

MINUTES

COUNCIL MEETING  
KEY BISCAIYNE, FLORIDA

TUESDAY, OCTOBER 9, 2018

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 p.m. Present were Councilmembers Luis de la Cruz, Allison McCormick, Brett Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Councilmember Gary R. Gross participated by phone. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline from the Chabad of Key Biscayne was unable to provide an invocation.
3. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor Caplan addressed the Council regarding a scheduling conflict and time limited participation during the upcoming scheduled Executive Session on Wednesday, October 10, 2018 at 6:00 p.m. Councilmember de la Cruz addressed the Council regarding the stormwater drain inspection conducted by the Manager on Monday, October 8, 2018.

There was extensive discussion by Council regarding stormwater drain maintenance.

The Village Manager addressed the Council regarding the upcoming maintenance and improvements to the stormwater drains.

5. **AGENDA:** The Manager requested to defer Item 8A2 to a date certain. Councilmember Moss requested to replace Item 10A3 with a discussion regarding an update on utilities. Mayor Lindsay requested to replace Item 10A2 with a discussion regarding a date for a park master plan

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charrette. Councilmember Moss requested to jointly discuss Items 10A4 and 10A5. There were no objections to the agenda changes.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Ivette Fernandez, 575 Crandon Boulevard; Alison Owen, 1121 Crandon Boulevard; Laudy Ibarra, 482 Fernwood Road; Khalil Khouri, 580 Crandon Boulevard and Michael Davey, 50 Ocean Lane Drive.

7. **CONSENT AGENDA:** Vice Mayor Caplan made a motion to approve the following consent agenda. The motion was seconded by Mayor Lindsay 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 of the August 28, 2018 Regular Council Meeting.

The minutes of the September 25, 2018 Special Council Meeting.

The minutes of the September 25, 2018 Second Budget Hearing.

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DECLARING A FIRE TRUCK AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FEDERAL FINANCIAL ASSISTANCE SUBRECIPIENT AGREEMENT BETWEEN THE VILLAGE AND THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS) FOR A FLORIDA SMALL COMMUNITY ENERGY EFFICIENT LIGHTING GRANT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

8. **ORDINANCES:** The Clerk read the following ordinance on second reading, by title:

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (“VILLAGE”), AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 23 “RETIREMENT,” SECTION 23-35 “CONTRIBUTIONS,” TO PROVIDE THAT THE PLAN WILL CONTINUE TO MEET STATUTORY MINIMUM BENEFITS AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding this ordinance.

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

Councilmember Petros addressed the Council suggesting revising the fourth whereas to include language regarding the current 2% multiplier.

There was extensive discussion by Council regarding the Village's current minimum benefit being under the 2% multiplier.

Councilmember Moss made a motion to table the ordinance. 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.

At this time, Item 10C1 was heard.

The Clerk addressed the Council regarding rescheduling the October 23, 2018 Regular Council Meeting to Tuesday, October 30, 2018 and canceling the November 13, 2018 Regular Council Meeting due to the proximity to the November 6, 2018 General Election date.

There was extensive discussion by Council regarding the proposed meeting date changes.

The Manager addressed the Council regarding rescheduling the November 13, 2018 Regular Council Meeting.

It was the consensus of Council to reschedule the October 23, 2018 Regular Council Meeting to Tuesday, October 30, 2018 at 6:00 p.m. and cancel the November 13, 2018 Regular Council Meeting.

At this time, Vice Mayor Caplan made a motion to remove Item 8A1 from the table. The motion was seconded by Mayor Lindsay 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 Attorney addressed the Council regarding including a footnote within the fourth whereas regarding the grandfathering of the minimum 2% multiplier and to correct the spelling ("two") within the third whereas.

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There were no objections to the ordinance changes.

The ordinance, as amended, 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.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE XV "YOUTH ATHLETICS ADVISORY BOARD," TO REDEFINE THE JURISDICTION OF THE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Caplan made a motion to continue the second reading of this ordinance to the October 30, 2018 Regular Council Meeting. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: 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 this ordinance has been continued to Tuesday, October 30, 2018 at 6:00 p.m.

9. **RESOLUTIONS:** 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 THE 2018 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding the approval of this resolution and introduced Scarlet Hammons Senior Project Manager with The Corradino Group.

Councilmember Petros addressed the Council regarding the work order tasks.

Scarlet Hammons addressed the Council regarding the EAR based amendments.

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.

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

Mayor and Councilmembers. Mayor Lindsay addressed the Council regarding the proposed amended fee schedule.

There was extensive discussion by Council regarding credit card fees.

It was the consensus of Council to direct the Manager to analyze and recommend a customer percentage fee for credit card use.

Mayor Lindsay addressed the Council regarding setting a date for a park master plan charrette.

There was extensive discussion by Council regarding a park master plan charrette.

It was the consensus of Council to direct the Clerk to schedule a park master plan charrette during the month of January 2019.

Councilmember Moss addressed the Council regarding an update on the Undergrounding Utilities Task Force.

There was extensive discussion by Council regarding the funding, master plan and timelines for the Undergrounding Utilities Task Force.

Councilmember Petros addressed the Council regarding a Strategic Plan.

There was extensive discussion by Council regarding strategic planning session.

It was the consensus of Council to direct the Clerk to circulate to Council the 2020 Vision Plan and the 2017 set Council priorities.

It was also the consensus of Council to direct the Manager to bring forth proposals for a strategic plan facilitator at the Tuesday, October 30, 2018 Council Meeting.

At this time, Councilmember Moss addressed the Council regarding the 2040 Vision Plan.

There was extensive discussion by Council regarding establishing a 2040 Vision Plan committee.

It was the consensus of Council to direct the Clerk to circulate to Council the ordinance that established the 2020 Vision Plan committee.

Councilmember Moss made a motion to establish a 2040 Vision Plan committee. The motion was seconded by Councilmember de la Cruz and approved by a 7-0 voice vote. The vote was as

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follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

It was the consensus of Council to direct the Manager and the Attorney to draft an ordinance to establish the 2040 Vision Plan committee for discussion at the October 30, 2018 Council Meeting.

Mayor Lindsay addressed the Council regarding the status on the property acquisition located at 85 West Enid Drive also known as the Village Hall parking lot.

Councilmember Petros addressed the Council regarding an update on Limebike.

There was extensive discussion by Council regarding bike sharing programs.

Deputy Police Chief Brett Capone addressed the Council regarding the allowed speed limit for scooters.

At this time, there was extensive discussion by Council regarding a benefit policy for executives.

It was the consensus of Council to bring forth the discussion regarding the three Senior Fire Chiefs pension benefit at the October 30, 2018 Council Meeting.

Village Attorney. The Clerk did not submit a report.

Village Clerk. The Clerk's report was heard during Item 8A.

Village Manager. The Manager did not submit 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 8:40 p.m.

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*Respectfully submitted:*

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*Jennifer Medina, CMC  
Village Clerk*

*Approved this \_\_\_ day of \_\_\_ 2018:*

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*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.***