

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, MARCH 10, 2009

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 Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Michael W. Davey (arrived at 7:50 p.m.) and Mayor Robert L. Vernon. Councilmember Enrique Garcia was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Burt Froehlic, Saint Christopher's By The Sea gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Council, presented a proclamation to the American Legion Auxiliary designating the week of March 16-22, 2009 as Poppy Week in Key Biscayne.

The Mayor also, on behalf of the Council, presented a proclamation to Mr. Lewis J. Beilman III, J.D., Senior Intergovernmental Representative with the South Florida Water Management District designating the month of April 2009 as Water Conservation Month.

The Manager and Chief of Police Charles Press announced to the Council that the Police Department had been re-accredited.

Chief Press also presented Certificates of Appreciation to the businesses who assisted with the Holiday Program.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Linda Marks, 276 West Wood Drive; Nelson Slosbergas, 699 Glenridge and Charles Viscito, 141 Crandon Boulevard.

6. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding extending the temporary lighting on the Village Green for spring flag football as Item 10A2. There was no objection to the agenda change.

7. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the February 24, 2009 Zoning Meeting. The motion was seconded by Councilmember Thornton and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Gusman, Kelly, Mendia, Thornton and Mayor Vernon voting Yes.

Councilmember Mendia made a motion to approve the minutes of the February 26, 2009 Proposed Charter High School Workshop. The motion was seconded by Councilmember Thornton and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Gusman, Kelly, Mendia, Thornton and Mayor Vernon voting Yes.

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

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA BY AMENDING CHAPTER 23 "RETIREMENT" AT SECTION 23-31 "DEFINITIONS;" BY AMENDING SECTION 23-35 "CONTRIBUTIONS;" BY AMENDING SECTION 23-36 "BENEFIT AMOUNTS AND ELIGIBILITY;" BY AMENDING SECTION 23-56 "SHARE PLAN;" AND BY CREATING A NEW SECTION 23-57 "DEFERRED RETIREMENT OPTION PROGRAM" TO IMPLEMENT THE TERMS AND CONDITIONS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Thornton made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Gusman.

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The Manager addressed the Council recommending the adoption of this ordinance which amends the Village's Police Officers and Firefighters Retirement Plan to reflect the changes to the Plan that were agreed upon in the collective bargaining agreement between the Village and the Key Biscayne Professional Firefighters Association, Local 3638.

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

The ordinance was adopted on second reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Gusman, Kelly, Mendia, Thornton and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER II, "ADMINISTRATION" OF THE CODE OF KEY BISCAYNE, FLORIDA CREATING NEW ARTICLE XVII, "GOLF CART SAFETY BOARD"; ESTABLISHING A NEW BOARD AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Gusman made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Thornton.

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

The ordinance was adopted on second reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Gusman, Kelly, Mendia, Thornton and Mayor Vernon voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, TO SUPPORT EXTINGUISHING ALL NON-ESSENTIAL LIGHTING IN ALL VILLAGE GOVERNMENT BUILDINGS, PUBLIC SCHOOLS AND PUBLIC LANDMARKS FOR THE HOURS BETWEEN 8:30 PM AND 9:30 PM ON MARCH 28, 2009 TO RAISE AWARENESS OF ENERGY CONSERVATION AS PART OF THE WORLDWIDE CLIMATE CHANGE EVENT: EARTH HOUR, AND ESTABLISHING MARCH 28, 2009 AS EARTH HOUR DAY IN THE VILLAGE OF KEY BISCAYNE; PROVIDING FOR AN EFFECTIVE DATE.

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The Manager addressed the Council recommending adoption of the resolution endorsing the efforts of World Wildlife Fund through Earth Hour Day occurring on March 29th, 2009 at 8:30 p.m. to raise awareness about global climate change and energy efficiency.

Councilmember Gusman made a motion to approve the resolution. The motion was seconded by Councilmember Thornton and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Gusman, Kelly, Mendia, Thornton and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. The Mayor, with approval of Council, re-appointed Mr. John Lombardi and Ms. Mayra Lindsay to a two year term and also appointed Mr. Gonzalo Nunez to a two year term to the Youth Athletics Advisory Board.

Councilmember Kelly addressed the Council regarding extending the temporary lighting on the Village Green for Spring flag football. It was the consensus of Council to extend the temporary lighting of the Village Green until May 31st.

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 regarding the submittal of projects for stimulus funding consideration. The Manager submitted the following list of projects that may be eligible and/or could meet the definition of projects that can comply with required timelines for obligation of funds: Beach Renourishment, Calusa Park, Proposed Charter High School, Community Center Expansion, Green Initiatives, Landscaping, Land Acquisition-Parking Lot, Stormwater and Water and Sewer Project.

It was the consensus of Council to submit the following projects for stimulus funding consideration: Beach Renourishment, Water and Sewer and Stormwater.

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 8:20 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 24th day of March, 2009:

*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.