

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 12, 2010

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 Enrique Garcia, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Michael Davey and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline, Chabad of Key Biscayne, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** The following residents addressed the Council: Patricia Romano, 361 Beechwood Drive; Ed Stone, 145 Hampton Lane and Cecile Sanchez, 260 Cypress Drive.
6. **AGENDA:** Councilmember Kelly reminded the Council and the public that the Business Summit will be held on Thursday, January 21, 2010 from 6:00-9:00 p.m. in the Community Center. There were no changes to the agenda.

7. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the December 8, 2009 Regular Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE IMPROVEMENTS WITHIN THE GOLF CART/ PEDESTRIAN/BICYCLE FERNWOOD ROAD AND COMMERCIAL PROPERTY SAFETY AND ACCESS PLAN, DATED AUGUST 24, 2009, ATTACHED AS EXHIBIT "A;" AUTHORIZING THE VILLAGE MANAGER OR DESIGNEE TO DRAFT THE NECESSARY LEGISLATION TO IMPLEMENT THE REGULATIONS FOR THIS PLAN; AND PROVIDING FOR EFFECTIVE DATE.**

Vice Mayor Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia.

The Attorney addressed the Council regarding the process to implement the regulations for this plan.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Pursuant to Ordinance 2007-5, the Council established a Board of Special Magistrates. The Board of Special Magistrates is responsible for the adjudication of code enforcement and building violations.

The Mayor, with consensus of Council, re-appointed Dennis O'Hara, Rosemary Sala, Mortimer Fried and Timothy Stickney to serve as Special Magistrates for a one year term from November 2009 to November 2010.

The Mayor also addressed the Council requesting that Councilmembers submit nominations to the Clerk for one Board Member to replace Dr. Robert Maggs to the Police Officers and Firefighters' Pension Plan.

*January 12, 2010*

Councilmember Kelly addressed the Council requesting clarification of the scope of the K-8 Advisory Committee. The Clerk provided the information to the Council from the Village Code, **Section 2-241. Jurisdiction.**

Charles Viscito, 141 Crandon Boulevard, Chairman of the K-8 Advisory Committee addressed the Council.

The Attorney addressed the Council regarding the intent of the Council for the jurisdiction of this Committee.

There was consensus of Council that the Code, as it is reads today, is very clear regarding the Jurisdiction of this Committee. The jurisdiction of the Board shall be solely advisory making recommendations to the Council regarding the establishment of a compact between the VKB and the Miami-Dade County Schools for the enhancement and greater benefit of the K-8 students of Key Biscayne and it is not to address high school issues.

Councilmember Kelly also addressed the Council giving an update regarding conversations held, together with the Village Manager, with representatives from the Village of Pinecrest Finance Department and the City of Aventura Finance Department.

The Manager also addressed the Council regarding the Village's Financial Systems.

Councilmember Kelly addressed the Council requesting that the Manager addressed the Council reviewing the list of the Capital Outlay allocations items for Fiscal Year 2010.

The Manager addressed the Council regarding the itemized list of Capital Outlay Allocations for FY 2010.

Councilmember Garcia addressed the Council regarding the Holiday decorations on the Village Green indicating that they were partly lit almost every day, proposing to Council to consider new Holiday decorations.

Vice Mayor Davey addressed the Council regarding establishing a dog park at the North end of the Village Green.

Vice Mayor Davey made a motion to have an action item to establish a dog park at the North end of the Village Green, to direct the Village Manager to bring back cost requirements, and to direct the Village Attorney to determine what, if any, legislative changes to Village Ordinances would be necessary to permit the use of said dog park. The motion was seconded by Councilmember Gusman.

*January 12, 2010*

Pilar Martinez, 201 Galen Drive and Dr. Steve Eastman, 180 Crandon Boulevard addressed the Council.

The Attorney also addressed the Council regarding the proposed dog park.

The motion was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

Vice Mayor Davey also addressed the Council regarding some issues the ASK (Active Seniors of Key Biscayne) Club has proposed like enhancing the access for seniors to the Community Center swimming pool and to the Beach Park.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding the cost of enhancing the access for seniors to the Community Center swimming pool and to the Beach Park.

It was the consensus of Council to direct staff to bring before Council the cost for these enhancements.

Village Attorney. The Attorney addressed the Council regarding the proposed sale sign ordinance requested by the Key Biscayne Chamber of Commerce. The Attorney informed the Council that the Chamber has decided not to pursue this item.

Village Clerk. Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat. The term will be retroactive to November 2009.

The Mayor opened the floor for nominations. Councilmember Thornton nominated Councilmember Kelly.

Councilmember Kelly nominated Councilmember Garcia. The nomination was seconded by Councilmember Mendia.

Councilmember Thornton withdrew his nomination. The Mayor closed the floor for nominations.

A vote was taken on the nomination of Councilmember Garcia. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

January 12, 2010

The Clerk submitted to the Council the 2009 annual report highlighting the activities of the Office of the Village Clerk.

Village Manager. The Manager addressed the Council requesting feedback on the proposed RFP framework for solid waste and recycling services.

Councilmember Kelly encouraged the residents to contact the Council regarding their preference for solid waste and recycling services.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
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 9:20 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC*  
*Village Clerk*

*Approved this 26th day of January, 2010:*

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*Robert L. Vernon*  
*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.**