

MINUTES

REGULAR COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, APRIL 30, 2019

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:45 p.m. Present were Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina 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 efforts of the Chief Press Foundation, Donald and Nancy Elisburg and all other contributing participants for the screening of Striding Over Obstacles Together (S.O.O.T.) that took place on Friday, April 13, 2019 at the Key Biscayne Community Center.
4. **AGENDA:** Mayor Davey requested the addition of a discussion regarding Ultra as Item 11A3 and also, requested the addition of a discussion regarding single use plastics as Item 11A4. Vice Mayor McCormick requested the addition of a discussion regarding the MAST address verification program as Item 11A5. Councilmember Moss requested the addition of a discussion regarding a zoning ordinance review as Item 11A6. Councilmember London requested the addition of a discussion regarding undergrounding electric as Item 11A7. Councilmember Petros requested the addition of a discussion regarding the Village's website as Item 11A8 and also requested the addition of a discussion regarding the Parks and Open Space Board as Item 11A9 and lastly, requested the addition of a discussion regarding the ban on texting while driving as Item 11A10. Councilmember Segurola requested the addition of a discussion regarding landscaping as Item 11A11. Councilmember Lauredo requested the addition of a discussion regarding permit impact fees as Item 11A12. Lastly, it was the consensus of Council to hear the Manager's Report at this meeting and all future meetings no later than 8:00 p.m. There were no

objections to the agenda changes.

5. **PUBLIC COMMENTS:** The following residents addressed the Council:  
Karen Llorente, 345 Cypress Drive, commented on undergrounding utilities;  
Ann Taintor, 170 Ocean Lane Drive, commented on the Miami International Boat Show and the poor conditions of the Oasis property;  
Javier Rodriguez, 600 Grapetree Drive, commented on recycling in Key Biscayne;  
Robert Duzoglou, 785 Glenridge Road, commented on Ultra;  
Michele Estevez, 798 Crandon Boulevard, commented on paper bags;  
Cecile Sanchez, 260 Cypress Drive, commented on the landscape board clarification;  
Donald Elisburg, 177 Ocean Lane Drive, commented on in-house Village attorney; and  
Angela Patricia-Perlaza, 881 Ocean Drive, commented on plastic bags and trash.

6. **BOARD APPOINTMENTS/BOARD REPORTS BY COUNCIL:** The Mayor addressed the Council regarding a vacancy on the Education Advisory Board and also, announced the appointments to the Village Beautification Board will take place at the next regularly scheduled Council meeting. No other reports were submitted by Council.

7. **SPECIAL PRESENTATIONS:** Kristen Guess and Jeffrey Gonzalez, Education Advisory Board members, presented the Council with a report by the Education Advisory Board.

It was the sense of the Council to reaffirm the efforts and support of the Miami-Dade County School Board.

There was extensive discussion by Council regarding the ongoing efforts of the Education Advisory Board.

At this time, Item 7B was heard.

At this time, Jorge Cabo, South Florida Regional Vice President for Winn Dixie, Jorge Delago, Miami-Dade and Monroe County District Manager for Winn Dixie and Jose Llanes, Key Biscayne Store Manager for Winn Dixie addressed the Council regarding limiting the use of plastic bags at the Key Biscayne Winn Dixie store by providing the option to purchase reusable bags or brown bags.

There was extensive discussion by Council regarding Winn Dixie eliminating the use of plastic bags.

At this time, Item 7C was heard.

At this time, Rumya Sundaram from the Key Biscayne Community Foundation addressed the Council regarding the impacts of the Ultra music festival on the University of Miami hatchery and Virginia Key soundscape.

There was extensive discussion by Council regarding the environmental impacts caused by the Ultra music festival at Virginia Key.

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

The Manager presented the Council with a budget report for the 2<sup>nd</sup> quarter of FY2018-19.

At this time, the Manager addressed the Council providing an update on a meeting with the Miami-Dade County Property Appraiser regarding the 2019 preliminary tax roll which will be made available by the Miami-Dade County Property Appraiser's office on June 1<sup>st</sup> and the possibility the preliminary taxable value will remain the same or decline from the prior year for the Village.

At this time, Item 11D2 was heard.

The Manager addressed the Council regarding the dog park camera proposals.

There was extensive discussion by Council regarding the dog park camera proposals.

It was the consensus of Council to not proceed with the installation of cameras within the Dog Park.

At this time, Item 11D3 was heard.

The Manager addressed the Council regarding the parking lyft analysis. The analysis concluded 22 additional parking spaces within the Village Hall parking lot by utilizing parking lyfts at a cost of approximately \$262,000 and also reported to the Council the possibility of re-striping on Village Greenway and Fernwood Road by creating angled parking spaces that would generate an additional total of approximately 44 parking spaces.

The Manager also addressed the Council regarding the need for space to store Public Works equipment.

There was extensive discussion by Council regarding the parking lyft analysis.

At this time, the Parks and Recreation Director Todd Hofferberth addressed the Council regarding the potential additional parking spaces created by the parking lyfts within the Village Hall parking lot.

Alicia L. Beceña, Director of Business Development from Klaus Multi-parking, addressed the Council regarding the parking lyft dimensions.

It was the consensus of Council to discuss plans for the Village Hall parking lot at the upcoming strategic planning session.

Councilmember Laredo made a motion to discuss plans for the Village Hall parking lot at the upcoming strategic planning session. The motion was seconded by Councilmember Seguro and approved by 6-1 voice vote. The vote was as follows: Councilmembers Luis Laredo, Brett G.

Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmember Edward London voting No.

At this time, Item 11A7 was heard.

Councilmember London addressed the Council regarding undergrounding utilities.

There was extensive discussion by Council regarding the proposed undergrounding utility project.

At this time, Item 11D4 was heard.

There was extensive discussion by Council regarding the undergrounding roadmap.

Councilmember London made a motion to freeze any expenditures pertaining to the proposed undergrounding project until May 21, 2019. The motion was seconded by Councilmember Laredo and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

8. **CONSENT AGENDA:** Councilmember Laredo made a motion to approve the following consent agenda. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The minutes to the April 9, 2019 Regular Council Meeting.

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A CHANGE ORDER TO THE WORK ORDER ISSUED TO THE CORRADINO GROUP, INC. TO PERFORM STRUCTURAL ANALYSIS AND DESIGN SERVICES FOR WEST MASHTA DRIVE BRIDGE REMEDIAL REPAIRS; 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 PLAYPOWER, INC. AND PLAYCORE WISCONSIN, INC. (D/B/A GAMETIME) FOR PLAYGROUND EQUIPMENT REPLACEMENT PARTS ON AN AS-NEEDED BASIS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A THIRD AMENDMENT TO THE AGREEMENT FOR USE OF ST. AGNES CATHOLIC CHURCH ATHLETIC FIELD BETWEEN THE VILLAGE OF KEY BISCAYNE AND THE ARCHDIOCESE OF**

**MIAMI; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

9. **ORDINANCES:** The Clerk read the following ordinance on second reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING A VILLAGE BEAUTIFICATION BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Laredo made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Petros.

Councilmember Segurola addressed the Council regarding this ordinance.

There was extensive discussion by Council regarding amending this ordinance to include “beautification of park spaces” within the scope of the Village’s Beautification Board.

It was the consensus of Council to not include language pertaining to the beautification of park spaces as part of the Board’s scope.

It was also the consensus of Council to amend the ordinance by replacing “Assisting Village Manager” to “Assisting Council” in to Section 2 (5)(ii) and remove “for the rights-of-way” in Section 2 (5)(i).

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

The ordinance, as amended, was approved by a 7-0 roll call vote. The vote was as follows: The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

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 2-10, “ADVISORY BOARDS” OF CHAPTER 2, “ADMINISTRATION,” ARTICLE I “IN GENERAL” OF THE VILLAGE CODE OF ORDINANCES TO PROVIDE FOR BOARD MEMBERSHIP AND TERM LIMITS; RENAMING EXISTING COMMITTEES TO BOARDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Councilmember Laredo addressed the Council regarding this ordinance.

There was extensive discussion by Council regarding Board members serving on more than one Board.

Councilmember Laredo made a motion to amend the ordinance by adding language pertaining to not allowing Board members to serve on more than one Board at any one given time, notwithstanding if the vacancy cannot be filled due to a lack of Board applicants. The motion was seconded by Councilmember Moss and failed by a 2-5 roll call vote. Councilmembers Luis Laredo and Brett G. Moss voting Yes. Councilmembers Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting No.

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 6-1 roll call vote. The vote was as follows: Councilmembers Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmembers Luis Laredo voting No.

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

Mayor and Councilmembers. Mayor Davey addressed the Council regarding composting and scheduling a special presentation during the May 21, 2019 Regular Council Meeting.

At this time, the Mayor addressed the public and the Council encouraging residents to attend the Key Biscayne 4<sup>th</sup> of July Parade BBQ Fundraiser on Friday, May 17<sup>th</sup> at 7:00 p.m. at the Key Biscayne Beach Club, 685 Ocean Drive.

At this time, Item 11A2 was heard.

Councilmember Segurola addressed the Council regarding an in-house Village Attorney.

There was extensive discussion by Council regarding an in-house Attorney.

At this time, the Attorney addressed the Council regarding a comparison between Miami-Dade County municipalities consisting of an in-house Attorney (8 municipalities) vs. contracted legal firms (26 municipalities) and the reduction in Village legal expenses.

It was the consensus of Council to designate Councilmember Segurola to conduct a cost-benefit analysis for an in-house Village Attorney and update the Council at the next regularly scheduled Council meeting.

At this time, Item 11A3 was heard.

The Mayor addressed the public and the Council regarding the upcoming City of Miami Commission meeting taking place on Thursday, May 9, 2019 regarding an item on the agenda to consider the lease renewal for the Ultra Music Festival at Virginia Key and encouraged the

public to attend the City of Miami Commission meeting to help support the Council's opposition to the Ultra Music Festival at Virginia Key.

At this time, Item 11A4 was heard.

The Mayor addressed the Council regarding single use plastics.

At this time, the Attorney addressed the Council regarding the status of the litigation pertaining to municipalities banning the use of plastic.

There was extensive discussion by Council regarding single use plastics.

At this time, Item 11A5 was heard.

Vice Mayor McCormick addressed the Council regarding the MAST address verification program.

There was extensive discussion by Council regarding the MAST verification program.

Vice Mayor McCormick addressed the Council regarding bringing forth the necessary legislation for Council consideration at the next regularly scheduled Council meeting to continue the program.

At this time, Item 11A6 was heard.

Councilmember Moss addressed the Council regarding the Zoning ordinance review.

There was extensive discussion by Council regarding the Zoning ordinance review.

Councilmember Laredo made a motion to designate Councilmember Moss to continue the review of the Zoning ordinance. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

Item 11A7 was heard earlier in the meeting.

At this time, Item 11A8 was heard.

Councilmember Petros addressed the Council regarding the Village's website.

There was extensive discussion by Council regarding the Village's website.

It was the consensus of Council to direct the Clerk to bring back examples of other municipal websites along with the estimated costs to redesign the website for Council's consideration.

At this time, Item 11A9 was heard.

Councilmember Petros addressed the Council regarding the Parks and Open Space Board.

At this time, the Attorney and Clerk addressed the Council regarding the renaming of the Land

Acquisition Committee to the “Parks and Open Space Board”.

There was extensive discussion while It was the consensus of the Council to direct the Clerk to advertise the vacancies for both the Parks and Open Space Board formerly known as the Land Acquisition Board and the Village Beautification Board.

It was also the consensus of Council to direct the Attorney to bring back the updated legislation that created the Land Acquisition Committee to be renamed to the “Parks and Open Space Board” and also update legislation by removing language pertaining to the 2020 Vision Plan and 2007 Evaluation and Appraisal Report.

At this time, Item 11A10 was heard.

Councilmember Petros addressed the Council regarding the approval of both the House and Senate bills to ban texting while driving.

Item 11A11 was heard earlier in the meeting.

At this time, Item 11A12 was heard.

Councilmember Laredo addressed the Council regarding permit impact fees.

There was extensive discussion by Council regarding building permit impact fees.

It was the consensus of Council to direct the Attorney and the Manager to study and evaluate imposing building permit impact fees.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk addressed the Council regarding the upcoming strategic planning session.

There was extensive discussion by Council regarding the upcoming Strategic Planning session.

Councilmember Laredo made a motion to schedule the Strategic Planning session on Saturday, May 18, 2019 at the Key Biscayne Ritz-Carlton. The motion was seconded by Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

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

12. **OTHER BUSINESS/GENERAL DISCUSSION:** There following business was discussed.

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 10:47 p.m.




Respectfully submitted:

  
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Jennifer Medina  
Village Clerk



Approved this 21<sup>st</sup> day of MAY 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.**