MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, MARCH 4, 2014

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 p.m. Present were Councilmembers Theodore Holloway, Michael E. Kelly, Mayra Lindsay, James S. Taintor, Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Councilmember Edward London was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Pastor Dennis Eastling, Key Biscayne Community Church gave an invocation.

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

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council and the public for the late start of this meeting due to the traffic; Councilmember Lindsay and Mayor Caplan addressed the Council regarding the fundraiser held by the Key Biscayne Foundation last Saturday; Councilmember Davey wished Happy Birthday to Councilmember Taintor and Mayor Caplan wished Happy Birthday to Melissa McCaughn White.

5. **SPECIAL INTRODUCTIONS:** The Manager addressed the Council introducing Mr. Warren Green, PRO, with Florida 300, a catamaran race who made a presentation to the Council requesting Village Council's approval to come ashore.

6. **PUBLIC COMMENTS:** The following resident addressed the Council: Cecile Sanchez, 260 Cypress Drive.

7. **AGENDA:** Mayor Caplan requested the addition of a discussion regarding the presentation by Florida 300, a catamaran race as Item 11A3 and Councilmember Lindsay requested the addition of a discussion regarding safety issues and continued attempted breakings to alert residents as Item 11A4.

8. **APPROVAL OF MINUTES:** There were no minutes considered by Council.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 19-13 "PUBLIC DEMONSTRATION, GATHERINGS, PERFORMANCES, ATHLETIC EVENTS, ETC." OF THE VILLAGE CODE OF ORDINANCES PROHIBITING PARTY RENTALS, WEDDINGS AND ANIMAL SHOWS AT THE VILLAGE BEACH PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 Lindsay.

The Manager and Parks and Recreation Todd Hofferberth addressed the Council recommending the approval of the proposed ordinance addressing prohibiting certain uses at the Village Beach Park.

> The Mayor opened the public hearing. Cecile Sanchez, 260 Cypress Drive addressed the Council. The Mayor closed the public hearing.

Vice Mayor Davey withdrew his motion. The Ordinance will come back before Council at a later date.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100 "SINGLE-FAMILY AND TWO-FAMILY DISTRICTS" AND SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" OF THE VILLAGE CODE OF ORDINANCES, IN ORDER TO AMEND DEVELOPMENT STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY HOMES; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Clerk announced that the second reading of this ordinance will be on Tuesday, March 11, 2014, because an LPA Meeting is required and it was not advertised.

10. **RESOLUTIONS:** The 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 2012 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 FY2012 URBAN AREAS SECURITY INITIATIVE PROGRAM OBJECTIVES; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief of Fire Rescue Eric Lang addressed the Council recommending approval of the resolution providing for a Sub Award Agreement between the City of Miami and the Village of Key Biscayne allowing for the purchase of equipment and training, not to exceed $16,380.57 provided by the Urban Areas Security Initiative (UASI) as part of a Homeland Security Initiative.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Vice Mayor Davey addressed the Council regarding Hearings SP-22 and CU-04, Morgan Property Group as the applicant.

The Attorney addressed the Council reporting that the Miami-Dade Commission on Ethics is still in the process of investigating the allegations of public records violations made by Attorney Winkleman.

Vice Mayor Davey made a motion to direct the Village Attorney to work with Mayor Caplan and Vice Mayor Davey on a draft analysis regarding a proposed Bar Complaint against Mr. Winkleman. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Mayor Caplan and the Manager addressed the Council regarding the Florida 300, a catamaran race.

Vice Mayor Davey made a motion to give a special permit to allow the Florida 300, a catamaran race to take place on Key Biscayne in front of The Silver Sands. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Councilmember Lindsay addressed the Council regarding zoning in our "Garden District". It was the consensus of Council to direct staff to do an extensive analysis of this District and make a presentation to Council at May 27th, 2014 Council Meeting.

Director of Building, Zoning and Planning, Jud Kurlancheek addressed the Council.

Councilmember Lindsay addressed the Council regarding safety issues and continued attempted breakings encouraging the residents to lock the cars and the front doors of the houses.

Chief of Police Charles Press addressed the Council regarding this issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk reported that the Office of the Mayor issued the following proclamation during the month of February: declaring February 23, 2014 as "Merle Hamm Day".

Village Manager. The Manager 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 8:55 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.