

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, NOVEMBER 1, 2016

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:00 p.m. Present were Councilmembers Franklin H. Caplan, Luis de la Cruz, Gary R. Gross, Theodore Holloway, Michael E. Kelly, Vice Mayor Ed London 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. **INVOCATION:** Rabbi Yoel Caroline with Chabad of Key Biscayne, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Councilmember Kelly led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay, Councilmembers Caplan and de la Cruz thanked Councilmembers Holloway, Kelly and Vice Mayor London for their years of service, time and dedication to this community.
5. **SPECIAL INTRODUCTION:** Mayor Lindsay presented to the Council and the public, the Key Biscayne 25th Anniversary Presentation by Congresswoman Ros Lehtinen on the House Floor.

Marcelo DiCugno with Key Rat Rugby made a presentation to Council regarding the status of the program.

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Rachel Silverstein with Miami Waterkeeper made a presentation to Council requesting support showing opposition to the EPA: No cancer-causing Chemicals in Florida's water.

6. **PUBLIC COMMENTS:** The following people addressed the Council: Nicholas Xavier Duran, Candidate for the State House of Representatives, District 112; Richard Graham, American Legion Post 374; Mike Davey, 50 Ocean Lane Drive; Jay Held, 210 Greenwood Drive; Luis Laredo, 201 Crandon Boulevard; Julie Dick, 151 Crandon Boulevard; Nestor Perez, 350 Cranwood Drive and Anselmo Hernandez, 641 S. Mashta Drive.

7. **AGENDA:** Councilmember Holloway requested the removal of Item 12A2; Mayor Lindsay requested to hear Items 12A5, 12A11 thru 12A18 prior to the other items under Mayor and Councilmembers and Councilmember de la Cruz requested the addition of a Resolution opposing Amendment 1 as Item 11AB. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Councilmember Caplan made a motion to approve the minutes of the September 27, 2016 Second Budget Hearing. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

9. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearing were sworn in by the Clerk.

Public Hearing Number SP-25. The Applicant, the Village Manager, 401 Hampton Lane is requesting a site plan approval.

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

The Manager addressed the Council recommending approval of the site plan.

The Mayor opened the public hearing. Steve Simon and Brett Simon addressed the Council. The Mayor closed the public hearing.

The Attorney also addressed the Council regarding the site plan. There was extensive discussion from Council regarding the site plan.

The site plan was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE ADULT AND SENIOR PROGRAMMING ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion from Council regarding this ordinance.

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

It was the consensus of Council to defer the first reading of this ordinance to a later date and also requested a report for the next meeting from the Senior Coordinator.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF A 20,100 SQ. FT. TRACT OF LAND FROM MIAMI-DADE COUNTY LOCATED AT 85 WEST ENID DRIVE, KEY BISCAYNE, FLORIDA PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the ordinance on second reading authorizing the purchase of the property located at 85 West Enid Drive which is currently being utilized as a parking facility for Village employees.

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

The ordinance was approved on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SETTLEMENT OFFER FROM GREAT AMERICAN INSURANCE COMPANY, AS SURETY FOR GREENSOURCE LANDSCAPE AND SPORTS TURF, INC. RELATING TO THE VILLAGE'S CLAIM ON THE BOND AND CONTRACT FOR RESURFACING TWO ATHLETIC FIELDS ON VILLAGE GREEN; AUTHORIZING VILLAGE OFFICIALS TO PREPARE AND EXECUTE A SETTLEMENT AGREEMENT CONSISTENT WITH THE TERMS OF THE SETTLEMENT OFFER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and the Attorney addressed the Council recommending approval of the settlement agreement.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London 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, RELATING TO AMENDMENT 1 BALLOT QUESTION ENTITLED "RIGHTS OF ELECTRICITY CONSUMERS REGARDING SOLAR ENERGY CHOICE", SCHEDULED FOR THE NOVEMBER 8, 2016 GENERAL ELECTION; URGING THE REJECTION OF AMENDMENT 1; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Vice Mayor London.

There was discussion from Council regarding this resolution.

Councilmember Caplan made a friendly amendment to amend Sections 2 and 3 as follows: Section 2. Opposition to Amendment 1 Ballot Question. The Village Council deems Amendment 1 to be deliberately misleading as to its purpose and effect. The Village Council opposes adoption of Amendment 1 and urges all Village electors to understand that Amendment 1 is adverse to compellingly important sustainable energy policies, and Section 3. Instructions. The Village Clerk is hereby instructed to publish a copy of this Resolution to all voters of the Village of Key Biscayne, as well as all subscribers to Village media outlets, and to email this Resolution to all municipal and county governments of the State of Florida so as to disseminate the Village of Key Biscayne's position relative to Amendment 1.

The resolution, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Vice Mayor London addressed the Council proposing a new schedule of permit costs for remodeling and renovation.

There was extensive discussion from Council regarding permit costs for remodeling and renovation. It was the consensus of Council for the Building, Zoning and Planning Department to report back to Council on these costs at the December 6, 2016 Council Meeting.

Vice Mayor London also addressed the Council proposing an exception to the artificial grass rule due to hardship of using natural grass. There was discussion from Council regarding this issue. Councilmember Caplan expressed his opposition to this proposal.

Vice Mayor London addressed the Council regarding assisted living facilities. It was the consensus of Council to obtain more information regarding this kind of facility. The Manager also addressed the Council regarding ALF.

Vice Mayor London also addressed the Council regarding a monthly review of financial operations and status of capital projects. Also proposed that the CFO should report to Council instead of the Manager.

There was discussion from Council regarding the above proposal. Councilmember Caplan expressed his opposition to this proposal.

Vice Mayor London also addressed the Council proposing a review of Pension Board Investments and performance.

Vice Mayor London also addressed the Council regarding an RFP for consultants to review all of the individual departments of the Village. Councilmember Caplan expressed his opposition to this proposal.

Vice Mayor London also addressed the Council requesting that the Council consider building a water park and passive park at 530 Crandon and extending the Community Center over the existing swimming pool.

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Councilmember Holloway addressed the Council discussing the possibility of adopting an ordinance similar to Miami Beach's regarding signage, fees and ethics and conduct. There was discussion from Council regarding this proposal. The Manager also addressed the Council regarding this issue.

Councilmember Kelly addressed the Council regarding a potential Charter amendment for compensation for Mayor and Councilmembers. The Attorney addressed the Council regarding this issue.

There was extensive discussion from Council regarding the proposed Charter amendment.

Mayor Lindsay addressed the Council regarding field maintenance issues.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding the field maintenance.

Mayor Lindsay addressed the Council with a follow up on Special Taxing Districts. The Manager addressed the Council regarding this issue and will report back to Council on November 29th.

Councilmember Caplan addressed the Council regarding the dog access into the newly constructed dog park.

Councilmember de la Cruz addressed the Council giving an update on Optimus Ride.

Mayor Lindsay addressed the Council regarding establishing a policy for Key Biscayne Social Media initiative. The Manager also addressed the Council regarding Social Media.

There was extensive discussion from Council regarding Social Media.

Mayor Lindsay addressed the Council regarding a follow up and update list of priority actions/projects based on last year's action plan approved by Council. This list will be updated and brought back at the December 6 Council Meeting.

Mayor Lindsay also addressed the Council revisiting last year's KB land acquisition list. This list will be updated and be brought back at the first Council Meeting in February.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Clerk did not submit.

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13. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
14. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
15. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
16. **ADJOURNMENT:** The meeting was adjourned at 10:55 p.m.

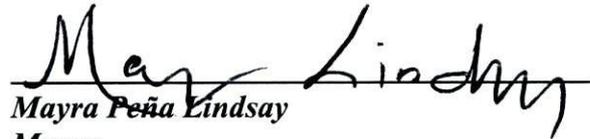
Respectfully submitted:



*Conchita H. Alvarez, MMC
Village Clerk*



Approved this 29th day of November, 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.