

MINUTES

VIRTUAL REGULAR COUNCIL MEETING
TUESDAY, APRIL 7, 2020

6:00 P.M.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 6:00 p.m. Present were Councilmembers Luis Laredo, Edward London, Allison McCormick, Katie Petros, Ignacio J. Seguro, Vice Mayor Brett Moss and Mayor Michael W. Davey. Also present were Village Manager Andrea Agha, Interim Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.

Mayor Davey led the Pledge of Allegiance.

2. **BRIEF COMMENTS BY COUNCIL:** Mayor Davey thanked everyone, especially staff for working hard and making these meetings possible. The Mayor also thanked the community for residents to taking social distancing seriously. Mayor Davey also reminded Council, that the Council sets policy, but the administration implements policies set by Council. Councilmember McCormick echoed the Mayor's sentiments and joined in thanking the Village staff for working under very difficult circumstances, specifically thanking Public Safety for doing an extraordinary job. Councilmember Laredo wanted to know if the Chiefs could give an update on how their departments are doing health wise.

3. **AGENDA:** Mayor Davey made a motion to defer Item 10A to the April 28, 2020 Council Meeting. The motion was seconded by Vice Mayor Moss and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Laredo, London, McCormick, Petros, Seguro, Vice Mayor Moss and Mayor Davey voting Yes.

4. **PUBLIC COMMENTS:** Public comments were heard later in the agenda.

5. **SPECIAL PRESENTATIONS:** There were no special presentations.

6. **CONSENT AGENDA:** There were no Consent Agenda Items considered by Council.

7. **APPROVAL OF MINUTES:** Mayor Davey made a motion to approve the minutes of the March 9, 2020 Regular Council Meeting. The motion was seconded by Councilmember London and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Laredo, London, McCormick, Petros, Seguro, Vice Mayor Moss and Mayor Davey voting Yes.

8. **ORDINANCES:** There were no ordinances considered by Council.
9. **RESOLUTIONS:** The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY DUE TO NOVEL CORONAVIRUS/COVID-19; RATIFYING AND APPROVING ALL EMERGENCY ORDERS AND ACTIONS ISSUED BY THE VILLAGE MANAGER CONCERNING OR RELATED TO COVID-19; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Davey made a motion to approve the resolution. The motion was seconded by Councilmember London.

The Manager addressed the Council stating that the Village's response to COVID-19 is strong. The Manager also thanked the Community for their patience and kindness and also recognized Village staff for their hard work.

The Manager also expressed special gratitude to the Key Biscayne Community Foundation for actively helping seniors collect groceries, medications, or run general errands on the Key. The Foundation and the VKB Fire Rescue are hosting 10-15 volunteer health screenings a week with 70 screenings executed so far.

The Manager also reported that the Village is tracking the effectiveness of the efforts to stop the spread of the virus, explaining that the Village is monitoring the curve on the number of positive cases on the island and benchmarking the Village's data against other communities to identify effective mitigation strategies that can be implemented for the Village.

The Village is also tracking the number of vehicles coming into the island. The car count has reduced on average 16.6% from March 21, 2020 to date. In regard to communication, the Village is providing response public information consistently via official daily updates with news, developments and resources. The Village has also activated a COVID-19 response webpage as a central hub for public health information and also the Village has developed and distributed various COVID-19 response collateral, such as infographics, fact sheets and FAQs for residents, essential businesses, and the condo community.

The Village has also launched official VKB Instagram accounts for public safety, Key Biscayne Fire Rescue and Police Department; established incident response inquiry management to maintain open line of communication with residents' questions and concerns; locked arms with Community Partners, such as the Chamber of Commerce, the Key Biscayne Community Foundation, Media, and Residents to disseminate official Village daily updates.

From day one the Village established a high level phased response strategy for COVID-19; implemented an Incident Command Structure.

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At this time Chief of Police Charles Press addressed the Council reporting that everyone in the Police Department is healthy. The Chief also reported that the officers are working under a lot of stress right now. Chief Press also reported that the Police Department has blockaded the Village in the morning from any cyclists coming onto the Village reporting that in four days the Officers have turned back more than 1,500 cyclists from entering the Village. The Chief also reported that there have been some arrests made within the Village, one of which was a very high profile case. Thanks to the License Plate Reader approved by the Council to be placed at the entrance to the Village, the Department was alerted to a stolen car coming onto the Village and the Police officers were able to act immediately. The Chief also thanked the Miami-Dade Police Department for their unwavering support and the Community for also supporting the Department.

At this time Chief of Fire Rescue Eric Lang addressed the Council recognizing the Firefighter/Paramedics in the department for their hard work. Chief Lang also addressed the Council regarding the structure that is in place right now in response to the current situation we are in. Chief Lang also addressed the Council regarding safety implementations made by the department; the mental health of the Firefighter/Paramedics. Chief Lang reported that on April 6, 2020 he was notified that a Firefighter/Paramedic on that Shift had a fever and was symptomatic, so immediately contacted the Medical Director and immediately isolated himself/herself and initiated a protocol to immediately test the individuals that were on that Shift. This means that the Fire Department has lost one third of the department to temporarily isolation. The Department right now is in Alpha Bravo mode which means that they alternate shifts and are short of personnel.

Chief Lang reported that he is in constant contact with Fire Chief's from other departments.

Chief Lang reported on the mobile testing following the CDC guidelines. At this point the mobile testing has been placed on hold due to the shortage of personnel in the Fire Department. As soon as they are back up and healthy, they will evaluate and act accordingly.

Chief Lang thanked the Council for their leadership and also thanked the Administration.

The Manager also reported on how the Administration is handling overtime, emergency purchases, FEMA Public Assistance and CDC-Cooperative Agreement for Emergency Response. The Manager also addressed the Continuity of Operations not only the Incident but other departments that need to continue operations like Administration, Public Works, Building, Planning and Zoning and Parks, Recreation and Open Spaces. The Manager reported that the Administration will take advantage of the down time by re-sodding the fields, resurfacing the pool deck, some software training in the Parks Department, Public Works will also continue to work on some projects.

Councilmember Laredo addressed the Council stating that he is happy to learn that we only have one case with a physical health issue within the Fire Department and proposed that the Village should set some money aside for a Psychologist or Psychiatrist to help with the mental health of the Police Officers and Firefighter/Paramedics. Councilmember Laredo also commended the

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Police Chief for the bicyclist enforcement at the entrance of the Village. As for reimbursement, Councilmember Laredo recommended to get in touch with the Washington lobbyist.

Vice Mayor Moss addressed the Council regarding patient helping care as stated by Chief Lang.

Chief Lang addressed the Council stating that the intention is to help patients that were in the hospital, tested and discharged and the Fire Department could follow up with these individuals and help them on how to take care of themselves.

Councilmember London addressed the Manager stating that we are in our seventh month since the end of our Fiscal Year and CAFR. The Manager reported that the delay is due that some documentation is missing from a third party and this is the main reason for the delay.

Councilmember London also addressed Chief Lang asking if it would be possible for residents to come to the Fire Station to be tested. Chief Lang stated that this would not be possible for safety reasons. As soon as the Department is fully staffed, the Department will re-mobilize the testing.

Councilmember McCormick addressed the Council thanking both Chiefs and the Administration for the presentation which was really very informative. Councilmember McCormick also requested that maybe the CFO can look into more financial opportunities for the Village and report back to Council at the next Council Meeting.

Councilmember Segurola also addressed the Council stating that he was pleasantly surprised by the Manager's report and the report from both Chiefs meaning that the Village is on the right track. Councilmember Segurola agreed with Chief Lang's statement regarding the curve and thinks that the Village will continue with Virtual Meetings and social distancing probably until the end of the summer. Councilmember Segurola recommended that the Village should find a vendor that should take over the testing on the Key from the Fire Department following CDC guidelines.

Councilmember Petros addressed the Council following up on what Councilmember Segurola and the Manager were stating regarding scheduling a date for the Strategic Retreat, if we can find time and start planning. Councilmember Petros also requested that the Manager report on the duties of all employees that are not currently in the office and also stressed the importance of the website contract, so that the website can be updated as soon as possible. Councilmember Petros also addressed the issue of testing and how the Council would like to proceed with this.

The Manager addressed the Council regarding all the issues that were presented by the Council.

The following residents addressed the Council: Dr. Roger Khouri, 478 Bay Lane; Professor Stewart Solomons, 126 Floranda in Botanica; Michele Estevez, 798 Crandon Boulevard; Betty Sime Conroy, 785 Crandon Boulevard and Daniel Kahn, 512 Hampton Lane.

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On the Mayor Davey motion to approve the emergency resolution the vote was as follows: Councilmembers Lauredo, London, McCormick, Petros, Seguro, Vice Mayor Moss and Mayor Davey voting Yes.

10. **BUILDING, ZONING AND PLANNING:** Hearing Number SP-29, RV 40 was deferred to the April 28, 2020 Council Meeting.

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

Mayor and Councilmembers. Councilmember London addressed the Council regarding an assisted living facility in the Village recommending having a resolution on this issue.

The Clerk addressed the Council providing the deadlines to submit questions or Charter Amendments to the Supervisor of Elections for the upcoming Primary or General Elections.

There was discussion from Council regarding adding the assisted living facility classification to the Zoning Code.

The Attorney also addressed the Council regarding the Assisted Living Facility classification.

Councilmember Petros addressed the Council regarding the proposed Village Clerk job description recommending moving forward with this as soon as possible.

Councilmember Lauredo made a motion to change the following in the Clerk's job description. "Business-related discipline" to "related field" because that opens it up to people who may have studied liberal arts, communications, public policy / admin., etc...Change the experience from "Two to three years' experience in a similar role and environment" to "Two to three years' experience in a similar role and environment or experience in municipal /state government." Add that the person be familiar with the Florida Sunshine Laws (Chapter 119) and other laws governing public records and government in the sunshine and also add to (1) up the experience requirement to include a bachelor's degree minimum, (2) up the professional experience to a minimum five years, and (3) add that the person have minimum five years' experience in the development of public policy at the municipal / state level. The motion was seconded by Councilmember London.

The Clerk addressed the Council thanking them for the opportunity to serve the Village again. The Clerk stated that unfortunately due to the extended hours she has had to work due to COVID-19, it has affected her health and therefore, she cannot continue performing the job of Village Clerk.

The Clerk stated that Village employee Peter Kulpa is willing to fill in as Interim Village Clerk while the process for a permanent Village Clerk takes place.

The Council was very supportive of Clerk Alvarez and thanked her for coming back from retirement to help out.

Councilmember McCormick made an amending motion to eliminate “point 3 add that the person have minimum five years’ experience in the development of public policy at the municipal / state level” from the Laredo motion. The motion was seconded by Mayor Davey.

Councilmember Segurola also addressed the Council stating that he was very impressed with the way that Peter Kulpa had been conducting the virtual meetings and that definitely Mr. Kulpa should be given the opportunity to serve as Interim Village Clerk with guidance from Ms. Alvarez.

Councilmember Laredo accepted the amendment from Councilmember McCormick.

Councilmember Petros addressed the Council regarding the Clerk’s job description.

There was extensive discussion from Council regarding the salary range.

The Manager also addressed the Council regarding having a salary range on the posting for the Clerk’s position.

Peter Kulpa addressed the Council stating that he is honored to be considered for this position and that he understands the terms and he completely agrees to them.

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

Councilmember Laredo made a motion to set the salary range from \$60,000 to \$120,000 based on qualifications and/or qualifications. The motion was seconded by Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Laredo, London, McCormick, Petros, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

Councilmember Laredo made a motion to hire Peter Kulpa as Interim Village Clerk with the caveat that if he is not appointed as the next Village Clerk, he would retain his present jobs. The motion was seconded by Councilmember Petros and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Laredo, London, McCormick, Petros, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

The Attorney addressed the Council regarding the compensation for Interim Clerk Alvarez and the new Interim Clerk Kulpa. Clerk Alvarez stated that she would need to work for two more weeks and then on a as needed basis. There was no objection from Council.

Village Attorney. The Attorney did not submit a report.

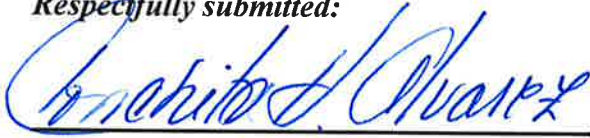
Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council asking Building, Zoning and Planning Director Jake Ozyman to give an update on the Federal Shoreline Protection Feasibility Study and an update on the conversion from septic tanks.

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12. **OTHER BUSINESS/GENERAL DISCUSSION:** At this time Mayor Davey addressed the residents reminding everyone to please stay home and stay safe.
13. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings/events was presented to the Council.
14. **ADJOURNMENT:** The meeting was adjourned at 8:30 p.m.

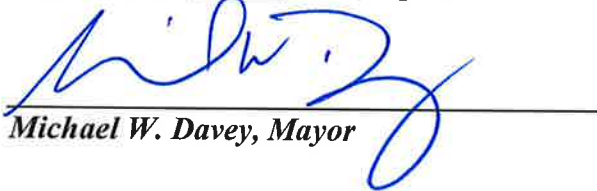
Respectfully submitted:



Conchita H. Alvarez, MMC
Interim Village Clerk



Approved this 28th day of April, 2020:



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.