MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, FEBRUARY 25, 2014

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:15 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. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.

3. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan apologized to the public for the late start of the meeting due to the Executive Session held prior to this meeting and Councilmember Taintor thanked his fellow Councilmembers, the Village Manager and his staff, the Village Clerk, Village Attorney, and especially his wife Ann, for their kindness and support during his recent health problems. Councilmember Taintor also addressed the public stating that due to his doctor's orders, he was not allowed to meet with constituents during the time of his chemo treatments and thus was not being unsociable

4. **SPECIAL PRESENTATIONS:** The Manager addressed the Council introducing Melissa White with the Key Biscayne Foundation. Mrs. White introduced Professor Diego Lirman with the University of Miami RSMAS, who gave an ecological assessment of the Key Biscayne Mashta Flats.

Carlos de la Cruz, 5 Harbor Point also addressed the Council regarding the Key Biscayne Mashta Flats.

5. **AGENDA:** The Manager requested the addition of a discussion regarding enhancing the ability of the Village communicating with the residents as Item 9D2. There was no objection to the agenda change.

6. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the February 11, 2014 Regular Council Meeting, as amended. 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 BY DELETING REFERENCE TO SECTION 17-8 IN SECTIONS 17-2(19) AND 17-7(D), AND REPEALING SECTION 17-8 "BURGLAR ALARMS" IN ITS ENTIRETY; 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 Manager and Chief of Police Charles Press addressed the Council requesting that they considered deleting Section 17-8 of the Noise Ordinance that addressed the regulation of registration and penalties for non-compliance of all Commercial and Residential Alarm Systems located within the Village of Key Biscayne.

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 March 11, 2014.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE EDUCATION ADVISORY BOARD; 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.

Mayor Caplan addressed the Council regarding this ordinance.

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

Vice Mayor Davey made an amending motion to make this Board a nine member Board. 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 ordinance, as amended, 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 March 11, 2014.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE "CITIZENS NEEDS ASSESSMENT SURVEY COMMITTEE;" 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 Holloway.

Mayor Caplan and Todd Hofferberth, Director of Parks and Recreation addressed the Council regarding this ordinance.

> The Mayor opened the public hearing. Sally Brody, 180 Harbor Drive; Allene Nicholson, 769 Allendale Road and Kristen Guess, 425 Grapetree addressed the Council. The Mayor closed the public hearing.

The ordinance failed on first reading by a 2-5 roll call vote. The vote was as follows: Councilmember Taintor and Mayor Caplan voting Yes. Councilmembers Holloway, Kelly, Lindsay, London, and Vice Mayor Davey voting No.

There were no ordinances considered on second reading by Council.

8. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. Councilmember Lindsay addressed the Council regarding hiring a State/Local Lobbyist.

It was the consensus of Council to authorize the Manager to work with Gomez-Barker and Associates regarding the Bear Cut Bridge discussion by the Miami-Dade County Commission on March 4, 2014.

It was also the consensus of Council to authorize the Manager to negotiate a contract with Gomez-Barker and Associates to be hired as the Village's local lobbyist on a cafeteria basis, as needed.

Councilmember Kelly addressed the Council requesting suggestions on how to involve the public in the discussions on the use of 530 Crandon Boulevard, Library, Police Parking Lot and Community Center and also to re-affirm Resolution 2009-26 which designated 530 Crandon Boulevard as a public park.

Councilmember Kelly made a motion to hold a workshop on park uses on 530 Crandon Boulevard prior to the hearing on April 22nd. The motion was seconded by Councilmember London and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmember Taintor voting No.

It was the consensus of Council to hold the above mentioned workshop on April 15th in the Council Chamber at 7:00 p.m.

Councilmember Kelly made a motion to perform a Village wide comprehensive needs survey. The motion was seconded by Councilmember London 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 following residents addressed the Council: Ed Stone, 1121 Crandon Boulevard; Allene Nicholson, 769 Allendale Road and Cliff Brody, 180 Harbor Drive.

Mayor Caplan made the following appointments, with consensus of Council, to the Social Media Committee, Space Utilization Committee and Sustainability/Green Committee.

The Mayor appointed to the Social Media Committee: Matt Bramson, Carolyn Koslen, Karina Besprosvan, Monique Nunez and Paula Carreiro; appointed to the Space Utilization Committee: Mr. Ed Stone and appointed to the Sustainability/Green Committee: Mr. Bernard Horowitz. The

Council liaison to the Social Media Committee will be Councilmember Holloway.

Councilmember Taintor addressed the Council announcing that the second reading of the proposed Building and Zoning Ordinance will be on the March 4th, 2014 Council Meeting agenda.

Vice Mayor Davey gave an update on purchasing the land underlying the Beach Club and garnering direction from Council going forward.

Councilmember Davey made a motion to direct the Manager to get an appraisal of the land underlying the Beach Club and Councilmember Davey will also talk to the Attorney for the property owner. The motion was seconded by Mayor Caplan and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan. Councilmembers Kelly and London voting No.

Vice Mayor Davey also addressed the Council regarding solid waste costs to condominiums. The Manager addressed the Council regarding this issue and will talk with the current vendor that services the homes.

Vice Mayor Davey addressed the Council regarding the serious allegations made at the last Council Meeting by an Attorney about the Council and staff. The Attorney addressed the Council regarding this issue. There was extensive discussion by Council regarding this issue. It was the consensus of Council to wait until the next Council Meeting in order to wait for the investigation results from the Miami-Dade Ethics Commission.

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 giving an update on the traffic study and reported that a presentation will be made to Council on March 11th by the Corradino Group.

The Manager also addressed the Council regarding an enhancing ability to the Village's website to better communicate with residents.

Councilmember Lindsay addressed the Council regarding a program called "Code for America Fellows Program" proposing to investigate the program and see if it can be applied to the Village..

Councilmember Taintor addressed the Council regarding drafting a resolution to declare the Mashta Flats as an environmentally sensitive area. Councilmember Taintor will work with the Village Attorney on this resolution.

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 at 10:50 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 11th day of March 2014:

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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.