

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, AUGUST 29, 2017

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, 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:** Pastor Dennis Eastling from the Key Biscayne Community Church gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** The children from the Key Biscayne Community School led the Pledge of Allegiance.

4. **BRIEF COMMENTS BY COUNCIL:** Councilmember de la Cruz addressed the Council regarding the lack of playing fields on Key Biscayne and the efforts involved in obtaining additional playing fields in Calusa Park.

Mayor Lindsay addressed the Council regarding scheduling a Kiteboarding Workshop. The Council discussed the proposed intent of the Kiteboarding Workshop.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Pastor Dennis Eastling, 355 Glenridge Road; Millie McCormick, 245 Glenridge Road; Michael Davey, 50 Ocean Lane Drive; Gigi Costa, 395 Harbor Court; Michelle Estevez, 798 Crandon Boulevard; Yuki Lin, 100 Sunrise Drive; Ran Gimeno, 240 Crandon Boulevard; Jorge Mendia, 111 Island Drive; Kent Marinkovic, 2425 SW 19 Avenue; Xavier Aristimuño, 795 Allendale Road; Donald Elisburg, 177 Ocean Lane Drive; Christoph Ribot, 2484 SW 24 Terrace; Henry Zarb, 3270 Virginia Street; York Flik, 338 West Heather Drive; Joe Rasco, 310 West Heather Drive; Laudy Ibarra, 575 Crandon Boulevard; Ivette Fernandez, 482 Fernwood Road; Jackie Kellogg, 115

August 29, 2017

Sunrise Drive; Eladio Roca, 650 Ocean Lane Drive; Ana Felpeto, 465 Warren Lane; Maite Thornton, 475 Hampton Lane; Robert Vernon, 475 Ridgewood Road and Mario Garcia-Serra, 600 Grapetree Drive.

6. **SPECIAL INTRODUCTIONS:** At this time Item 6.C. was heard. Mr. Charles Scurr, Executive Director of the Citizen's Independent Transportation Trust regarding the 2017/18 Miami-Dade County Transportation Summit that will implement the Community's Vision for Public Transportation.

Derek Duzoglou, Founder CEO of D Squared Engineering, addressed the Council regarding laying the foundation for an eco-conscious community.

The Village Manager introduced Ms. Eva M. Regueira, Director of Miami-Dade County Office of Intergovernmental Affairs, Grant Administration and Community Engagement. Ms. Regueira addressed the Council regarding the MAST Academy address verification program. There was extensive discussion regarding the Program Grant Agreement for the Village of Key Biscayne address verification plan.

Michael Bauman, Miami-Dade County Chief of Causeways and Special Taxing Division, addressed the Council regarding the four (4) Miami-Dade County Special Lighting Districts located within the Village of Key Biscayne. Mr. Bauman explained the Village's interest to either remain with the existing Miami-Dade County operated Special Lighting Districts or transfer the Special Lighting Taxing Districts from Miami-Dade County to the Village in order to maintain and operate as the Village's Special Lighting Districts or abolish the Special Lighting Districts and merge this service into the municipal services provided by the Village with FPL. The Village Manager addressed the Council regarding bringing forth a cost estimate of the proposed lighting plan in order to abolish the Village's Special Lighting Districts and merge this service into the municipal services provided by the Village with FPL.

The Manager introduced to the Council and the public the new Human Resources Director, Juan C. Gutierrez. Mr. Gutierrez addressed the Council.

7. **AGENDA:** Vice Mayor Caplan requested the deferral of item 11A9 to the October 10, 2017 Council Meeting; Mayor Lindsay withdrew items 11A1 and 11A2; Mayor Lindsay together with Councilmember Moss also requested to hear items 11A14 and 11A13 immediately after the approval of the Resolutions as items 11A1 and 11A2; Councilmember Gross requested to withdraw item 11A10; Councilmember de la Cruz requested to withdraw items 11A5 and 11A6; Mayor Lindsay also requested to withdraw item 11A3 and to defer item 11A8 to solely be discussed at a scheduled October 9, 2017 Workshop at 6:00 p.m. Councilmember de la Cruz requested the deferral of item 10B to the October 10, 2017 Council Meeting, if feasible. There were no objections to the agenda changes.

At this time Councilmember Gross made a motion to pull item 8G and hear the item after the 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.

August 29, 2017

8. **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 June 13, 2017 Special Council Meeting.

The minutes to the June 13, 2017 Regular Council Meeting.

The minutes to the June 20, 2017 Special Council Meeting.

The minutes to the June 20, 2017 Budget Workshop.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF AN EXHAUST REMOVAL SYSTEM FOR THE VILLAGE'S FIRE DEPARTMENT BY UTILIZING ANOTHER GOVERNMENTAL CONTRACT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, AUTHORIZING THE PURCHASE AND SUSTAINMENT OF EQUIPMENT AND TRAINING FROM THE 2016 URBAN AREAS SECURITY INITIATIVE PROGRAM; APPROVING THE INTERLOCAL AGREEMENT FOR JOINT COMPLETION OF AN URBAN AREAS SECURITY INITIATIVE PROGRAM BETWEEN THE CITY OF MIAMI AND THE VILLAGE OF KEY BISCAYNE FOR THE PURPOSE OF CARRYING OUT FY2016 URBAN AREAS SECURITY INITIATIVE PROGRAM OBJECTIVES; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF SCANNING, INDEXING, IMAGING AND MEDIA CONVERSION SERVICES FROM ADVANCED DATA SOLUTIONS, INC.; PROVIDING FOR AUTHORIZATION; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time the Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING THE VILLAGE'S ABILITY TO FUND AND SUPPORT THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE VILLAGE'S BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

August 29, 2017

Councilmember Gross addressed the Council regarding the resolution.

It was the consensus of Council to schedule a Special Council Meeting at 6:30 pm immediately prior to the First Budget Hearing on September 12, 2017 for a presentation by Colleen Castille.

Vice Mayor Caplan offered the following amendments to the resolution: to remove the word “the” prior to “beach renourishment” and replace “will provide” with “has provided and continues to provide value” within the third whereas. There was no objection to the amendments.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 10-63, “DEFINITIONS” AND SECTION 10-73, “SPECIFIC METHODS OF CONSTRUCTION AND REQUIREMENTS” OF CHAPTER 10, “FLOODS” RELATING TO THE VILLAGE’S FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR TRANSMITTAL; 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 Gross.

The Manager and Building, Zoning and Planning Director Sergio Ascunce addressed the Council regarding amending the Village’s Floodplain Management Regulations.

There was extensive discussion regarding this ordinance.

Vice Mayor Caplan addressed the Council regarding clarification to Section 10-73(3) and offered the following amendment to Section 10-63: removal of “whichever is most landward”. There was no objection to the amendment.

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

It was the consensus of Council to hold a Special Council Meeting on September 19, 2017 at 6:00 p.m. to hear the second reading of the Ordinance.

The ordinance, as amended, 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 September 19, 2017 at 6:00 p.m.

August 29, 2017

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17, "NOISE" OF THE VILLAGE CODE OF ORDINANCES BY ADDING THE DEFINITION OF "FUEL" AND REVISING THE DEFINITION OF "LEAF BLOWER" IN SECTION 17-1, "DEFINITIONS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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.

Councilmember Petros addressed the Council regarding this ordinance.

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

There was extensive discussion by Council regarding this ordinance.

It was the consensus of Council to clarify the definition of leaf blowers to state the prohibition to power the leaf blowers by fuel.

The ordinance, as amended, 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.

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 EXECUTE AN AGREEMENT WITH ETC INSTITUTE, INC. FOR THE PREPARATION OF AN UPDATED NEEDS ASSESSMENT SURVEY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding the approval of the resolution.

There was extensive discussion by Council regarding the needs assessment survey.

The Parks and Recreation Director Todd Hofferberth addressed the Council regarding the approval of the resolution.

The resolution 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.

August 29, 2017

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

Mayor and Councilmembers. Mayor Lindsay addressed the Council regarding the proposed legislative priorities for Fiscal Year 2017-2018.

There was discussion from Council regarding the legislative priorities.

It was the consensus of Council to forward revisions to the resolution regarding the legislative priorities to the Village Clerk by September 1, 2017 and to be heard at the September 19, 2017 Special Council Meeting.

Councilmember Petros addressed the Council regarding the alternate site options for the pump track.

There was extensive discussion by Council regarding the alternate site options for the pump track.

It was the consensus of Council to incorporate the pump track into the 530 Crandon Boulevard site plan.

Mayor Lindsay addressed the Council regarding vacation rentals.

Building, Zoning and Planning Director Sergio Ascunce addressed the Council regarding the vacation rental procedure.

There was discussion from Council regarding vacation rentals.

The Village Attorney addressed the Council regarding the ordinance regulating vacation rentals.

Councilmember de la Cruz addressed the Council regarding playing fields on Crandon Park.

Councilmember Petros addressed the Council regarding monument signs.

There was discussion by Council regarding monument signs.

It was the consensus of Council to direct the Village Clerk to forward Council Meeting footage, legislation and minutes that occurred during the 2010 calendar year inclusive of ZORC meeting minutes in order to discuss the item at the October 10, 2017 Regular Council Meeting.

Councilmember Petros addressed the Council regarding the Village Clerk's job description.

Councilmember Petros addressed the Council requesting an update on LimeBike.

Police Chief Charles R. Press addressed the Council regarding the LimeBike program.

August 29, 2017

There was discussion by Council regarding the LimeBike program.

Councilmember Petros made a motion to extend the meeting until 11:05 p.m. 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.

It was the consensus of Council to direct the Attorney to draft a Licensing Agreement for the LimeBike program to be heard at the October 10, 2017 Regular Council Meeting.

Village Attorney. The Attorney addressed the Council regarding the medical marijuana zoning in progress.

There was a discussion by Council regarding the medical marijuana zoning in progress.

It was the consensus of Council to bring forth a resolution to be heard at the October 10, 2017 Regular Council Meeting enacting a medical marijuana zoning in progress.

Councilmember McCormick made a motion to extend the meeting until 11:10 p.m. 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.

At this time the Attorney requested an Executive Session for Special Counsel John Shubin with Shubin and Bass 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 to take place either September 19, 20 or 21, 2017.

It was the consensus of Council to direct the Clerk to coordinate with Councilmembers the final date and time for the Executive Session from the dates provided.

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 11:10 p.m.

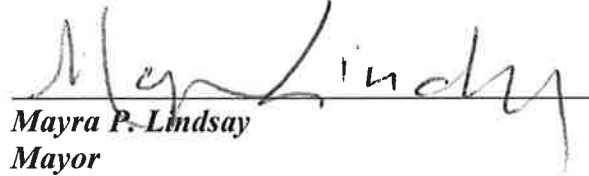
August 29, 2017

Respectfully submitted:


Jennifer Duque, CMC
Village Clerk



Approved this 9th day of January, 2018:


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.