

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAAYNE, FLORIDA

TUESDAY, NOVEMBER 16, 2010

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, Michael E. Kelly, Mayra P. Lindsay, James S. Taintor, Vice Mayor Enrique Garcia and Mayor Franklin H. Caplan. Councilmember Robert Gusman was absent. Also present were Village Manager Genaro “Chip” Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Jose Luis Hernando, St. Agnes Catholic Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.

At this time Manager Iglesias read a statement from Councilmember Gusman congratulating the newly elected Mayor and Councilmembers.

Mayor Caplan addressed the Council and the public thanking the Clerk, Manager, Attorney and Village staff for their hard work and support. Mayor Caplan also welcomed the newly elected Councilmembers and the sitting Councilmembers.

4. **SPECIAL PRESENTATIONS:** There were no special presentations.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Antonio Camejo, 151 Crandon Boulevard; Conchita Suarez, 201 Crandon Boulevard; Michele Estevez, 798 Crandon Boulevard and Ed Meyer, 798 Crandon Boulevard.

6. **AGENDA:** Councilmember Taintor requested the addition of a discussion regarding Christmas Trees as Item 10A2 and Councilmember Kelly requested the addition of a discussion regarding the need to schedule a Pension Workshop as Item 10A3. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the October 26, 2010 Zoning Meeting. The motion was seconded by Vice Mayor Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Kelly, Lindsay, Taintor, Vice Mayor Garcia and Mayor Caplan voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING CHAPTER 31 ENTITLED "PARKS AND RECREATIONAL OPEN SPACE LANDS TRUST FUND" OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 Garcia.

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

There was extensive discussion from Council regarding the Trust Fund.

The ordinance was adopted on first reading by a 5-1 roll call vote. The vote was as follows: Councilmembers Davey, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes. Vice Mayor Garcia voting No.

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF A NET MOTION MOBILITY, A VIRTUAL PRIVATE NETWORK FOR THE VILLAGE OF KEY BISCAYNE POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION AND AUTHORIZING THE VILLAGE MANAGER TO

November 16, 2010

COMPLETE THE PURCHASE OF THE EQUIPMENT AND EXECUTE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief of Police Charles Press addressed the Council recommending the approval of the Police Department's request to purchase and implement a secure Virtual Private Network (VPN) Solution built specifically for highly-mobile police officers who need reliable wireless access to mission-critical data and applications. The expenditure will be obtained from the Federal Asset Sharing Account, not to exceed \$12,000.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Kelly, Lindsay, Taintor, Vice Mayor Garcia 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, AUTHORIZING THE VILLAGE MANAGER TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH THE MIAMI-DADE COUNTY DEPARTMENT OF HUMAN SERVICES; TO APPLY FOR, RECEIVE, EXPEND GRANT FUNDS, EXECUTE AND AMEND AGREEMENTS RELATED TO THE GRANT; FOR THE PURPOSE OF IMPROVING THE RECORD IMPROVEMENT PROJECT.

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

The Manager and Chief Press addressed the Council recommending that Council authorize the Manager to seek funding from the FY2011 Edward Byrne Grant in the amount of \$4,243.00 to purchase five (5) laptop computers, allowing the Police Department to replace outdated ones currently in inventory.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Kelly, Lindsay, Taintor, Vice Mayor Garcia 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, AUTHORIZING THE VILLAGE MANAGER TO PUBLISH AN INVITATION TO BID FOR THE CONSTRUCTION OF: (1) VEHICULAR PARKING

November 16, 2010

SPACES ALONG FERNWOOD ROAD; (2) GOLF CART PARKING SPACES ALONG WEST HEATHER DRIVE; (3) A SIDEWALK ON FERNWOOD ROAD FOR THE LENGTH OF THE FRONTAGE OF THE COMMUNITY CHURCH; AND (4) A SIDEWALK ON GLENRIDGE ROAD FROM W. HEATHER DRIVE TO THE ENTRANCE OF THE COMMUNITY CHURCH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the approval of the resolution which authorizes the Manager to prepare construction documents and “bid out” a project that will result in parking spaces in the right-of-way at the northwest corner (Community Church) of Fernwood Road and West Heather Drive.

Reverend Bud Schroeder, 355 Glenridge Road and Ramon Castella with C3TS addressed the Council.

The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Davey, Kelly, Lindsay, Vice Mayor Garcia and Mayor Caplan voting Yes. Councilmember Taintor voting No.

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

Mayor and Councilmembers. Pursuant to Ordinance 2007-5, the Council established a Board of Special Magistrates. The Board of Special Magistrates is responsible for the adjudication of code enforcement and building violations.

The Mayor, with consensus of Council, re-appointed Rosemary Sala, Mortimer Fried, Timothy Stickney, Timothy McCarthy and Mary DeCastro Foden to serve as Special Magistrates for a one year term from November 2010 to November 2011.

The Mayor requested that Council submit nominations for Special Magistrates Alternates to the Clerk.

Councilmember Taintor addressed the Council regarding the use of natural Christmas trees in lobbies and common areas of condominiums.

Chief of Fire Rescue John C. Gilbert addressed the Council regarding this issue stating that the Department is enforcing the Florida Fire Prevention Code which states that condominium, hotel and commercial buildings cannot use live Christmas trees in lobbies and common areas.

November 16, 2010

Flame-resistant artificial trees are allowed.

Councilmember Kelly addressed the Council regarding the need to hold a workshop on Pensions.

The Manager addressed the Council and will report back to Council with proposed dates for the Pension Workshop.

Village Attorney. The Attorney requested an Executive Session regarding the ongoing litigation involving the Sonesta Property.

It was the consensus of Council to cancel the Zoning Meeting of November 23, 2010. There were no zoning issues.

Village Clerk. The Clerk presented to the Council the Certification of the November 2, 2010 Municipal Election results.

Councilmember Davey made a motion to accept the Clerk's Certification of the November 2, 2010 Municipal Election results. The motion was seconded by Vice Mayor Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Kelly, Lindsay, Taintor, Vice Mayor Garcia and Mayor Caplan voting Yes.

Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Councilmember Davey nominated Councilmember Gusman. Councilmember Davey withdrew his nomination. Councilmember Lindsay nominated Councilmember Kelly. The nomination was seconded by Councilmember Davey. The Mayor closed the floor for nominations.

A vote was taken on the nomination of Councilmember Kelly. The vote was as follows: Councilmembers Davey, Kelly, Lindsay, Taintor, Vice Mayor Garcia and Mayor Caplan voting Yes.

The Clerk presented to the Council the proposed 2011 Council Meeting Schedule.

Councilmember Davey made a motion to adopt the proposed 2011 Council Meeting Schedule, as presented. The motion was seconded by Mayor Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Village Manager. The Manager did not submit a report.

November 16, 2010

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

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

13. **ADJOURNMENT:** The meeting was adjourned at 8:35 p.m.

Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 7th day of December, 2010:

*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.