

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, NOVEMBER 20, 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 Davey, Theodore Holloway, Michael E. Kelly, Mayra P. Lindsay, Edward London, James S.Taintor and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorneys Chad Friedman and 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.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council and the public inviting everyone to a fundraiser in honor of Officer Nelly Real on December 1, 2012 at the Beach Park. The Mayor also reported that our State Representative elect will attend the next Council Meeting and also acknowledged Mr. Donald Wolfe from Commissioner's Xavier Suarez' office.

At this time the Clerk announced a Special recognition of the undefeated 75 pounds Key Rat Football Team that just won their Super Bowl.

Councilmember Kelly congratulated the Key Rat Football Team for their accomplishment. The

team then presented their trophy to the Mayor and Council.

Councilmember Davey reported that he attended a Greater Miami Chamber of Commerce Meeting with the Manager regarding the Sewage Plant at Virginia Key.

Councilmember Taintor congratulated Councilmember Davey for the approval by the electors of all of the proposed Charter amendments except for the one proposing to review the Charter every 10 years, instead of the current 5 years.

5. **SPECIAL PRESENTATIONS:** Councilmember Davey introduced Mr. Joe Walsh, Lobbyist for the Beach. Mr. Walsh addressed the Council regarding the renourishment of our beach.

Councilmember London made a motion to allow Mr. Walsh to go on a fact finder mission regarding beach renourishment and report back to Council. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Lindsay, London, Taintor and Mayor Caplan voting Yes.

It was the consensus of Council to direct the Attorney to prepare a document that will allow Mr. Walsh to go on this fact finder mission on behalf of the Village of Key Biscayne.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Ed Stone, 145 Hampton Lane and Ray Sullivan, 635 Harbor Circle.

7. **AGENDA:** The Manager requested the withdrawal of Item 9B1; also requested the addition of a discussion regarding the Holiday Lights on the Village Green as Item 11D2 and also requested the addition of a brief report on the Bear Cut Bridge as Item 11D3; Councilmember Kelly requested the addition of a discussion regarding 530 Crandon Boulevard to be used for a dog park/Cultural Center as Item 11A6 and Councilmember London requested the addition of a discussion regarding the appointment of a Space Utilization Committee as Item 11A7. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the June 19, 2012 Budget Workshop. The motion was seconded by Mayor Caplan.

Councilmember Lindsay mentioned that Public Works Director Armando Nunez was not at the Budget Workshop.

Councilmember Taintor reported that the last sentence on page 1 of the minutes should read as follows: "Our increase in property values from last year was approximately \$259 million."

The minutes, as amended, were approved by a 6-1 voice vote. The vote was as follows:

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Councilmembers Davey, Holloway, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmember London voting No.

Councilmember Kelly made a motion to approve the minutes of the August 28, 2012 Regular Council Meeting. The motion was seconded by Councilmember Lindsay and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmember London voting No.

Councilmember Davey made a motion to approve the minutes of the September 4, 2012 Regular Council Meeting. The motion was seconded by Councilmember Kelly.

Councilmember Taintor brought to the attention of the Council that Vice Mayor Kelly's presentation was mentioned twice. The Clerk will delete the paragraph regarding Vice Mayor Kelly's presentation on page 3 of 5.

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

Councilmember Davey made a motion to approve the minutes of the October 23, 2012 Zoning Meeting. The motion was seconded by Councilmember Kelly and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmember London voting No.

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

The second reading of the property maintenance ordinance was withdrawn.

10. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. Councilmember Lindsay addressed the Council regarding the conditions at the Central District Wastewater Treatment Plant on Virginia Key.

There was extensive discussion from Council regarding this issue.

Melissa White, 628 Ridgewood Road; Julie Dick, 151 Crandon Boulevard; Michele Estevez, 798 Crandon Boulevard and Albert Slap, representing Biscayne Bay Waterkeeper, addressed the Council regarding this issue.

The Attorney also addressed the Council regarding the Treatment Plant on Virginia Key.

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Councilmember Kelly addressed the Council proposing amendments to the ordinance(s) controlling political yard signs as follows: Proposed to amend the ordinance to allow one candidate sign per property and two candidate signs per corner lot and prohibit any signs on the swales.

It was the consensus of Council to direct the Attorney to amend the sign ordinance to prohibit political signs on public spaces and bring it back at another meeting for Council approval.

Councilmember Kelly addressed the Council regarding amendments to the tree ordinance to allow owners to remove and replace trees on private property that are infested with Whitefly or whose root system is causing physical problems to the home, patio, driveways or other permanent structures.

Eduardo von Simson, 749 Ridgewood Road and Mauricio Radice, 412 Warren Lane addressed the Council.

The Attorney addressed the Council regarding the tree ordinance.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to direct the Attorney to bring back an amendment to the tree ordinance to reflect that owners be allowed to remove and replace trees that are damaging the private property.

Councilmember Taintor addressed the Council regarding the status of the Tennis Center expansion discussion of the Village with Miami-Dade County and the Tournament sponsor.

Mr. Donald Wolfe with Commissioner Xavier Suarez' Office addressed the Council regarding the proposed Tennis Center expansion.

At 10:00 p.m. the Village Manager's report was heard.

Village Manager. The Manager addressed the Council regarding fishing on Mashta Bridge. The Manager reported that the bridge was painted back to its original color and that some "No Fishing" signs were posted.

The Manager also addressed the Council regarding the holiday lights on the Village Green.

The Manager addressed the Council regarding the status of the Bear Cut Bridge, reporting that

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there will be a presentation at the next Council Meeting regarding this issue.

Councilmember Kelly also addressed the Council regarding a feasibility study for the ASK Cultural Center.

Councilmember Kelly made a motion to direct the Manager to hire a consultant to do a feasibility study for the ASK/Cultural Center at a maximum cost of \$5,000. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes.

It was the consensus of Council to create a Village appointed Senior Committee consisting of seven members. The Council was asked to submit names to the Clerk.

Councilmember Kelly addressed the Council regarding the use of part of the 530 Crandon Boulevard property for a dog park/senior park.

Councilmember Davey made a motion to do a feasibility study for a dog park/senior park at 530 Crandon Boulevard. The motion was seconded by Councilmember London and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes.

Councilmember London addressed the Council regarding forming a three person Village appointed Committee for space utilization of Village offices.

Councilmember Davey made a motion to create at a future meeting a Committee to study space utilization of Village offices. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented to the Council the Certification of the November 6, 2012 Municipal Election results. The Clerk is requesting a motion to approve her Certification of the November 6, 2012 Municipal Election results.

Councilmember Davey made a motion to accept the Clerk's Certification of the November 6, 2012 Municipal Election results. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, Lindsay, London, Taintor 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.

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

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

At this time the Mayor thanked Vice Mayor Kelly for the two years he served in this capacity.

The Clerk presented to the Council the proposed 2013 Council Meeting Schedule. Councilmember Davey made a motion to adopt the proposed 2013 Council Meeting Schedule, as presented. The motion was seconded by Councilmember Mayor Caplan and 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.

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

13. **PENDING BUSINESS/PENDING LITIGATION:** A list of business/pending litigation was presented to the Council.

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

15. **ADJOURNMENT:** The meeting was adjourned at 10:30 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 4th day of December 2012:

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.