

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAIYNE FLORIDA

TUESDAY JANUARY 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 7 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 Duque and Village Attorney Stephen J Helfman

2 **INVOCATION** Father Juan Carlos Paguaga from the Key Biscayne Community Church was unable to provide an invocation

3 **PLEDGE OF ALLEGIANCE** The U 16 Key Biscayne Soccer Club players led the Pledge of Allegiance

4 **BRIEF COMMENTS BY COUNCIL** Both Mayor Lindsay and Vice Mayor Caplan addressed the public and the Council wishing everyone a Happy New Year Councilmember Gross addressed the public and the Council regarding a proposed solution to kiteboard on Key Biscayne beaches

5 **SPECIAL PRESENTATIONS** Mr Marcello Radice recognized the Village Council Village Manager and the Parks and Recreation Director Todd Hofferberth as well as the Village s U16 boys soccer team who won the Regional Cup Championship

6 **PUBLIC COMMENTS** The following residents addressed the Council Fernando Romero 121 Crandon Boulevard Jeanne Fedoryk 177 Ocean Lane Drive Ignacio Segurola 881 Ocean Drive Michael O Brien 685 Ocean Drive Jared Zemantauski 7600 SW 125 Street (legally representing Commodore Club East) Gregg Rosen 177 Ocean Lane Drive Antonio Camejo 151 Crandon Boulevard Belvis Martinez 121 Crandon Boulevard Enrique Cisneros

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350 Ocean Drive Cecile Sanchez 260 Cypress Drive and Miguel Cebolla 177 Ocean Lane Drive

7 **AGENDA** Vice Mayor Caplan requested the deferral of item 10A to the January 23 2018 Council Meeting and the addition of a discussion regarding Fastrack Institute as Item 11A1 the Manager requested to hear item 11A9 together with the newly added discussion item 11A1 regarding Fastrack Institute Councilmember de la Cruz requested to add a discussion regarding the potential traffic circle on Harbor Drive and Crandon Boulevard to be heard as item 11A7 and move up item 11A7 regarding public broadband as item 11A9 Mayor Lindsay requested to add a discussion item regarding an update of the Village s local and state lobbyist as item 11A10 and also add a discussion regarding the relocation of NOAA as item 11A11 Councilmember Moss requested to move up item 11A6 regarding an update on the Village Manager search as item 11A3 and to hear item 11A3 regarding adjusting existing development incentives to respond to electrical demands as item 11A6 and also requested a discussion regarding revisiting to the hurricane plan as item 11A12 There were no objections to the agenda changes

8 **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 to the August 29 2017 Regular Council Meeting

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF A CODE COMPLIANCE VEHICLE, WAIVING COMPETITIVE BIDDING PROCEDURES, PROVIDING FOR AUTHORIZATION, PROVIDING FOR IMPLEMENTATION, AND PROVIDING FOR AN EFFECTIVE DATE

9 **ORDINANCES** The Clerk read the following ordinance on first reading by title

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 4, "BOATS, VESSELS AND WATERCRAFT," REGULATING KITEBOARD USE, AMENDING ARTICLE II OF CHAPTER 4 BY THE CREATION OF SECTION 4 33 "KITEBOARDING," PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, 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

Councilmember Moss addressed the Council regarding the need to regulate kiteboarding identifying a location on the beach to allow for kiteboarding better defining the vessel exclusion

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zone redrafting Section 4 33 Kite Boarding regulations and lastly provided probable locations to allow for kiteboarding on the beach 1) Commodore Club and 2) near the former Sonesta property

Councilmember Petros also addressed the Council regarding the regulations necessary for kiteboarding There was extensive discussion from Council regarding this ordinance

Vice Mayor Caplan addressed the Council regarding better defining the following by second reading of this ordinance clarify the term operating limiting the number of operators on the beach at any given time limiting the total number of kiteboarding registrants prohibiting kiteboarding on the beach during specific holidays the specific width of the channel necessary to kiteboard the offshore wind the need to identify a kiteboarding zone on the beach kiteboard streamer regulations and lastly add a sunset provision to reevaluate the kite boarding regulations after one year

The Mayor opened the public hearing The following residents addressed the Council
Fernando Romero 121 Crandon Boulevard and York Flik 338 West Heather Drive

There was extensive discussion from Council regarding identifying a location on the beach to allow for kiteboarding

It was the consensus of Council to direct the Manager to provide an aerial map designating the former Sonesta beach area as the designated kiteboarding channel

It was also the consensus of Council to incorporate the concerns mentioned by Councilmembers Moss and Petros by the second reading of the ordinance

Councilmember Gross made a motion to adopt the ordinance on first reading by amending Section 4 33(6) to identify the former Sonesta property as the designated kiteboarding channel The motion was not seconded

Mayor Lindsay made a motion to adopt the ordinance on first reading by amending the ordinance to address Vice Mayor Caplan s suggested revisions to the ordinance The motion was seconded by Vice Mayor Caplan and 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 Donald Elisburg 177 Ocean Lane Drive addressed the Council The Mayor closed the public hearing

The Clerk announced the second reading of the ordinance on January 23 2018 at 7 00 p m

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10 **RESOLUTIONS** The following resolution was deferred to the January 28 2018 Regular Council Meeting

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

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

Mayor and Councilmembers At this time Councilmember McCormick requested to bring back Item 8B at the next regularly scheduled Council Meeting

Mayor Lindsay addressed the Council regarding the letter of intent from Fastrack Institute Inc for mobility solutions

It was the consensus of Council to bring back the resolution approving the letter of intent from Fastrack Institute Inc for mobility solutions

Councilmember de la Cruz introduced Key Biscayne Community Foundation Director Melissa McCaughan White Ms McCaughan White addressed the Council regarding the Village on demand transportation service (Freebee) pedestrian safety crosswalks the Transit Mobility Study by The Corradino Group Optimus Ride the proposed Village circular transportation service (KB Loop) and the Live Ride Share conference

Councilmember Gross addressed the Council regarding the need to allow Colleen Castille to retain the services of Mr Jim Davenport and Mr Spencer Crowley

There was extensive discussion by Council regarding the services of Mr Jim Davenport and Mr Spencer Crowley

Councilmember Gross made a motion to allow Colleen Castille to retain the services of Mr Jim Davenport and Mr Spencer Crowley The motion was seconded by Vice Mayor Caplan 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

Mayor Lindsay made a motion to appoint Edward London to the Pension Board 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

Councilmember Moss addressed the Council regarding the Village Manager search

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There was extensive discussion by Council regarding the Village Manager executive search firms

It was the consensus of Council to direct the Clerk to coordinate a date and time to schedule a Special Council Meeting to select an executive search firm for the Village Manager

Councilmember Moss addressed the Council regarding adjusting existing development incentives to respond to electrical demands and flooding

It was the consensus of Council to direct the Clerk to coordinate a date and time to schedule a Mini Zoning Ordinance Review Committee Workshop and separately a Monument Sign Workshop

Councilmember Moss addressed the Council regarding the license plate reader system on Crandon Boulevard

There was extensive discussion by Council regarding the license plate reader system

Councilmember Moss addressed the Council and the Manager regarding a request for an update on Hurricane Irma clean up on swales

The Manager addressed the Council regarding a status update for the debris clean up post hurricane Irma

There was extensive discussion by Council regarding the debris clean up post hurricane Irma

Councilmember de la Cruz addressed the Council regarding a potential traffic circle on Crandon Boulevard and Harbor Drive

There was extensive discussion by Council regarding a traffic circle on Crandon Boulevard and Harbor Drive

Councilmember McCormick addressed the Council regarding zero tolerance enforcement and underaged drivers

There was extensive discussion regarding zero tolerance enforcement

Police Chief Charles R Press addressed the Council regarding traffic law enforcement

It was the consensus of Council to strongly support zero tolerance traffic enforcement

At this time the Manager s report was heard

At this time Derek Duzoglou from D² Engineering addressed the Council regarding the 2017

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Key Biscayne Sustainability Report

Councilmember de la Cruz addressed the Council regarding public broadband

Mayor Lindsay addressed the Council regarding the expansion of Gomez Barker Associates Inc the Village s contracted State and Local lobbying firm thereby requiring Council authorization to represent the Village

It was the consensus of Council to authorize additional individuals from Gomez Barker Associates Inc to represent the Village for lobbying purposes

Mayor Lindsay addressed the Council regarding NOAA relocating from Virginia Key

Councilmember Moss addressed the Council regarding revisiting the current Hurricane Plan

The Manager addressed the Council regarding 2018 hurricane planning efforts

Village Attorney The Attorney requested an Executive Session regarding 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 11th Judicial Circuit and requested a second another Executive Session regarding Kevin Michael Rios under Village of Key Biscayne Police Department Case No 15 01454 and under Miami Dade Circuit Court Case No 2015 028572

It was the consensus of Council to direct the Clerk to coordinate and properly advertise the final dates and times to schedule the Executive Sessions

Village Clerk The Clerk did not submit a report

Village Manager The Manager did not submit a report

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 45 p m

Respectfully submitted

January 9, 2018

Jennifer Medina

Jennifer Medina, CMC
Village Clerk



Approved this 28th day of August 2018:

Mayra P. Lindsay

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.