

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, JUNE 25, 2013

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 Michael W. Davey, Theodore Holloway, Edward London, James S. Taintor, Vice Mayor Mayra P. Lindsay and Mayor Franklin H. Caplan. Councilmember Michael E. Kelly was absent. Also present were Village Manager John C. Gilbert, Acting Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
3. **SPECIAL INTRODUCTIONS:** Robert Mollinari and Melissa White addressed the Council regarding Greenhouse on the Village Green.
4. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** The Manager addressed the Council regarding the Rickenbacker/Bear Cut Bridge construction project.
5. **BRIEF COMMENTS BY COUNCIL:** Councilmember Davey addressed the Council regarding the Budget Workshop, the proposed Capital Improvement Plan and strongly supports the Key Biscayne Chamber of Commerce and Councilmember London addressed the Council regarding the importance of a zero based budget and presenting departmental monthly reports to Council.

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6. **AGENDA:** Mayor Caplan requested a discussion regarding EPA Comment Period on Wastewater Treatment Plan as Item 10A3, Bike Friendly Community as Item 10A4 and Tree City USA as Item 10A5. The Manager requested the withdrawal of Items 9A and 9B from the Agenda. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember London made a motion to approve the minutes of the June 11, 2013 Council Meeting. The motion was seconded by Vice Mayor Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY RELATING TO THE COMPLETION OF THE RECREATIONAL FIELDS TO BE CONSTRUCTED ON THE EAST SIDE OF THE MAST CAMPUS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Davey made a motion to adopt the ordinance on first reading. The motion was seconded by Vice Mayor Lindsay.

The Manager addressed the Council regarding this ordinance.

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

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

The Acting Clerk announced the second reading of this ordinance on July 2, 2013.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A CONVEYANCE OF APPROXIMATELY 57.5 FEET OF THE OCEAN DRIVE RIGHT OF WAY, AS FURTHER LEGALLY DESCRIBED ON EXHIBIT "A," TO CONSULTATIO KEY BISCAYNE, LLC IN ACCORDANCE WITH RESOLUTION 2011-24; PROVIDING FOR AUTHORIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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Mayor Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Vice Mayor Lindsay.

The Attorney addressed the Council regarding this ordinance.

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

The ordinance was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

The Acting Clerk announced the second reading of this ordinance on July 2, 2013.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE OF KEY BISCAYNE CODE OF ORDINANCES BY AMENDING SECTION 2-42 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED" OF ARTICLE III "CODE ENFORCEMENT" OF CHAPTER 2 "ADMINISTRATION", AND BY AMENDING ARTICLE IV "DANGEROUS INTERSECTION SAFETY" OF CHAPTER 26 "TRAFFIC AND VEHICLES" TO ENSURE CONSISTENCY WITH SECTION 316.0083, FLORIDA STATUTES, "THE MARK WANDALL TRAFFIC SAFETY ACT", AS AMENDED BY THE FLORIDA LEGISLATURE THROUGH THE ENACTMENT OF CS/CS/HB HOUSE BILL 7125 DURING THE 2013 LEGISLATIVE SESSION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CLERK DESIGNATED; PROVIDING FOR SAVINGS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Davey.

The Attorney and Police Chief Charles R. Press recommended continuing the ordinance to the July 2, 2013 Council Meeting.

Councilmember Davey made a motion to continue the second reading of the ordinance to the July 2, 2013 Council Meeting. The motion was seconded by Councilmember London and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ACCEPTING THE STRATEGIC PLAN FOR FISCAL YEAR 2013/2014 ATTACHED AS EXHIBIT "A;" PROVIDING FOR VILLAGE MANAGER AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor Lindsay.

The Manager addressed the Council recommending approval of the resolution to accept the 2013/2014 Strategic Plan.

There was discussion from Council regarding the 2013/2014 Strategic Plan.

The resolution was approved by 6-0 voice vote, conditional to the 2013/2014 Strategic Plan revisions by Council. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

The Acting Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND ESTRADA HINOJOSA & COMPANY, INC., CONCERNING FINANCIAL ADVISORY SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Lourdes Abadin from Estrada Hinojosa & Company, Inc. addressed the Council recommending approval of the resolution approving the contract with Estrada Hinojosa & Company, Inc. to provide financial advisory services for the Village.

There was discussion from Council regarding the Estrada Hinojosa & Company, Inc. contract.

The resolution was approved by a 4-2 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmembers London and Taintor voting No.

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

Mayor and Councilmember. The Mayor addressed the Council regarding the re-appointment of one Special Magistrate and appointing two alternates.

The Mayor, with consensus of Council, appointed Gabriel Echeverria and Christina Chartouni as alternates and re-appointed Mark Fried as Special Magistrate. The appointment will be retroactive from November 2012 to November 2013.

Councilmember Holloway addressed the Council regarding the bi-annual questionnaire for residents and business owners.

Mayor Caplan addressed the Council regarding the EPA comment period for the Wastewater Treatment Plan.

Mayor Caplan addressed the Council regarding the Bike Friendly Community program.

Mayor Caplan also addressed the Council regarding the Tree City USA program.

The Mayor, with consensus of Council, directed the Village Manager to return to Council with the Village requirements necessary to participate.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding Fernwood Road parking.

The Mayor acknowledged a resident, Dr. Rafael Perez, 524 Fernwood Road, which addressed the Council regarding parking on Fernwood Road.

The Mayor, with the consensus of Council, directed the Village Manager to place golf cart parking along Fernwood Road adjacent to the Community Center.

The Manager addressed the Council regarding the audit schedule.

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

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12. **OTHER 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 8:48 p.m.

Respectfully submitted:



Jennifer Duque,
Executive Assistant to the Village Manager/Acting Village Clerk



Approved this 27th day of August, 2013:



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.