

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAAYNE, FLORIDA

TUESDAY, MARCH 6, 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 Allison McCormick and Mayor Mayra P Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Jennifer Medina and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
3. **INVOCATION:** Reverend Susan Brutell from St. Christopher's by the Sea provided an invocation.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay acknowledged the Key Biscayne Chamber of Commerce for hosting such a wonderful Families in Paradise event. Councilmember Petros addressed the public and the Council encouraging residents to register to vote and acknowledged the efforts of Christina Bracken for promoting this initiative.

At this time, Mayor Lindsay addressed the Council requesting to hear Item 5C after Item 5A and also requested to hear Items 5 together with Item 10D. There were no objections to the agenda changes.

5. **SPECIAL PRESENTATIONS:** The Mayor presented a proclamation to observe March 21, 2018 as "World Down Syndrome Day".

At this time, Item 6 was heard.

The following residents addressed the Council: Milagros Ponce de Leon, 455 Woodcrest Road;

Michael Davey, 50 Ocean Lane Drive; Nancy Elisburg, 177 Ocean Lane Drive; Ignacio Seguro, 881 Ocean Lane Drive; Bruno Alias Ramos, 200 Cape Florida Drive; Fernando Romero, 121 Crandon Boulevard; Don Elisburg, 177 Ocean Lane Drive; Antonio Camejo, 151 Crandon Boulevard; Claudia de la Cruz, 460 S Mashta Drive; Edward London, 736 Woodcrest Road and Armando Nunez, 265 Glenridge Road.

At this time, Item 5C was heard.

Glen Waldman from the Youth Athletics Board presented to the Council a proposed rendering of a structure with lighting at the Key Biscayne K-8 Community School adjacent to the school's playing field to utilize the area for volleyball and basketball activities.

Vice Mayor Caplan addressed Mr. Waldman regarding the height of the structure and if the weather conditions would affect utilizing the area for volleyball and basketball activities.

There was extensive discussion by Council regarding the proposed rendering of the structure with lighting at the Key Biscayne K-8 Community School adjacent to the school's playing field.

At this time, the Mayor allowed for public comments. The following residents addressed the Council: Jennifer Pema, 101 Crandon Boulevard and Johanna Aguilar, 711 Crandon Boulevard.

At this time, Mr. Waldman addressed the Council regarding the sports participation rate for the different sports being offered.

There was extensive discussion by Council regarding the sports revenues and increasing the cost for registrants that are not Key Biscayne residents.

At this time, Item 5B was heard.

Jorge Duyos from JRD Associates, Inc., addressed the Council regarding the permit fee analysis.

There was extensive discussion by Council regarding the permit fee analysis.

At this time, the Attorney addressed the Council regarding the Florida State Statue specific to the use of building permit revenues.

At this time, Item 10D2 was heard.

The Manager and the Building, Zoning and Planning Director Sergio Ascunce addressed the Council regarding bringing forth the necessary legislation to adopt the permit fee schedule.

There was extensive discussion by Council regarding the proposed permit fee schedule.

At this time, Jorge Duyos addressed the Council regarding the proposed permit fee schedule.

The Manager addressed the Council regarding the necessary next step to adopting a building permit fee schedule.

At this time, the Mayor allowed for public comments. The following residents addressed the Council: Don Elisburg, 177 Ocean Lane Drive and Antonio Camejo, 151 Crandon Boulevard.

It was the consensus of Council to direct the Attorney to draft the necessary legislation to bring forth at the next regularly scheduled Council meeting consisting of an increased building permit fee of a \$1.30 per square foot; no cap for new construction; utilize a square footage fee when necessary and include a list of exceptions.

At this time, Item 5D was heard.

The Manager addressed the Council regarding a status update on beach renourishment.

Councilmember Gross addressed the Council regarding a status update for the reimbursement to the Village for the prior beach renourishment.

It was the consensus of Council to direct the Manager to send a letter to the U.S. Army Corp of Engineers regarding the mitigation of shore damage attributable to Federal navigation work.

6. **PUBLIC COMMENTS:** This was heard earlier in the meeting.

7. **AGENDA:** Councilmember Moss requested the addition of a discussion regarding a karate tournament as Item 10A8 and to hear Item 10A8 after Item 9A and also requested to hear Item 10A1 after Item 10A7. Councilmember McCormick requested the addition of a discussion regarding the Weston lawsuit gun preemption as Item 10A9. The Manager requested the addition of a discussion regarding the tot lot lighting project as Item 10D4. Councilmember Petros requested the addition of a discussion regarding a staff planning session as Item 10A10.

The Mayor requested to defer Item 8A.

At this time, Vice Mayor Caplan made a motion to not defer Item 8A. The motion was seconded by Mayor Lindsay and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Luis de la Cruz, Gross R. Gross, McCormick, Brett G. Moss and Vice Mayor Franklin H. Caplan voting Yes. Mayor Mayra P Lindsay and Councilmember Kathleen Petros voting No.

The agenda changes were approved by a 6-1 voice vote. The vote was as follows: Councilmembers Luis de la Cruz, Gary R. Gross, Allison McCormick, Brett G. Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan voting Yes. Mayor Mayra P. Lindsay voting No.

At this time, the Manager's report was heard.

The Manager addressed the Council regarding an authorization to issue the Request for Proposals to resurface the Community Center pool deck.

Mayor Lindsay made a motion to authorize the Manager to issue a Request for Proposals to resurface the Community Center pool deck. The motion was seconded by Councilmember McCormick and approved by a 7-0 voice vote. The vote was as follows: 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 voting Yes.

At this time, Item 10D3 was heard.

The Manager addressed the Council regarding a status update on the Emergency Management Plan.

At this time, Item 10D4 was heard.

The Manager addressed the Council regarding the status of the tot lot park lighting project.

At this time, Simon Cook from EAC Consulting addressed the Council regarding the Village's failed attempt to obtain a donation from a resident to install lighting in the tot lot park.

It was the consensus of Council to direct the Manager to bring forth the necessary legislation to award the bid and move forward with the lighting project at the tot lot park.

8. **ORDINANCES:** The Clerk read the following ordinance on first 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 23-31 "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; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion by Council regarding this ordinance.

At this time Brett Schneider, Village Labor Attorney, addressed the Council regarding this ordinance.

There was extensive discussion by Council regarding this ordinance.

Councilmember Moss made a motion to adopt this ordinance on first reading and gather more information by second reading of this ordinance. The motion was seconded by Vice Mayor Caplan and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Luis de la Cruz, Gross R. Gross, McCormick, Brett G. Moss and Vice Mayor Franklin H. Caplan voting Yes. Mayor Mayra P Lindsay and Councilmember Kathleen Petros voting No.

The Clerk announced the second reading of this ordinance for the April 10, 2018 Regular Council Meeting.

At this time, the Clerk read the following ordinance on second 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.

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

Councilmember Moss suggested to clarify Sec.4-33(9) of this ordinance to state "When not in use and outside the Kiteboarding Channel all kiteboarding equipment shall be contained within a bag."

Mayor Lindsay made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: 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 voting Yes.

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

The ordinance, as amended, was adopted on second reading by a 7-0 roll call vote. The vote was as follows: 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 voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING A KITEBOARDING REGISTRATION FEE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Moss addressed the Council regarding identifying the registration fee to be an

annual registration fee.

It was the consensus of Council to direct the Attorney to revise this resolution to state the kiteboarding registration fee to be an annual registration fee.

The Attorney addressed the Council regarding this resolution.

There was extensive discussion by Council regarding decreasing the kiteboarding registration fee to Key Biscayne residents.

Councilmember Petros made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember McCormick and approved by a 7-0 voice vote. The vote was as follows: 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 voting Yes.

Councilmember Moss made a motion to approve this resolution to include an annual \$250 kiteboarding registration fee and revisit the registration fee in six (6) months. The motion was seconded by Vice Mayor Caplan and approved by 7-0 voice vote. The vote was as follows: 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 voting Yes.

The resolution, as amended, was approved by a 7-0 voice vote. The vote was as follows: 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 voting Yes.

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

Mayor and Councilmembers. At this time, Item 10A8 was heard.

Councilmember Moss addressed the Council regarding the karate tournament.

At this time, the Parks and Recreation Director Todd Hofferberth addressed the Council regarding a request to allow a one (1) day karate tournament to take place within the Community Center gym and the use of one (1) multi-purpose room within the Community Center with applicable rental fees.

It was the consensus of Council to allow the one (1) day karate tournament to take place within the Community Center gym and also allow the use of one (1) multi-purpose room within the Community Center notwithstanding the applicable rental fees.

The remaining agenda items were deferred to the April 10, 2018 Regular Council Meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager's report was heard earlier in the meeting.

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 11:10 p.m.

Respectfully submitted:

Jennifer Medina
Village Clerk

Approved this _____ day of _____ 2019:

Michael W. Davey
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.