MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JUNE 10, 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 Michael E. Kelly, Mayra Lindsay, James S. Taintor, Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Councilmembers Theodore Holloway and Edward London were absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Monsignor Jose Luis Hernando with St. Agnes Catholic Church, gave an invocation.

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

At this time the Mayor presented a proclamation to Monsignor Jose Luis Hernando for his retirement and many years of service to the community.

4. **BRIEF COMMENTS BY COUNCIL:** Councilmember Lindsay reported that the S&P rating was raised to a AAA and congratulated the staff; Councilmember Taintor addressed the Council reminding the public of the upcoming Town Hall Meeting at the Key Biscayne Yacht Club on Wednesday, June 11th at 6:00 p.m. regarding Boating Safety and Environmental Protection at the

Mashta Flats/Nixon Cove Area; Councilmember Kelly reminded everyone that a Heat game will take place this evening and requested everyone to try and be brief in their comments; Mayor Caplan addressed the Council and the public regarding the Citizen Engagement Academy which ended last week and thanked the organizers and participants of this event and also addressed the Council and the public regarding the 4th of July Fundraiser last Saturday night and how successful it was.

5. **SPECIAL INTRODUCTION:** There were no Special Introductions.

6. **PUBLIC COMMENTS:** Carlos Fernandez, 615 Harbor Circle addressed the Council.

7. **AGENDA:** Mayor Caplan and Councilmember Lindsay requested to defer Item 11A1 to the June 24, 2014 Zoning Meeting; Vice Mayor Davey requested to defer Item 11A2 to the June 24, 2014 Zoning Meeting; the Village Manager requested to remove Item 8C from the agenda; Mayor Caplan requested to remove Item 11A3 from the agenda and also requested the addition of a brief report on the Rickenbacker task Force as Item 11A8. There was no objection to the agenda changes.

8. **CONSENT AGENDA:** Councilmember Lindsay made a motion to approve the following consent agenda. The motion was seconded by Councilmember Kelly and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The May 13, 2014 Regular Council Meeting Minutes.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FROM BENNETT FIRE PRODUCTS COMPANY, INC. AT A COST NOT TO EXCEED $48,000; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **ORDINANCES:** There were no ordinances considered by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AGREEMENT FOR USE OF ST. AGNES CATHOLIC CHURCH ATHLETIC FIELD BETWEEN THE VILLAGE AND THE ARCHDIOCESE OF MIAMI; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council recommending approval of the second amendment to the agreement for use of the athletic field at St. Agnes Catholic Church.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Kelly, Lindsay, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding the traffic pattern changes to Harbor Plaza Shopping Center. There was extensive discussion from Council regarding this issue.

The Attorney also addressed the Council regarding any changes to the Harbor Plaza Shopping Center.

Councilmember Lindsay addressed the Council regarding the status of the Garden District. Building, Zoning and Planning Director Jud Kurlancheek addressed the Council reporting that the report will be ready for the August 26, 2014 Council Meeting.

Councilmember Taintor addressed the Council regarding the renewal of the Manager's contract. It was the consensus of Council to renew the Manager's contract. Mayor Caplan volunteered to begin the negotiations with the Manager.

Councilmember Taintor also addressed the Council regarding a 530 Crandon Boulevard referendum. There was extensive discussion from Council regarding the process of initiative and referendum. The Attorney also addressed the Council regarding the initiative and referendum process.

Mayor Caplan addressed the Council and the public regarding the Rickenbacker Task Force. The Mayor and the Manager are attending these meetings. There was discussion from Council regarding the problems with cyclists which continue to occur.

Village Attorney. The Attorney requested an Executive Session to discuss pending litigation on the entry block cases.

Village Clerk. The Clerk addressed the Council regarding the 2014 Council Meeting Schedule recommending that the July meeting be held on July 1st. There was no objection to the proposed date.

Village Manager. The Manager addressed the Council giving an update on the beach maintenance contract. Miami-Dade County is maintaining our beach for the meantime. The Manager reported that he will bring a new contract for beach maintenance to the Council at the June 24th meeting.

The Manager also addressed the Council regarding a Park Rental Policy reporting that the Manager will bring a policy before Council regarding park rentals at a future meeting.

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

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

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

15. **ADJOURNMENT:** The meeting was adjourned at 8:40 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 24th day of June 2014:

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Franklin H. Caplan
Chairman

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.