

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, FEBRUARY 13, 2018

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 Luis de la Cruz, Gary R. Gross, Allison McCormick, Brett G. Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Jennifer Medina and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
3. **INVOCATION:** Reverend Felipe Assis from the Key Biscayne Presbyterian Church was unable to provide an invocation.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay addressed the Council regarding her participation at the legislative action days hosted by the Florida League of Cities in Tallahassee. Vice Mayor Caplan and Councilmember Moss addressed the Council regarding the need to communicate more effectively to the legislature. Vice Mayor Caplan also addressed the Council regarding the success of the Miami-Dade County League of Cities Board of Directors Meeting hosted by the Village of Key Biscayne.
5. **SPECIAL PRESENTATIONS:** Valentin Sabella from the MAST Academy soccer team addressed the Council regarding being runner up for the Regional Championship.

Mr. Rodrigo Arboleda, Executive Chairman of Fastrack Institute Board of Directors, addressed the Council regarding the letter of intent for promoting development of Miami-Dade County mobility Fastrack solutions.

There was extensive discussion by Council regarding the Fastrack process.

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6. **PUBLIC COMMENTS:** The following residents addressed the Council: Michael Davey, 50 Ocean Lane Drive; York Flik, 338 West Heather Drive; Fernando Romero, 121 Crandon Boulevard and Dieter Sauer, 155 Ocean Lane Drive.

7. **AGENDA:** Mayor Lindsay requested the addition of a discussion regarding the status of the mini-ZORC committee as Item 11A6; Councilmember de la Cruz requested the addition of a discussion regarding Public Works as Item 11A7; the Manager requested the addition of a discussion regarding incorporation park as Item 11D1; Councilmember Petros requested the addition of a discussion regarding Crandon Boulevard stroll as Item 11A8; Vice Mayor Caplan requested to hear Item 11A1 after Item 9 and defer Item 10A to the next regularly scheduled Council Meeting. There was no objection to the agenda changes.

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

The minutes to the August 30, 2017 Special Council Meeting.

The minutes to the September 19, 2017 Special Council Meeting.

The minutes to the February 6, 2018 Special Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING CONCERTED LOCAL ACTIONS TO TAKE STEPS NECESSARY TO RETAIN THE NOAA FISHERIES HEADQUARTERS ON VIRGINIA KEY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-33 "KITEBOARDING," RELATING TO ADDITIONAL KITEBOARDING REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to adopt the ordinance on first reading. The motion was seconded by Mayor Lindsay.

There was extensive discussion from Council regarding this ordinance.

Mayor Lindsay addressed the Council suggesting including holiday weekends such as, Memorial Day, Independence Day and Labor Day within Section 4-33 (8). There was no objection to the

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changes.

Councilmember McCormick addressed the Council regarding adding “No more” at the beginning of Section 4-33(3) and removing Section 4-33(7) regarding seasonal hours. There was no objection to the changes.

Councilmember Moss addressed the Council regarding the Village’s ability to enforce the kiteboarding rules and not limiting the allowed annual number of kiteboarding registrations. It was the consensus of Council to not limit the number of allowed kiteboarding registrations.

It was the consensus of Council to direct the Manager to report back to the Council at the time of second reading of this ordinance regarding an action plan to enforce the Village’s kiteboarding rules set forth in this ordinance.

Councilmember Petros addressed the Council regarding including language that will require a signed acknowledgement agreeing to adhere to the Village’s Kiteboarding rules at the time of Kiteboarding registration. There was no objection to the changes.

The Mayor opened the public hearing. The following residents addressed the Council: Donald Elisburg, 177 Ocean Lane; York Flik, 338 West Heather Drive and Fernando Romero, 121 Crandon Boulevard. The Mayor closed the public hearing.

Councilmembers Moss and Petros addressed the Council regarding allowing the use of the kiteboarding equipment only within the kiteboarding channel.

Councilmember Moss also addressed the Council regarding revising Section 4-33(6) to require all persons to attach the Village-issued kite streamer onto their harness while kiteboarding. It was the consensus of Council to revise Section 4-33(9) to state the following: when not in use and outside the kiteboarding channel all kiteboarding equipment shall be contained within a bag and to revise Section 4-33(6) to require the Village-issued kite streamer to be attached onto the harness while kiteboarding.

The ordinance, as amended, was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk announced the second reading of the ordinance on March 13, 2018.

At this time, Item 11A1 was discussed.

There was extensive discussion by Council regarding the letter of intent from Fastrack Institute, Inc. for mobility solutions.

It was the consensus of Council to direct the Manager to further investigate the concept

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presented by Fastrack Institute, Inc. for mobility solutions and present the findings at the February 27, 2018 Regular Council Meeting.

10. **RESOLUTIONS:** The following resolution was deferred to the next available regularly scheduled Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A LETTER OF INTENT FROM FASTRACK INSTITUTE, INC. FOR MOBILITY SOLUTIONS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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 ISSUE A WORK ORDER TO THE CORRADINO GROUP, INC. TO PERFORM AN EVALUATION AND APPRAISAL REPORT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to approve the resolution. The motion was seconded by Councilmember Moss.

The Manager addressed the Council regarding the approval of this resolution.

At this time, the Manager introduced Ms. Scarlet Hammons from the Corradino Group. Ms. Hammons addressed the Council regarding the scope of services to perform the Evaluation and Appraisal Report.

There was extensive discussion by Council regarding the submittal requirements of the Evaluation and Appraisal Report.

The Attorney addressed the Council regarding the submittal requirements of the Evaluation and Appraisal Report.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan 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, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO EAC CONSULTING, INC. FOR ENGINEERING AND DESIGN SERVICES RELATING TO THE K-8 SANITARY SEWER SYSTEM

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INFRASTRUCTURE RELOCATION AND EXTENSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to approve the resolution. The motion was seconded by Mayor Lindsay.

The Manager addressed the Council regarding the approval of the resolution.

The Manager introduced Mr. Eduardo Garcés and Mr. Mike Adeife, Project Engineers from EAC Consulting, Inc. Mr. Adeife addressed the Council regarding the engineering and design services relating to the K-8 sanitary sewer system.

There was extensive discussion by Council regarding the K-8 relocation and extension of the sanitary sewer infrastructure system.

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

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

Mayor and Councilmembers. Mayor Lindsay addressed the Council regarding finding balance with collaborative approach on Village projects.

Mayor Lindsay addressed the Council regarding a status update on the 12-month and 24-month Council set priorities and directives.

Councilmember Petros addressed the Council regarding the roundtable budget discussion with Council, the Manager and Directors.

It was the consensus of Council to direct the Village Clerk to schedule a roundtable budget discussion.

Councilmember de la Cruz addressed the Council regarding biodegradable dog waste bags.

Mayor Lindsay addressed the Council regarding a follow-up on Key Biscayne schools address verification initiative.

Councilmember McCormick addressed the Council regarding a status update for the Key Biscayne schools address verification initiative.

Mayor Lindsay addressed the Council regarding a status update of the mini-ZORC committee.

There was extensive discussion by Council regarding the establishment of the mini-ZORC committee.

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It was the consensus of Council to allow Vice Mayor Caplan and Councilmember Moss in the sunshine to review and analyze the zoning ordinance.

Councilmember de la Cruz addressed the Council regarding the Public Works department.

There was extensive discussion by Council regarding the structuring of the Public Works department.

The Village Manager addressed the Council regarding the organizational structure of the Public Works department.

Councilmember Petros addressed the Council regarding scheduling a stroll along Crandon Boulevard to distinguish and identify signage in an effort to address the Village's sign ordinance.

It was the consensus of Council to direct the Village Clerk to schedule a tour of Crandon Boulevard for the Council.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding identifying 401 Hampton Lane park as "Incorporation Park".

There was discussion by Council regarding 401 Hampton Lane park.

It was the consensus of Council to not include signage identifying 401 Hampton Lane park as "Incorporation Park".

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

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

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

15. **ADJOURNMENT:** The meeting was adjourned at 9:33 p.m.

Respectfully submitted:

Jennifer Medina, CMC

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Village Clerk

Approved this ____ day of _____ 2018:

Mayra P. 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.