

MINUTES

COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, DECEMBER 12, 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 Luis de la Cruz, Allison McCormick, Gary R. Gross, 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 Duque and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Reverend Susan Bruttell from the St. Christopher's by the Sea Church was unable to provide an invocation.

3. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.

At this time, Mayor Lindsay, pursuant to the Charter, addressed the Council and the public giving the State of the Village Address. The Mayor reported that the State of the Village in the year 2017 is excellent and strong. The Mayor acknowledged the presence of former Councilmembers and acknowledged the department directors and their staff for their efforts in providing the highest quality service to our residents. The Mayor also acknowledged the strong efforts of the Village Manager John C. Gilbert. The Mayor also explained the major projects that were accomplished in 2017 and the future projects that will occur. Also, the Mayor gave special recognition to the first responders involved in the storm recovery efforts caused by Hurricane Irma. In finishing, the Mayor stated that she has been honored to serve as our Mayor.

4. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor Caplan addressed the public and the Council wishing everyone a Happy Hanukkah. Mayor Lindsay thanked the Winterfest Committee, staff, residents and volunteers for the great Community event. Councilmember Moss addressed the public and the Council wishing a happy birthday to his brother-in-law Juan Carlos.

At this time the Mayor allowed for public comments. The following residents addressed the Council: Michael Davey, 50 Ocean Lane Drive; Lucas Boccheciampe, 155 Ocean Lane Drive; Clifford Brody, 613 Ocean Drive and Pen Cosby, 166 Harbor Drive.

5. **SPECIAL PRESENTATIONS:** At this time Colleen Castille, Village Beach Renourishment Consultant, addressed the Council providing an update of the beach renourishment project. Ms. Castille introduced Mr. Spencer Crowley from Akerman LLP and Mr. Jim Davenport to the Council. Mr. Crowley and Mr. Davenport addressed the Council regarding their qualifications. Mr. Tim Blankinship from Coastal Systems International, Inc. also addressed the Council regarding prior Village beach renourishment projects.

There was extensive discussion by Council regarding the available federal funding for long term beach renourishment projects.

At this time, Mr. Joe Rasco, 310 West Heather Drive, addressed the Council regarding Miami-Dade County's efforts to obtain sand to renourish beaches.

Councilmember Gross made a motion to retain the services of Mr. Spencer and Mr. Davenport under the already contracted professional services of Colleen Castille. The motion was seconded by Vice Mayor Caplan.

It was the consensus of Council to consider the approval of retaining the services of Mr. Spencer and Mr. Davenport under the already contracted professional services of Colleen Castille at the January 9, 2018 Regular Council meeting.

Councilmember Gross withdrew his motion to retain the services of Mr. Spencer and Mr. Davenport under the already contracted professional services of Colleen Castille.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Cecile Sanchez, 260 Cypress Drive, Mariela Stochetti, 155 Ocean Lane Drive; Ignacio J. Seguro, 881 Ocean Drive; York Flik, 338 West Heather Drive; Fernando Romero, 121 Crandon Boulevard; Robert Raymone, 791 Crandon Boulevard and Antonio Camejo, 151 Crandon Boulevard.

7. **AGENDA:** Councilmember de la Cruz requested to remove Items 12A4 and 12A5. Mayor Lindsay requested to pull Items 8A and 8B from the Consent Agenda. There were no objections to the agenda changes.

8. **CONSENT AGENDA:** Vice Mayor Caplan made a motion to approve the following item on the consent agenda. The motion was seconded by Councilmember Moss 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.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REVISING SERVICE FEES FOR THE COLLECTION OF SOLID WASTE AND RECYCLING SERVICES; AMENDING FEES AS PROVIDED BY

RESOLUTION NO. 2015-37; REPEALING RESOLUTION NO. 2015-37; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

At this time the Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, APPROVING THE PURCHASE OF FIRE VEHICLES; WAIVING COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion by Council regarding this resolution.

At this time, the Chief of Fire Rescue Eric Lang addressed the Council regarding purchasing Fire vehicles and Derek Duzoglou from D Squared Engineering, LLC also addressed the Council regarding the sustainability analysis conducted for this type of vehicle.

The resolution was approved 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.

At this time the Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING VILLAGE MANAGER TO ISSUE A WORK ORDER, CONSISTENT WITH THE PROPOSAL ATTACHED AS EXHIBIT "A," TO THE CORRADINO GROUP, INC. FOR LANDSCAPE INSPECTION AND ARBORIST SERVICES; 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 approval of the resolution.

Mayor Lindsay addressed the Manager requesting an organizational chart inclusive of the different types of provided landscaping services.

The Manager addressed the Council regarding the landscaping organizational chart.

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.

9. Public Hearing Number. SP-27, RV 38. The Applicant, the Key Biscayne Yacht Club,

180 Harbor Drive, is requesting approval of a site plan and variances.

All witnesses given testimony in the public hearings were sworn in by the Clerk.

The Director of Building, Zoning and Planning Sergio Ascunce addressed the Council recommending approval of the request since it is consistent with the review criteria.

There was extensive discussion by Council regarding the site plan and variances.

At this time Mario Serra-Garcia, 600 Brickell Avenue, representing the Key Biscayne Yacht Club, 180 Harbor Drive, addressed the Council regarding the proposed site plan and the several variances.

Councilmember de la Cruz made a motion to approve the requested Key Biscayne Yacht Club, 180 Harbor Drive, site plan and variances. The motion was seconded by Councilmember Gross.

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

The requested site plan and variances for the Key Biscayne Yacht Club, 180 Harbor Drive, was approved 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 4, "BOATS, VESSELS AND WATERCRAFT," REGULATING KITEBOARD USE; AMENDING ARTICLE II OF CHAPTER 4 BY THE CREATION OF SECTION 4-33 "KITEBOARDING;" 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 by Council regarding regulating kiteboard use.

The Mayor opened the public hearing. The following residents addressed the Council: Fernando Romero, 121 Crandon Boulevard, Alfredo Zecchini, 359 Woodcrest Road and York Flik, 338 West Heather Drive. The Mayor closed the public hearing.

It was the consensus of Council to direct the Clerk to coordinate dates with the Council to conduct a walk-thru of the beach in order to identify a safe location on the beach to kiteboard.

At this time it was the consensus of Council to continue the ordinance on first reading at the January 9, 2018 Regular Council meeting.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 10-63, "DEFINITIONS" AND SECTION 10-73, "SPECIFIC METHODS OF CONSTRUCTION AND REQUIREMENTS" OF CHAPTER 10, "FLOODS" RELATING TO THE VILLAGE'S FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

The Clerk announced that the second reading of this ordinance is continued from the November 14, 2017 Regular Council Meeting.

Vice Mayor Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Petros.

The Director of Building, Zoning and Planning Sergio Ascunce addressed the Council recommending the adoption of the ordinance on second reading regarding incorporating higher regulatory standards to the Village's Floodplain Management Regulations.

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

There was extensive discussion from Council regarding this ordinance.

Vice Mayor Caplan addressed the Council offering the following amendment to Section 10-63: removal of "whichever is most landward" and to add the underlined word to Section 10-73(3b) "For substantial improvement/substantial damage of one- and two-family dwelling...". There was no objection to the amendments.

The ordinance was adopted on second 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.

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 JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY FOR THE VILLAGE'S TRAFFIC SIGNALIZATION PROJECT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Lindsay.

The Manager addressed the Council recommending approval of the resolution.

Councilmember de la Cruz addressed the Council regarding the Joint Participation Agreement with Miami-Dade County for the Village's traffic signalization project.

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 CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ECONOLITE SYSTEMS, INC. FOR THE VILLAGE'S TRAFFIC SIGNALIZATION PROJECT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

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

The Manager addressed the Council regarding the approval of this resolution and introduced Ms. Connie Braithwaite from Econolite Systems, Inc.

Ms. Braithwaite addressed the Council regarding the traffic signalization project.

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.

At this time the Managers report was heard.

Village Manager. The Manager addressed the Council regarding a status update by Calvin Giordano & Associates on 530 Crandon Boulevard.

Mr. Gianni Feoli with Calvin, Giordano and Associates made a presentation to Council regarding the revisions requested by Council to the design for 530 Crandon Boulevard.

There was extensive discussion by Council regarding the planned improvements to 530 Crandon Boulevard.

It was the consensus of Council to move forward with the revised design concept for 530 Crandon Boulevard presented by Mr. Feoli.

At this time the Manager and the Director of Building, Zoning and Planning Sergio Ascunce addressed the Council regarding the leaf blower regulations educational program.

There was extensive discussion by Council regarding the leaf blower regulations.

Councilmember Petros made a motion to extend the meeting until 11:05 p.m. 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.

At this time the Director of Building, Zoning and Planning Sergio Ascunce addressed the Council and the public regarding the regulations for leaf blowers becoming effective as of February 25, 2018.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO TAKE ACTION TO PRESERVE THE EXISTING PLAYING FIELDS AND LIGHTS IN CRANDON PARK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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.

Mayor Lindsay made a motion to extend the meeting until 11:10 p.m. The motion was seconded by Councilmember Petros 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.

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

Mayor and Councilmembers. Mayor Lindsay addressed the Council regarding the Ferre Family's plaque on the Village Green.

Councilmember de la Cruz made a motion to place the plaque honoring the Ferre Family on the Village Green. The motion was seconded by Councilmember Moss 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.

At this time the Mayor addressed the Council regarding the appointment to the Education Advisory Board. The Mayor, with consensus of Council, appointed the following resident: Marcelo Kingston.

The Mayor addressed the Council regarding the appointment to the Pension Board. It was the consensus of Council to discuss the appointment at the January 9, 2018 Regular Council