayor Lindsay made a motion to extend the meeting until 11:15 p.m. The motion was seconded by Councilmember Davey and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember Davey voting No.

It was the consensus of Council to defer this vote to the next meeting.

Councilmember London also addressed the Council regarding the installation of additional road calming devices to slow traffic and criteria for street selection of existing devices.

Vice Mayor Lindsay made a motion to extend the meeting to 11:25 p.m. The motion was seconded by Mayor Caplan and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember Davey voting No.

Councilmember London addressed the Council regarding immediate relief for residents adversely effected by construction of Sonesta Project.

Councilmember London made a motion to allow the Oceana Project to haul dirt from the project on Saturday and Sunday for the next two weeks. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

Mayor Caplan addressed the Council regarding the appointments to the Dog Park Committee. The Mayor, with consensus of Council, appointed the following residents to this committee: Jill Stephens, Conchita Suarez, Andy Garcia, Nancy Doke Harrison, Clara Moreno and Katie Petros.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

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

13. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

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

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

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this __ day of _January_ 2013:

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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.