

MINUTES

SPECIAL COUNCIL MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, FEBRUARY 27, 2018

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 5:00 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.

At this time, the Mayor announced a moment of silence for the victims of the Marjory Stoneman Douglas High School mass shooting.

3. **BRIEF COMMENTS BY COUNCIL:** Councilmember Gross addressed the Council regarding deferring Item 5A1 to the March 6, 2018 Regular Council Meeting. Vice Mayor Caplan and Councilmember Moss also addressed the Council regarding deferring Item 5A1. There were no objections to the change.

At this time, Mayor Lindsay addressed the public and the Council regarding the purpose of this Special Council Meeting (to be heard during Item 61) and thanked the individuals that participated during the Key Biscayne candlelight vigil that took place in memory of the Parkland School victims and lastly, discussed the 2018 legislative session

4. **PUBLIC COMMENTS:** The following residents addressed the Council: Zachary Buttrick, 250 Cape Florida Drive; Guillermina Abella, 1133 Cotorro Avenue; Mia Soler, 798 Crandon Boulevard; Chase Myers and Casilda Llanes, 161 Crandon Boulevard, Maria Thorne, 50 Ocean Lane Drive and Nancy Elisburg, 177 Ocean Lane Drive.

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5. **ORDINANCES:** The following ordinance on first reading was deferred to the March 6, 2018 Regular Council Meeting.

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (“VILLAGE”), AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 23 “RETIREMENT,” SECTION 23-31 “DEFINITIONS,” SECTION 23-39 “VESTING” AND SECTION 23-47 “COMMENCEMENT OF BENEFITS” TO PROVIDE FOR IN-SERVICE DISTRIBUTION OF BENEFITS TO MANAGERIAL MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RETROACTIVITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CALLING ON THE STATE OF FLORIDA, GOVERNOR RICK SCOTT, PRESIDENT DONALD TRUMP, AND THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE MASS SHOOTINGS BY REQUIRING A BACKGROUND CHECK FOR EVERY FIREARM SALE; SUPPORTING THE PASSAGE OF A RED FLAG LAW; SUPPORTING RAISING THE AGE FOR LEGAL PURCHASE OF FIREARMS, MAGAZINES, AND AMMUNITION TO 21; SUPPORTING THE PASSAGE OF LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES AWAY FROM OUR SCHOOLS; URGING THE FLORIDA LEGISLATURE TO REPEAL THE PUNITIVE PUNISHMENTS OF ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL; 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 the approval of this resolution.

Councilmember Petros addressed the Council suggesting adding language banning bump stocks and other devices that increase a weapon’s rate of fire or ammunition capacity. There were no objections to the change.

Councilmember McCormick addressed the Council regarding adding the following language to this resolution: utilizing the word “ban” throughout the resolution; adding language regarding opposing legislation that would authorize to have armed teachers in classrooms and adding language supporting the federal gun buyback program.

Vice Mayor Caplan addressed the Council suggesting removing names of individuals stated throughout the resolution and to revise the resolution to recognize that assault weapons cause

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deaths assuredly and on a mass scale. There were no objections to the changes.

Mayor Lindsay addressed the Council regarding supporting “Red Flag Law”, Chapter 2011-109, Laws of Florida, amending Section 790.00, Florida Statutes and the Fix Gun Checks Act.

At this time, it was the consensus of Council to take a recess to allow Vice Mayor Caplan to draft an alternate version of this resolution for Council approval inclusive of the following revisions: adding language regarding “banning” bump stocks and other devices that increase a weapon’s rate of fire or ammunition capacity, opposing legislation that would authorize to have armed teachers in classrooms, supporting federal gun buyback programs, a reduction in gun violence and the prevention of future mass shootings, supporting “Red Flag Law”, Chapter 2011-109, Laws of Florida, amending Section 790.00, Florida Statutes and the Fix Gun Checks Act. There were no objections to the changes.

At 6:04 p.m. Councilmember Gross exited the meeting.

The meeting was temporarily adjourned at 6:05 p.m.

At this time, the meeting was called back to order by the Mayor at 6:32 p.m.

Vice Mayor Caplan addressed the Council regarding the revised version of this resolution inclusive of the following changes: the revised heading title states, that National and State Legislators recognize that assault weapons cause deaths assuredly and on a mass scale, and reduce gun violence in America by banning assault weapons and high-capacity ammunition magazines, and by taking other practical and necessary steps consistent with constitutional principles to prioritize protecting people from gun violence; replaced individual names with “shooter”; page 3, second recital change states, despite children and teachers being murdered at school and the general proliferation of horrific gun-related deaths, National and State leaders continue to fail to act to implement sensible gun law reforms that are supported by a majority of the nation; page 4, first recital, revision states, governments should ban assault weapons and high-capacity ammunition magazines, and abandon the ludicrous idea of protecting schools by arming teachers, and take action to close deadly gaps in the NCIS, among other responsive actions; page 6, last whereas, revision states, the Village Council deems it to be in the best interest of the residents of the Village to call on the State of Florida Governor Scott, President Donald Trump, and the lawmakers in Congress and the Florida Statehouse to reduce gun violence in America and help prevent future shootings by taking action as follows; page 6, section two, language change reflects the ban on assault weapons and high capacity ammunition magazines, and lastly renumbering the sections.

At this time, Police Chief Charles R. Press addressed the Council regarding this resolution.

It was the consensus of Council to add language to section two of page 6 regarding the banning of bump stocks and other device that increase a weapon’s rate of fire or ammunition capacity.

It was the consensus of Council to direct the Clerk to add language to this resolution regarding the

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opposition to authorizing armed educators and language supporting federal gun buyback programs.

The resolution, as amended, was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Gross was not present for the vote.

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

8. **ADJOURNMENT:** The meeting was adjourned at 6:41 p.m.

Respectfully submitted:

*Jennifer Medina, CMC
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.