

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, APRIL 24, 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, Gary R. Gross (arrived at 6:45 p.m.), Allison McCormick, Brett G. Moss, Kathleen Petros and Vice Mayor Allison McCormick and Mayor Mayra P Lindsay. Councilmember Gary R. Gross was not present. 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:** Pastor Dennis Eastling from the Key Biscayne Community Church was unable to provide an invocation.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay acknowledged the Key Biscayne Chamber of Commerce for their green initiative and also acknowledged the efforts from Key Biscayne residents for the recent beach clean-ups.

At this time the Clerk addressed the Council requesting to defer Item 6B to the next regularly scheduled Council meeting. There were no objections to the agenda changes.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Sam Brickle, 177 Ocean Lane Drive; Juan Bester, 50 Ocean Lane Drive; Eduardo von Simson, 101 Ocean Lane Drive; Pablo Copetti, 791 Crandon Boulevard; Kristen Guess, 425 Grapetree Drive; Laudy Ibarra, 482 Fernwood Road; Antonio Camejo, 151 Crandon Boulevard; Donald Elisburg, 177 Ocean Lane Drive; Steven H. Vogel, 210 Hampton Lane; Marcelo Larsen, 450 Myrtlewood Lane; Felipe Rojas, 210 Seaview Drive; Olimpia Carbunar, 181 Crandon Boulevard and Maria

Segovia, 188 W. Mashta Drive.

6. **SPECIAL PRESENTATIONS:** Ms. Illene Buckley, Executive Director of the Miami-Dade County Transportation Planning Department, presented to the Council the Miami-Dade County SMART Plan.

There was extensive discussion by Council regarding the Miami-Dade County SMART Plan.

At this time, Item 6D was heard.

Michael O'Brien from the Key Biscayne Beach Club addressed the Council regarding Miami-Dade County designating the Beach Club a historic site.

At this time, Item 6C was heard.

Sally Brody from the ASK Club together with members from the ASK Club addressed the Council regarding fidget quilts for Alzheimer's.

Councilmember McCormick and the Council acknowledged the efforts of the ASK Club towards individuals with Alzheimer's.

At this time, Item 6E was heard.

The Mayor presented the Building, Zoning and Planning Director Sergio Ascunce with a proclamation in observance of Building Safety Month.

At this time, the Mayor allowed for public comments.

The following resident addressed the Council: Ignacio Segurola, 881 Ocean Lane Drive.

7. **AGENDA:** Councilmember Petros requested to defer Item 10A17 to the next regularly scheduled Council meeting. Mayor Lindsay requested to remove Item 10A10 and also requested to hear Item 10A15 after Item 7. There were no objections to the agenda changes.

At this time, Item 10A15 was heard.

The Mayor, with consensus of Council, appointed Robert Vernon to the Virginia Key Advisory Board.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING CHAPTER 9, "EMERGENCY MANAGEMENT" RELATING TO DEBRIS REMOVAL FROM PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR

CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Moss made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember de la Cruz.

The Manager addressed the Council recommending approval of this ordinance.

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.

Vice Mayor Caplan addressed the Council suggesting revising this ordinance to specify the removal from "private" property.

The Attorney addressed the Council regarding this ordinance.

The Mayor opened the public hearing. The following resident addressed the Council: Don Elisburg, 177 Ocean Lane Drive and Antonio Camejo, 151 Crandon Boulevard. The Mayor closed the public hearing.

The ordinance, as amended, was adopted on first 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.

The Clerk announced the second reading of this ordinance for the May 8, 2018 Regular Council Meeting

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 ENTER INTO AN AGREEMENT WITH CURRIE SOWARDS AGUILA ARCHITECTS, INC. FOR THE COMMUNITY CENTER PHASE III PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding this resolution.

It was the consensus of Council to incorporate language in the agreement with Currie Sowards Aguila Architects, Inc. regarding meeting future needs of the community.

At this time, the Parks and Recreation Director Todd Hofferberth addressed the Council regarding this resolution.

The resolution 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.

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 CALVIN, GIORDANO & ASSOCIATES, INC. FOR DESIGN CRITERIA PROFESSIONAL SERVICES AND CONSTRUCTION ADMINISTRATION SERVICES FOR UTILITY UNDERGROUNDING AND INCORPORATION OF A PUMP TRACK AT 530 CRANDON BOULEVARD; 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 this resolution.

There was extensive discussion by Council regarding this resolution.

At this time, the Parks and Recreation Director Todd Hofferberth addressed the Council regarding this resolution.

It was the consensus of Council to defer this resolution to the May 8, 2018 Regular Council Meeting.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE FLORIDA STATE LEGISLATURE TO BAN FRACKING STATEWIDE; PROVIDING FOR AUTHORIZATION; 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 Petros.

Councilmember Gross addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding this resolution.

The resolution 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.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A LETTER OF INTENT FROM FASTRACK INSTITUTE, INC. FOR MOBILITY SOLUTIONS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Moss and Vice Mayor Caplan addressed the Council regarding whether or not the letter of intent is binding to the Village of Key Biscayne.

There was extensive discussion by Council regarding this resolution.

The Attorney addressed the Council regarding this resolution.

At this time, the Fastrack Institute, Inc addressed the Council regarding this resolution.

It was the consensus of Council to remove Section 4 of this resolution.

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.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE VILLAGE AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA FOR ADDRESS VERIFICATION SERVICES FOR THE MARITIME AND SCIENCE TECHNOLOGY (MAST) ACADEMY CAMBRIDGE PROGRAM- KEY BISCAYNE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

At this time, John Pace, Miami-Dade County Superintendent for MAST Academy, addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

The resolution 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.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SECOND AMENDMENT TO CONTRACT BETWEEN THE VILLAGE OF KEY BISCAYNE AND ASHBRIIT, INC. FOR EMERGENCY DISASTER DEBRIS REMOVAL AND RESPONSE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding this resolution.

The Attorney addressed the Council regarding this resolution.

At this time, Jared Moskowitz from Ashbriit, Inc. addressed the Council regarding this resolution.

It was the consensus of Council to clarify the contract language relating to liquidated damages, the ownership of the debris and provide the proper equipment dependent on the disaster.

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.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND DIRECTING THE FILING OF A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING

ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember McCormick addressed the Council regarding a revised version of this resolution by eliminating the focus on guns and exalting the preemption.

The Attorney addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

It was the consensus of Council to adopt the revised version of this resolution which eliminated the focus on guns and exalting the preemptions.

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 10A12 was heard.

Councilmember McCormick addressed the Council regarding the MAST Academy admissions and waiting list.

At this time, John Pace, Miami-Dade County Superintendent for MAST Academy, addressed the Council regarding the MAST Academy Key Biscayne student wait list and admissions.

There was extensive discussion by Council regarding the Key Biscayne student wait list.

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

The Manager addressed the Council regarding a scheduled EAR Workshop on Thursday, April 26, 2018 at 6:00 p.m.

The Manager addressed the Council regarding the issuance of a Request for Proposals to conduct a Stormwater Rate Study.

There was extensive discussion by Council regarding conducting a Stormwater Rate Study and the maintenance of private stormwater systems.

The Attorney addressed the Council regarding the prohibition against utilizing public dollars towards private property.

Councilmember Moss made a motion to issue the Request for Proposals to conduct a Stormwater Rate Study. The motion was seconded by Councilmember de al Cruz 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 10A8 was heard.

Councilmember Moss addressed the Council regarding managing time during Council meetings.

Councilmember Moss addressed the Council suggesting starting all Council meetings at 6:00 p.m. instead of 7:00 p.m. and to provide a time certain of 7:30 p.m. to hear legislative items and to move public comments towards the beginning of the Council meeting agenda after agenda: deferrals, additions, deletions, substitutions and withdrawals.

There was extensive discussion by Council regarding managing time during Council meetings.

It was the consensus of Council to set a deadline for every Monday prior to each Council meeting to submit all legislative requests to the Village Attorney.

Councilmember Moss made a motion to start all Council meetings at 6:00 p.m. and to provide a time certain of no later than 7:30 p.m. to hear all legislative items and to move public comments towards the beginning of the Council meeting agenda after agenda: deferrals, additions, deletions, substitutions and withdrawals. The motion was seconded by Councilmember de la Cruz 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 10B2 was heard.

Councilmember Moss addressed the Council regarding under age golf cart driving.

There was extensive discussion by Council regarding under age golf cart driving.

At this time, Police Chief Charles R. Press addressed the Council regarding enforcement of under age golf cart driving.

It was the consensus of Council to support a stricter policing of all traffic laws.

At this time, Item 10B1 was heard.

The Attorney requested to conduct an Executive Session regarding the Village of Key Biscayne v. City of Miami et al. case no. 15-2997 CA 21 and Village of Key Biscayne v. NMMA case no. 15-9160, in the Eleventh Judicial Circuit Court- Miami-Dade County.

It was the consensus of Council to direct the Clerk to coordinate and properly advertise the final date and time to schedule the Executive Session.

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 remaining agenda items were deferred to the May 8, 2018 Regular Council Meeting.

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

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 11:05 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.