

MINUTES

COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JUNE 5, 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, Brett G. Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Councilmember Allison McCormick participated by phone. Also present were Village Manager John C. Gilbert, Village Clerk Jennifer Duque and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** The Mayor acknowledged the veterans in observance of Memorial Day. Councilmember Petros acknowledged the Simon family for the efforts towards planning 401 Hampton Lane
4. **AGENDA:** The Village Manager requested the addition of a discussion item regarding a status update on the library as Item 11D3. The Mayor requested a presentation regarding banning plastic straws by the Miami Waterkeepers. Councilmember McCormick requested to remove Item 11A9. Councilmember Petros requested to hear Item 8A2 together with 11D1.

At this time, it was the consensus of Council to schedule a Special Council Meeting on June 25, 2018 at 6:00 p.m.

At this time Vice Mayor Caplan requested to defer Items 7H, 7I, 7J, 7K and 7L to the June 25, 2018 Special Council Meeting. Councilmember de la Cruz requested to remove Items 11A5 and 11A6. Councilmember Moss requested to pull Item 7D for the Consent agenda. Councilmember Petros requested the addition of discussion item regarding the newly selected Village Manager contract negotiations to be heard no later than 9:50 p.m. as Item 11A1. Councilmember Moss requested Items 10A and 10B to be heard no later than 8:00 p.m. There were no objections to the

agenda changes.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Clifford Brody, 613 Ocean Lane Drive; Ignacio Seguro, 881 Ocean Lane Drive and Luisa Umana, 155 Ocean Lane Drive.

6. **SPECIAL PRESENTATIONS:** The Manager addressed the Council introducing the newly hired Public Works Director, Jake Ozyman. Mr. Ozyman addressed the Council regarding his qualifications.

At this time, the Mayor introduced Ms. Rachel Silverstein and Ms. Kelly Cox from Miami Waterkeeper. Both Ms. Silverstein and Ms. Cox addressed the Council regarding supporting the ban on plastic straws.

7. **CONSENT AGENDA:** Mayor Lindsay made a motion to approve the following consent agenda. 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.

The minutes to the October 24, 2017 Regular Council Meeting.

The minutes to the November 14, 2017 Regular Council Meeting.

The minutes to the December 12, 2017 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING SFM SERVICES, INC. FOR TRIMMING AND PRUNING SERVICES FOR HARDWOODS LOCATED IN THE VILLAGE'S RIGHT OF WAYS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF A LICENSE PLATE READER SYSTEM FOR THE VILLAGE ENTRANCE AT CRANDON BOULEVARD; WAIVING COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE PURCHASE AND SUSTAINMENT OF EQUIPMENT AND TRAINING FROM THE 2017 URBAN AREAS SECURITY INITIATIVE PROGRAM; APPROVING THE MEMORANDUM OF AGREEMENT FOR AN URBAN AREAS SECURITY INITIATIVE PROGRAM BETWEEN THE CITY OF MIAMI AND THE VILLAGE FOR THE PURPOSE OF CARRYING OUT FY2017 URBAN AREAS SECURITY INITIATIVE PROGRAM

OBJECTIVES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time Item 7D was heard.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, JOINING THE SEAWALL COALITION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this resolution.

Councilmember Moss addressed the Council suggesting removing the third and fourth whereas of this resolution. There were no objections to the changes.

There was extensive discussion regarding this resolution.

The resolution, as amended, 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.

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 23-35 “CONTRIBUTIONS,” AND SECTION 23-36 “BENEFIT AMOUNTS AND ELIGIBILITY”, TO INCREASE THE BENEFIT MULTIPLIER TO 3%, PROVIDE FOR THE PURCHASE OF PAST SERVICE CREDIT, PROVIDE AN ALTERNATIVE 80% BENEFIT CAP, INCREASE THE MAXIMUM VILLAGE CONTRIBUTION RATE TO 20% OF COVERED PAYROLL, AND PROVIDE A MINIMUM FUNDED RATIO OF 80%; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; 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.

The Village Attorney Brett Schneider addressed the Council recommending the adoption of this ordinance on first reading.

There was extensive discussion from Council regarding this ordinance.

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

The ordinance was adopted on first 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 announced the second reading of the ordinance on August 28, 2018.

The Clerk read the following ordinance on first 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 adopt the ordinance on first reading. The motion was seconded by Mayor Lindsay.

The Manager addressed the Council regarding tabling this item to be heard later in the meeting.

Vice Mayor Caplan made a motion to table Item 8A2 to be heard later in the meeting. The motion was seconded by Mayor Lindsay and approved by 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 ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 7, “BUSINESS REGULATIONS” OF THE VILLAGE CODE OF ORDINANCES TO INCLUDE SECTION 7-4, “PROHIBITION ON DISTRIBUTION, SALE, OR USE OF PLASTIC STRAWS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 Councilmember de la Cruz.

There was extensive discussion by Council regarding this ordinance.

Councilmember Moss addressed the Council regarding clarification of the penalties imposed by adopting this prohibition by second reading of this ordinance. There were no objections by Council.

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

The ordinance was adopted on first 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 announced the second reading of the ordinance on August 28, 2018.

The Clerk read the following ordinance on second 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.

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

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

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.

9. Public Hearing Number SP-28. The Applicant Ocean Club Community Association, Inc., 750 Ocean Lane Drive, is requesting to amend resolution no. Z-10-95 and an amended and reinstated declaration of restrictive covenants and reinstated declaration of restrictive covenants in lieu of unity of title and monetary contributions in order for Building, Zoning and Planning Department to permit addition of 2,000 sq ft to the Ocean Club Beach Club, resulting in a total building area of 22,000 sq ft.

At this time, the Attorney announced commencing the quasi-judicial public hearing.

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

Councilmember Moss addressed the Attorney regarding allowing for his participation during the hearing due to the fact his residence is located within the Ocean Club.

The Attorney addressed Councilmember Moss regarding allowing for his participation during the hearing.

On behalf of the Director of Building, Zoning and Planning Sergio Ascunce, the Zoning Reviewer William Fehr addressed the Council regarding the request by the Ocean Club Community Association, Inc.

At this time, Mario Serra-Garcia, 600 Brickell Avenue, representing the applicant, Ocean

Club Community Association, Inc. and Issac Campos from Peacock and Lewis, Architects and Planners, LLC.

The Mayor opened the public hearing. The following resident addressed the Council: Robert P. Raymond, 791 Crandon Boulevard; Miguel Angel Lopez, 799 Crandon Boulevard; Rene Sagebien, 789 Crandon Boulevard; Jose Pepe Cancio, 799 Crandon Boulevard; Mendwin Mintzis, 791 Crandon Boulevard; Alfredo Ruiz, 741 Crandon Boulevard and Fausto Gomez, 765 Crandon Boulevard. The Mayor closed the public hearing.

The request by the Ocean Club Community Association, Inc., 750 Ocean Lane Drive, requesting to amend resolution no. Z-10-95 and amend and reinstate the declaration of restrictive covenants and reinstate declaration of restrictive covenants in lieu of unity of title and monetary contributions in order for Building, Zoning and Planning Department to permit addition of 2,000 sq ft to the Ocean Club Beach Club, resulting in a total building area of 22,000 sq ft. 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, Mayor Lindsay made a motion to remove from the table Item 8A2. The motion was seconded by Councilmember de la Cruz and approved by 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 8A2 and 11D1 was heard.

The Manager addressed the Council regarding this ordinance.

At this time, Glen Waldman, Chairman of the Youth Athletics Board, addressed the Council seeking clarification of the MAST Academy community being exempt from Key Biscayne non-resident surcharges.

Mayor Lindsay made a motion to exempt the MAST Academy community from Key Biscayne non-resident surcharges. The motion was seconded by Councilmember de la Cruz 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 bringing forth the necessary legislation at the next regularly scheduled Council meeting to provide for field lighting at the Key Biscayne K-8 Community School.

There was extensive discussion by Council regarding the field lighting at the Key Biscayne K-8 Community School and the need for public information outreach regarding the installation of field lighting at the Key Biscayne K-8 Community School.

The ordinance was adopted on first 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 announced the second reading of the ordinance on August 28, 2018.

10. **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 KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING AND DESIGN SERVICES FOR THE SAFE ROUTES TO SCHOOLS PROJECT; 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 recommending approval of the resolution.

At this time, Leon del Monte from Kimley-Horn and Associates, Inc. addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

It was the consensus of Council to renegotiate the agreement with Kimley-Horn and Associates, Inc.

It was the consensus of Council to defer this resolution to the June 25, 2018 Special Council Meeting.

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 CONTRACT WITH RAFTELIS TO PERFORM A UTILITY UNDERGROUNDING SPECIAL ASSESSMENT METHODOLOGY STUDY; 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 this resolution.

At this time, Michael W. Davey, Chairman of the Undergrounding Utility Task Force, addressed the Council regarding this resolution.

Councilmember Moss, Council Liaison to the Undergrounding Utility Task Force, addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

It was the consensus of Council to defer this resolution to the June 25, 2018 Special Council Meeting.

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

Item 11D2 was heard.

The Manager addressed the Council regarding the Underground Utility Task Force wish list.

At this time, Michael W. Davey, Chairman of the Undergrounding Utility Task Force, addressed the Council regarding the wish list.

At this time, Item 11D3.

The Manager addressed the Council providing an update to the Council of a meeting with Vice Mayor Caplan, Tom Weber from The Weber Studio and the Miami-Dade County Library Director regarding the improvements to the Key Biscayne Library.

There was extensive discussion by Council regarding the improvements to the Key Biscayne Library.

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

Mayor and Councilmembers.

At this time, Item 11A2 was heard.

Mayor Lindsay addressed the Council providing an update of ongoing negotiations with Miami-Dade County regarding the Crandon Park agreement.

There was extensive discussion by Council regarding the Crandon Park agreement.

At this time, Item 11A1 was heard.

Councilmember Moss and Vice Mayor McCormick addressed the Council regarding supporting security in all Key Biscayne Schools.

There was extensive discussion by Council regarding a Memo of Understanding (MOU) with Miami-Dade County for reimbursement to the Village for providing security in the Key Biscayne Community School.

At this time, Police Chief Charles R. Press and the Attorney addressed the Council regarding a Memo of Understanding (MOU) with Miami-Dade County for reimbursement to the Village for providing security in the Key Biscayne Community School.

At this time, Item 11A3 was heard.

Mayor Lindsay addressed the Council regarding the vacancy to the Board of Special Magistrates

and appointing a member to the Board at the next regularly scheduled Council meeting.

At this time, Item 11A4 was heard.

Vice Mayor Caplan addressed the Council regarding the flightpath over Key Biscayne.

There was extensive discussion by Council regarding the flightpath over Key Biscayne.

Item 11A5 was removed earlier in the meeting.

Item 11A6 was removed earlier in the meeting.

At this time, Item 11A7 was heard.

Councilmember de la Cruz addressed the Council regarding a request by the gated communities for reimbursement for costs incurred by storm debris removal.

There was extensive discussion by Council regarding the request by the gated communities for reimbursement for costs incurred by storm debris removal.

At this time, Item 11A8 was heard.

Councilmember Moss addressed the Council regarding a Crandon Boulevard pedestrian safety study.

There was extensive discussion by Council regarding a Crandon Boulevard pedestrian safety study.

At this time the Police Chief addressed the Council regarding pedestrian safety on Crandon Boulevard.

It was the consensus of Council to direct the Manager to recommend solutions for pedestrian safety on Crandon Boulevard.

Village Attorney. The Attorney requested to conduct an Executive Session regarding Mentsh Capital, LLC v. Village of Key Biscayne, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case no. 2009-36143 CA 08.

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.

Village Clerk. The Clerk addressed the Council regarding the November 2018 Special Election-Ballot question regarding the filling of Council vacancies.

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

12. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

13. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending

litigation was presented to the Council.

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

15. **ADJOURNMENT:** The meeting was adjourned at 10:25 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.