

MINUTES

REGULAR COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JULY 2, 2013

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:15 p.m. Present were Councilmembers Michael W. Davey, Theodore Holloway, Edward London, Michael E. Kelly, James S. Taintor, Vice Mayor Mayra Lindsay and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

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

At this time, Mayor Caplan presented a proclamation to Mrs. Rosa de la Cruz for her service to the community with the Art in Public Places Program.

3. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** Mr. Frank Digilio with Kiewit addressed the Council giving an update on the Bear Cut Bridge. Michael R. Bauman, Miami-Dade County Public Works and Waste Management Department Chief Causeways Division addressed the Council regarding the conversion from the C-Pass to Sun Pass and Chris Rose, Assistant Director to Miami-Dade County Public Works and Waste Management Department also addressed the Council.

4. **BRIEF COMMENTS BY COUNCIL:** Councilmember Holloway thanked everyone that came out to the 4th of July BBQ; Mayor Caplan, Councilmembers Kelly and Taintor made reference to the American History and the concept of liberty.

5. **PUBLIC COMMENTS:** There were no speakers present.

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6. **AGENDA:** There were no changes made to the agenda.
7. **APPROVAL OF MINUTES:** There were no minutes considered by Council.
8. **ORDINANCES:** There were no ordinances considered by Council, on first reading.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, 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.**

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

The Manager addressed the Council regarding this ordinance.

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 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember Kelly was out of the room at the time the vote was taken.

The Clerk read the following ordinance, on second reading:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING THE VILLAGE OF KEY BISCAIYNE 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.**

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The Clerk announced that this ordinance is continued from the June 25, 2013 Zoning Meeting.

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

The Attorney and Chief of Police Charles Press addressed the Council.

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

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on second reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Taintor, and Mayor Caplan voting Yes. Councilmember London and Vice Mayor Lindsay voting No.

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK AND MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

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

Vice Mayor Lindsay made an amending motion to reduce the millage rate to 3.006. The motion was seconded by Councilmember Kelly.

Councilmember London made an amending motion to reduce the millage rate to 2.8. The motion died for lack of a second.

Finance Director Vivian Parks addressed the Council regarding the excess surplus.

The Attorney addressed the Council regarding the proposed millage rate. There was extensive discussion from Council regarding the proposed millage rate.

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Vice Mayor Lindsay withdrew her motion.

The resolution, as presented, was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember London voting No.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING THE VILLAGE'S ABILITY TO FUND AND SUPPORT THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE VILLAGE'S BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Attorney addressed the Council recommending approval of the resolution providing the Florida Department of Environmental Protection (DEP) confirmation that the Village has committed funds and supports the construction and monitoring of the Beach Renourishment Project.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING CODY & ASSOCIATES, INC., TO PROVIDE PROFESSIONAL PERSONNEL CONSULTING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT RELATED TO THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution and agreement which provide for the formulation of job descriptions for each position within the Village detailing functional responsibilities together with a survey and detailed analysis of current compensation as compared to other regional municipalities based on comparable community size and private sector job markets.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Mayor Caplan addressed the Council regarding the EPA comment period on waste water treatment plan.

The Attorney also addressed the Council regarding this issue. There was also extensive discussion from Council regarding the EPA comment period on the waste water treatment plan.

It was the consensus of Council to allow the Mayor to contact EPA and to write a comment on the waste water treatment plan.

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 Capital Improvement Plan.

The Manager also addressed the Council regarding the Tree City USA status.

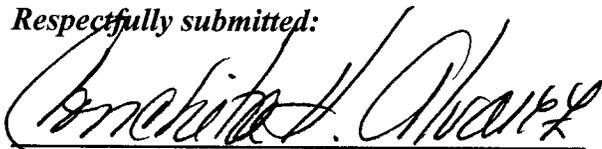
11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no other business discussed.

12. **PENDING 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.

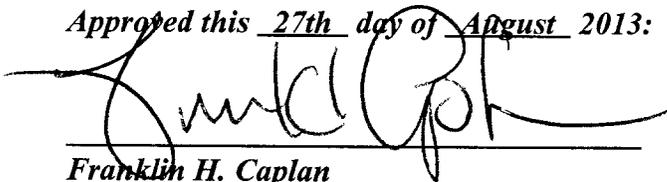
14. **ADJOURNMENT:** The meeting was adjourned at 9:10 p.m.

*Respectfully submitted:*



Conchita H. Alvarez, MMC  
Village Clerk

Approved this 27th day of August 2013:



Franklin H. Caplan  
Mayor



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***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.***