

MINUTES

SECOND BUDGET HEARING  
KEY BISCAVNE, FLORIDA

TUESDAY, SEPTEMBER 25, 2012

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, Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. 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. **APPROVAL OF MINUTES:** There were no minutes considered by Council.
4. **MILLAGE RATE RESOLUTION:** The Acting Village Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; ADOPTING THE FINAL MILLAGE RATE OF THE VILLAGE OF KEY BISCAVNE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.**

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

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Councilmember Davey made a motion to table the resolution to be heard after the adoption of the budgets. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

5. **ORDINANCES:** The Acting Village Clerk read the following ordinance on second reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; ADOPTING THE BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.**

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

The Mayor opened the public hearing. Charles Viscito, 141 Crandon Boulevard and Robert Hollander with Brown & Brown of Florida, Inc. addressed the Council. The Mayor closed the public hearing.

The Manager addressed the Council regarding the proposed budgets. The following are changes that have been made to the FY2012-13 Budget since the First Budget Hearing on September 11<sup>th</sup>: 1.) The overall Liability, Property, Workers Compensation, and Automobile Insurance increased by \$63,181 for FY2012-13, as a result of increased rates and identifying additional property that required coverage. 2.) In the Council's budget the following changes are reflected: An increase of \$1,500 to the Historical Society line item; Transferred \$5,000 from the Operating Supplies line item and \$1,300 from the Capital Outlay line item into a newly created line item entitled "TRAVEL PER DIEM"; Added \$15,000 to fund the Key Biscayne Community Foundation's Citizen Scientist Project matching grant to a newly created line item entitled "GRANTS"; 3.) A decrease of \$25,000 to the Bond Counsel line item in the Attorney's portion of the Budget; 4.) An increase to the Village Clerk's salary line item reflecting a 5% 20 Year Longevity and a 1.9% COLA adjustment approved by the Village Council at the First Budget Hearing; 5.) An increase of \$125,816 for the proposed Motorcycle Unit (two (2) Police Officers) in the Police's portion of the budget, which includes Retirement Contributions and Payroll Taxes.

Councilmember Davey read a letter from former Councilmember Mortimer Fried regarding the proposed motorcycles for the Police Department.

The Manager is recommending that the Excess (Revenues)/Expenditures in the amount of \$1,253,707 be transferred to the General Fund Designations-Reserved Carry Forward for future

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allocations.

Councilmember Garcia made a motion to amend the budget to give a 1.9% COLA to the Manager. The motion was seconded by Councilmember Davey and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Garcia Gusman, Lindsay, Taintor and Mayor Caplan voting Yes. Vice Mayor Kelly voting No.

Chief of Police Charles Press addressed the Council regarding the Police Department's Budget.

Councilmember Davey made a motion to remove the two police officers on motorcycle from the Police Department's Budget. The motion was seconded by Councilmember Lindsay and it failed by a 3-4 voice vote. Councilmembers Lindsay, Gusman and Mayor Caplan voting Yes. Councilmembers Davey, Garcia, Taintor and Vice Mayor Kelly voting No.

Mayor Caplan made a motion to proceed with the hiring and procurement of the two police officers on motorcycle immediately. The motion was seconded by Vice Mayor Kelly and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Davey and Lindsay voting No.

Councilmember Davey made a motion to approve inserting the workers compensation \$2,577 into the Police Department Budget. The motion was seconded by Mayor Caplan and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Garcia Gusman, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Lindsay voting No.

Vice Mayor Kelly made a motion to remove the millage resolution from the table. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

The Attorney read into the record that the rolled-back rate is 3.00093 mills and proposed millage rate is 3.2 mills which is 6.34% over the rolled-back rate.

Councilmember Davey made a motion to approve the millage resolution. The motion was seconded by Councilmember Lindsay and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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Mayor Caplan made a motion to approve the Budget Ordinance, as amended. The motion was seconded by Vice Mayor Kelly and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE 5 YEAR CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEARS 2013-2017 ATTACHED AS EXHIBIT "A;" PROVIDING FOR VILLAGE MANAGER AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Garcia made a motion to approve the resolution, as amended. The motion was seconded by Councilmember Gusman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

7. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A list of future meetings and events was presented to the Council.

8. **ADJOURNMENT:** The meeting was adjourned at 9:45 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 4th day of December 2012:*

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*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**

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***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.***