

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, AUGUST 30, 2016

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:25 p.m. Present were Councilmembers Franklin H. Caplan, Luis de la Cruz, Gary R. Gross, Theodore Holloway, Michael E. Kelly, Vice Mayor London (by phone) and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen H. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Councilmember Holloway led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay thanked all the volunteers, residents and staff that made such an incredible 4th of July Celebration, it was an absolute success. The Mayor especially thanked Todd Hofferberth, Parks and Recreation Director and the Rotary Club. The Mayor reported that the 25th Anniversary of Incorporation will be celebrated the weekend of September 23 with festivities all weekend long. The Mayor also reported that the Village has been proactive addressing the Zika virus. Chief of Fire Rescue Eric Lang took the initiative and the Village has sprayed before waiting for Federal Funds, also Congresswoman Ileana Ross-Lehtinen visited the Village expressing concerns for the Zika Virus and Sea Level Rise. Councilmember Caplan thanked the Candidates that will be participating in our 2016 Municipal Election.

Councilmember Caplan made a motion to allow Vice Mayor London to participate via phone. The motion was seconded by Councilmember Holloway and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

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4. **SPECIAL INTRODUCTION:** The Manager introduced Mr. Michael R. Bauman, Chief of Causeways and Special Taxing Districts who made a presentation regarding the proposed rate increase for Special Lighting Taxing Districts. At this time also Item 10A5 was heard. Most of the Special Lighting Taxing Districts were created in the 1960's at the request of some residents. There is a procedure in place to opt out of these Districts. The Attorney addressed the Council and stated that these residents should be contacted and his Office will help them thru the process of opting out.

Also, at this time Item 10D1 was heard. Mr. Paul Abbott addressed the Council and introduced representatives from the WGI Group who made a presentation regarding a Feasibility Study for Underground Utilities for the Village of Key Biscayne.

There was extensive discussion from Council regarding the above Feasibility Study. The next step is to do a Preliminary Engineering Study. Mr. Abbott will have more information for the Council at the October 4th Council Meeting on the next steps that need to be taken in order to accomplish this project.

At this time Vice Mayor London signed off because the sound was not working properly.

5. **PUBLIC COMMENTS:** The following persons addressed the Council: Iggy Larrea, 2400 S.W. 3rd avenue, #603; Brett Moss, 731 Crandon Boulevard and Luis Posse, 246 Hampton Lane.

6. **AGENDA:** Councilmember de la Cruz requested the deferral of Item 10A4 to the October 4, 2016; Councilmember Holloway requested the addition of a brief discussion regarding vacation rentals as Item 10A10 and the Manager requested the addition of a brief discussion on policy regarding the Budget Book as Item 10D6. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** Councilmember Kelly made a motion to approve the following consent agenda. The motion was seconded by Councilmember Holloway and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

The May 24, 2016 Zoning Meeting Minutes.

The June 28, 2016 Regular Council Meeting Minutes.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ACCEPTING THE AMERICANS WITH DISABILITIES ACT (“ADA”) SELF-ASSESSMENT AND TRANSITION PLAN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE SAME ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, SECTION 19-9, ENTITLED “DOMESTIC ANIMALS,” ALLOWING DOGS AND OTHER DOMESTIC ANIMALS WITHIN DESIGNATED VILLAGE PARKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

The Attorney 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 Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay 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, SUPPORTING THE MIAMI-DADE COUNTY LEAGUE OF CITIES COMMITTEE’S CHANGES TO THE PROPOSED MIAMI-DADE COUNTY MANDATORY WORKFORCE HOUSING ORDINANCE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this resolution. There was discussion from Council regarding this resolution.

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The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING REVISED SPECIAL RULES OF ORDER FOR MEETINGS OF THE VILLAGE COUNCIL; REPEALING RESOLUTION 99-21 AND PRIOR RESOLUTIONS ON THE SAME SUBJECT MATTER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion from Council regarding this resolution. The Attorney also addressed the Council regarding this resolution.

Councilmember Caplan offered the following amendment to Section 19: “ When Councilmembers are unable to attend meetings in person due to exigent circumstances, they may participate telephonically or by other electronic means, subject to approval by a majority of Council on a seconded motion, following Council’s determination that exigent circumstances in fact exist so as to justify remote participation consistent with applicable state law pertaining to public meetings; provided that the communication connection is reasonably clear, without disruptive background noise or distortion.” There was no objection to the amendment.

The resolution, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPORTING PLAN Z FOR MIAMI 2.0; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion from Council regarding this resolution.

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Mayor Lindsay made a motion to table the resolution. The motion was seconded by Councilmember Gross and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council on the design of 530 Crandon Boulevard.

Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding 530 Crandon Boulevard.

Mayor Lindsay addressed the Council regarding pedestrian safety on Crandon Boulevard specifically the crossing in front of the Ritz Carlton.

Chief of Police Charles Press addressed the Council regarding the above subject. Joe Corradino with the Corradino Group also addressed the Council regarding pedestrian safety.

At this time the Manager's report was heard. The Manager addressed the Council requesting a motion to authorize the Manager to proceed with the proposed enhancements for the Community Center in an amount not to exceed \$176,843.00.

Paul Abbott, Construction Manager for the expansion of the Community Center, and Parks and Recreation Director Todd Hofferberth addressed the Council regarding the proposed enhancements.

Councilmember Kelly made a motion to authorize the Manager to proceed with the proposed enhancements for the Community Center #2, #3 and #4. The motion was seconded by Councilmember Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

The Manager and the Attorney addressed the Council regarding the purchase of the Village Hall parking lot.

The Attorney read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ACQUISITION OF 20,000 SQ. FT. TRACT OF LAND FROM MIAMI-DADE COUNTY LOCATED AT 85 WEST ENID DRIVE, KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE REQUIRED AGREEMENTS, PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

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Councilmember de la Cruz made a motion to approve the resolution. The motion was seconded by Mayor Lindsay.

The Attorney and Councilmember Caplan addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

The Manager gave a status update on 401 Hampton Lane reporting on a workshop held with the neighbors last night.

There was discussion from Council regarding 401 Hampton Lane.

The Manager also addressed the Council regarding an FPL request for work authorization from McIntyre Street between Allendale Road and Warren Lane. Mr. Dale Donovan, Project Manager with FPL addressed the Council regarding this project.

It was the consensus of Council to allow FPL to do the work from McIntyre Street between Allendale Road and Warren Lane mainly during weekdays. The project will take approximately 5 weeks.

Councilmember Caplan made a motion to extend the meeting until 11:10 p.m. The motion was seconded by Councilmember Holloway and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes.

At this time the Manager distributed the Budget Book to the Mayor and Councilmembers.

Mayor Lindsay addressed the Council giving a status update on the purchase of 570 Fernwood Road and 571 Glenridge Road.

The Attorney addressed the Council regarding the purchase of these properties. There was extensive discussion from Council regarding this purchase.

The Attorney reported that he had obtained appraisals for the two above mentioned properties. One was for \$1,650 and the other one was for \$1,700. It was the consensus of Council to direct the Attorney to negotiate the purchase of these properties at \$1.55 and \$1.6.

Village Attorney. The Attorney did not submit a report.

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Village Clerk. The Clerk reported that the following residents had qualified as candidates for the Office of Councilmember: Violette de Ayala, Allison McCormick, Brett Moss, Ignacio Seguro, Rosemary Thornton and Kathleen Petros.

The Clerk also reported that the office of the Mayor had issued the following proclamation: proclaiming the week of September 17th through September 23 as "Constitution Week".

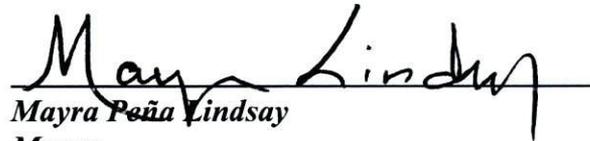
11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
13. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
14. **ADJOURNMENT:** The meeting was adjourned at 11:10 p.m.

Respectfully submitted:



Conchita H. Alvarez, MMC
Village Clerk

Approved this 13th day of September, 2016:



Mayra Peña Lindsay
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.