

MINUTES

COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, OCTOBER 24, 2017

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 Gary R. Gross, Allison McCormick, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman. Councilmember Brett G. Moss was absent and Councilmember de la Cruz participated via phone.
2. **INVOCATION:** Rabbi Yoel Caroline from Chabad of Key Biscayne was unable to provide an invocation.
3. **PLEDGE OF ALLEGIANCE:** The Manager led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** There were no brief comments provided by Council.
5. **SPECIAL PRESENTATIONS:** The Manager introduced Jorge Fraga and Jorge R. Duyos from JRD & Associates, Inc. to the Village Council. Mr. Duyos conducted a presentation to Council regarding the building permit process.

At this time, Mr. Fraga from JRD & Associates, Inc. conducted a presentation to Council regarding the building permit fee analysis. There was extensive discussion by Council regarding the proposed building permit fees. The Attorney addressed the Council regarding building permit fee revenues.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Ignacio Seguro, 881 Ocean Drive; Michael Davey, 50 Ocean Lane Drive; Juan Chaustre, 575 Crandon Boulevard; Donald Elisburg, 177 Ocean Lane Drive; Marcos Corti Madera, 325 Atlantic Road; Marcelo Di Cugno, 330 Heather Drive; Pablo Keller, 789 Crandon Boulevard; Benjamin Blanco Pinto, 335 Woodcrest Road; Javier Casserly, 125 East Enid Drive; Sebastian Bustos Rappa, 275 West Enid Drive and Alfredo del Rio, 100 Sunrise Drive addressed the Council.

At this time, the Parks and Recreation Director Todd Hofferberth addressed the Council regarding the Village Green field dimensions.

7. **AGENDA:** The Manager requested the addition of a discussion item regarding rugby field dimensions as Item 10A4; Councilmember Petros requested the addition of a discussion item regarding strategic planning as Item 10A5 and also requested to discuss Item 10A3 on behalf of Councilmember Moss. There were no objections to the agenda changes.

8. **ORDINANCES:** There were no ordinances heard.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPORTING THE FOLLOWING LEGISLATIVE PRIORITIES FOR THE YEAR 2018; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Caplan suggested the following revisions to the resolution; replace “support” with “supports” within section one; add language relating to municipal powers within section one; capitalize the word “legislature” throughout all sections; replace “response and preparation” to “preparation and response” within section 3; replace “up streaming” with “upstream” within section 6; replace “and or ban plastic bags” with “and/or ban plastic bags” within section 9; add the word “products” to the end of section 9; replace “their” with “its” within section 17. There were no objections to the changes.

The resolution, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, 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, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADAPTIVE TRAFFIC SIGNALIZATION AND APPROVING AN AGREEMENT RELATED TO THE SAME; PROVIDING FOR AUTHORIZATION; 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 and the Attorney addressed the Council regarding the approval of this resolution.

There was extensive discussion from Council regarding the adaptive traffic signalization system.

The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Gross, McCormick, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember de la Cruz voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY DUE TO HURRICANE IRMA; 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 and the Attorney addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, 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, WAIVING VILLAGE PERMIT FEES FOR SOLAR PANELS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Caplan suggested to revise the resolution within the second whereas by replacing “the government” with “the Village of Key Biscayne” and to also replace “imported fuels” with “imported, depleting and polluted fuels”; and lastly, to add language within the sixth whereas relating to encouraging prudent sustainability practices of the Village environment. There were no objections to the changes.

The resolution, as amended, was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Gross, McCormick, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember de la Cruz voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DECLARING ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO PROHIBIT OR REGULATE MEDICAL MARIJUANA FACILITIES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Vice Mayor Caplan addressed the Council regarding revising this resolution by removing the second whereas. There were no objections to the change.

There was extensive discussion from Council regarding this resolution.

The resolution, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Mayor Lindsay requested the Manager provide a status update on the acquisition of 571 Glenridge Road and 570 Fernwood Road.

The Manager and the Attorney addressed the Council regarding the acquisition of 571 Glenridge Road and 570 Fernwood Road.

There was extensive discussion from Council regarding the appraisals of 571 Glenridge Road and 570 Fernwood Road.

At this time, Mr. Mario Garcia-Serra representing the owners of 571 Glenridge Road, Ms. Nancy F. Gamwell and 570 Fernwood Road, Mr. Winsome Leadbetter, addressed the Council regarding 571 Glenridge Road and 570 Fernwood Road.

It was the consensus of Council to direct the Manager to coordinate a meeting with both appraisers, Mr. Armando F. del Valle & Associates and Hemisphere Real Estate Inc. and to report back to the Council with a list of specific uses for 571 Glenridge Road and 570 Fernwood Road.

Mayor Lindsay addressed the Council regarding the quality of recorded Council meetings and how it affects the ability for public access to our government.

At this time, the Information Technology Administrator Michael Fleming addressed the Council regarding the quality of recorded Council meetings.

It was the consensus of Council to provide a status update regarding the quality of recorded Council meetings during the next Council meeting.

Councilmember Petros, on behalf of Councilmember Moss, addressed the Council regarding the Manager's search committee. There was extensive discussion by Council regarding the Manager's search.

It was the consensus of Council to direct the Attorney to draft a request for proposals seeking a recruiter for the Village Manager's position and after Council review the final request for proposals will be published.

Mayor Lindsay addressed the Council regarding rugby field dimensions.

At this time, the Parks and Recreation Director Todd Hofferberth and Mr. Marcelo Di Cugno residing at 330 West Heather Drive, addressed the Council regarding the rugby field dimensions.

Councilmember Petros addressed the Council regarding strategic planning. There was extensive discussion by Council regarding strategic planning.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not support a report.

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

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

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

14. **ADJOURNMENT:** The meeting was adjourned at 10:28 p.m.

Respectfully submitted:

Jennifer Duque
Village Clerk

Approved this 8th day of May 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.