

MINUTES

REGULAR COUNCIL MEETING  
KEY BISCAIYNE, FLORIDA

TUESDAY, OCTOBER 15, 2019

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 p.m. Present were Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick (arrived at 6:12 p.m.) and Mayor Michael W. Davey. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney Chad Friedman. Councilmember Ignacio Segurola was not present.
2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
3. **INVOCATION:** Deacon Adrian Zapatero from Saint Agnes Catholic Church provided an invocation.
4. **BRIEF COMMENTS BY COUNCIL:** The Mayor thanked the public and the individuals present for attending the meeting and also, addressed the public regarding the library. Councilmember Petros addressed the public and the Council inviting all to visit the local grocery store and observe the latest improvements to the store.
5. **AGENDA:** Mayor Davey requested to continue Item 10B1 and also, requested the addition of a special presentation by the Honorable Miami-Dade County Commissioner Xavier Suarez regarding Key Biscayne's beach water quality prior to Item 6. The Manager requested the addition of a discussion regarding Interim Chief Financial Officer as Item 11D2. The Attorney requested the addition of a request for an Executive Session as Item 11B1. The Clerk requested the addition of an announcement of a vacancy on the Beautification Board as Item 8D and also, requested deferring Item 9B to the next regularly scheduled Council meeting. There no objections to the agenda changes.

At this time, the Vice Mayor addressed the public and the Council wishing her son Ted a

Happy 12<sup>th</sup> Birthday.

At this time, the Honorable Miami-Dade County Commissioner Xavier Suarez addressed the Council regarding the concerns over the poor water quality on Key Biscayne beaches.

Councilmember Laredo addressed the Council acknowledging the presence and continued efforts of Miami-Dade County Commissioner Xavier Suarez and also, Commissioner Xavier Suarez's son, City of Miami Mayor Francis X. Suarez.

6. **PUBLIC COMMENTS:** The following residents addressed the Council:

Luis de la Cruz, 640 Allendale Road, commented on 2040 Vision Board;

Michael Kelly, 395 Gulf Road, commented on 530 Crandon Boulevard & 571-599 Harbor Drive;

Cecile Sanchez, 260 Cypress Drive, commented on sea water quality;

Carolyn Koslen, 255 Sunrise Drive, commented in support of 571-599 Harbor Drive land purchase, fertilizer on green space, resiliency and beach;

Thomas T. Koch, 250 Crandon Boulevard, commented on proposed library improvements;

Antonio Camejo, 151 Crandon Boulevard, commented on 530 Crandon Boulevard.;

Alison Owen, 1121 Crandon Boulevard, commented on proposed library improvements and 530 Crandon Boulevard;

Jacqueline Sanchez Volny, 133 E. Enid Drive, commented on beach water contamination;

Adriana Sabino, 151 Crandon Boulevard, commented on proposed library renovation;

Dolores Valls, 151 Crandon Boulevard, commented on proposed library improvements;

Marina M. Porro, 151 Crandon Boulevard, commented on proposed library improvements;

Jennifer Stearns Buttrick, 180 Cape Florida Drive, commented on firefighter's health, in support of purchasing 571-599 Harbor Drive, beach water quality, fertilizer and proposed improvements to the library;

Christina Bracken, 224 W. Mashta Drive, commented in support of purchasing 571-599 Harbor Drive and 530 Crandon Boulevard park construction;

Jorge Mendia, 111 Island Drive, commented in support of purchasing 571-599 Harbor Drive;

Patricia Romano, 361 Beechwood Drive, commented in support of purchasing 571-599 Harbor

Drive, library and not in support of no fishing on Mashta Bridge;

Karen Beber, 798 Crandon Boulevard, commented on water quality and kitesurfing;

Ernesto Mairhofer, 151 Crandon Boulevard, commented on proposed improvements to the library;

Dora Ruiz, 177 Ocean Lane Drive, commented in support of purchasing 571-599 Harbor Drive;

Louisa Conway, 151 Crandon Boulevard, commented in support of purchasing 571-599 Harbor Drive and proposed library improvements;

Luz Perry, 667 Warren Lane, in support of purchasing 571-599 Harbor Drive;

Clifford Brody, 1200 Crandon Boulevard, commented on 530 Crandon Boulevard, Library, and Community Center;

Jose R. Diaz, 151 Crandon Boulevard, commented on parks and proposed library improvements;

Sally Brody, 1200 Crandon Boulevard, commented on proposed library improvements;

Barry Goldmeier, 1000 Mariner Drive, commented on decrease in assessed value of Key Biscayne property; and

Dyan Simon, 335 Harbor Drive, commented in support of purchasing 571-599 Harbor Drive.

**7. SPECIAL PRESENTATIONS:**

At this time, the Clerk announced deferring Item 7A to the next regularly scheduled Council meeting. There were no objections by Council

At this time, Item 7B was heard.

The Mayor, on behalf of the Council, presented a proclamation to Sandra Beggs from Miami Counseling and Resource Center in observation of Dance/Movement Therapy week.

**8. BOARD APPOINTMENTS/BOARD REPORTS BY COUNCIL:** Mr. Glen Waldman The Athletics Advisory Board Chairman Glen Waldman provided a report on behalf of the Athletics Advisory Board to the Council.

There was extensive discussion by Council regarding the current number of participants enrolled for the different sport programs.

At this time, the Village's Beautification Board Member Cecila Sanchez, provided a report on behalf of the Beautification Board to the Council.

At this time, the Mayor, with the consensus of Council, appointed Bill Durham to the Art in Public Places Board.

At this time, the Mayor announced another vacancy (1) on the Art in Public Places Board and also, a vacancy (1) on the Village's Beautification Board.

There was extensive discussion by Council regarding the Board appointment process.

It was the consensus of Council to direct the Clerk to advertise the vacancy on the Art in Public Places Board and the Village's Beautification Board; and also, to circulate the applications to the existing Board members.

9. **CONSENT AGENDA:** Councilmember Laredo made a motion to approve the following consent agenda. The motion was seconded by Mayor Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The approval of the September 24, 2019 minutes of the Special Council Meeting.

Item 9B was deferred earlier in the meeting.

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY DUE TO HURRICANE DORIAN AND RELATED EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 22-31 "WEST MASHTA ROAD BRIDGE" TO PROHIBIT FISHING FROM THE WEST MASHTA ROAD BRIDGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Moss made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Moss.

The Mayor opened the public hearing. The following residents addressed the Council: Patricia Romano, 361 Beachwood Drive; commented opposing to prohibit fishing on the West Mashta Road bridge; Luz Perry, 667 Warren Lane, commented supporting the fishing prohibition on the West Mashta Road bridge. The Mayor closed the public hearing.

Councilmember London addressed the Council to affirm the existing fishing permit holders will be reimbursed the already paid fee totaling \$250.00 each. There was no objection by Council. There was extensive discussion by Council regarding this ordinance.

The ordinance was adopted on first reading and approved by 5-1 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros and Mayor Michael W. Davey voting Yes. Vice Mayor Allison McCormick voting No.

The Clerk announced the second reading of this ordinance at the October 29, 2019 Regular Council Meeting.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING CRITICAL PATH SERVICES, INC. FOR THE CONSTRUCTION OF A PARK LOCATED AT 530 CRANDON BOULEVARD; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Attorney addressed the Council regarding the amended total construction cost of \$1,200,000.

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.

Councilmember Laredo addressed the Council opposing the total construction cost of \$1,200,000 to construct 530 Crandon Boulevard park.

The Manager addressed the Council regarding the solicitation process and the proposed total construction cost.

There was extensive discussion by Council regarding this ordinance.

Councilmember Moss made a motion to add the full list of description/scope of work to the contractor(s) proposal in order to renegotiate the cost and return to Council for review and final approval. The motion was seconded by Mayor Davey and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Edward London, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmember Laredo voting No.

Councilmember London made a motion to table the ordinance on second reading to the November 19, 2019 Regular Council Meeting. The motion was seconded by Mayor Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The Clerk announced the continuance of the second reading of this ordinance at the November 19, 2019 Regular Council Meeting.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF THE REAL PROPERTIES LOCATED AT 571 AND 599 HARBOR DRIVE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Davey made a motion to adopt this ordinance on second reading. The motion was seconded by Councilmember Lauredo.

The Mayor opened the public hearing. The following residents addressed the Council: Patricia Woodson, 472 Warren Lane, on behalf of the Parks and Open Space Board, commented in support of purchasing 571 and 599 Harbor Drive lots; Steve Simon, 335 Harbor Drive, commented in support of purchasing 571 and 599 Harbor Drive lots; and Patricia Romano, 361 Beechwood Drive, commented in support of purchasing 571 and 599 Harbor Drive lots. The Mayor closed the public hearing.

There was extensive discussion by Council regarding the proposed purchase prices for both 571 and 599 Harbor Drive lots.

The Manager addressed the Council regarding the proposed purchase for both 571 and 599 Harbor Drive.

The Attorney addressed the Council regarding a voluntary covenant donated by the Oceania Developer totaling \$7,000,000 restricted for the use of purchasing land only for parks and open space.

The Mayor made a motion to purchase 571 Harbor Drive for \$2,182,500 and 599 Harbor Drive for \$1,850,000. The motion was seconded by Councilmember Lauredo and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmember Edward London voting No.

The ordinance, as amended, was adopted on second reading by a 5-1 roll call vote. The vote is as follows: Councilmembers Luis Lauredo, Brett G. Moss, Kathleen Petros, Vice Mayor Allison

McCormick and Mayor Michael W. Davey voting Yes. Councilmember Edward London voting No.

At this time, Item 11D1 was heard.

The Manager addressed the Council regarding the Communications Program.

There was extensive discussion by Council regarding the Communications Program.

The Clerk addressed the Council regarding the communication role of the Village Clerk.

It was the consensus of Council to direct the Manager to circulate the proposed Communications Program for Council review to be discussed at the next regularly scheduled Council meeting.

At this time, Item 11D2 was heard.

The Manager addressed the Council acknowledging the efforts of Christopher Wallace from Munitytics, as the Interim Chief Financial Officer and also acknowledged the newly hired Finance Director Benjamin Nussbaum.

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

Mayor and Councilmembers. The Mayor addressed the Council regarding the notification of Florida Department of Economic Opportunity (FDEO) for submittal of proposed Evaluation and Appraisal Amendments.

The Manager addressed the Council regarding the notification by FDEO for the proposed Evaluation and Appraisal Amendments.

At this time, Item 11A2 was heard.

Councilmember Petros addressed the Council regarding the installation of satellite towers.

The Attorney addressed the Council regarding the Village's regulations for placement of satellite towers.

There was extensive discussion by Council regarding the placement of satellite towers within Key Biscayne.

It was the consensus of Council to direct the Attorney to draft the necessary legislation for Council consideration to regulate the placement of satellite towers within Key Biscayne.

At this time, Item 11A3 was heard.

Councilmember Petros addressed the Council regarding the poor beach water quality.

There was extensive discussion by Council regarding viable options to identify and improve the poor beach water quality.

The Manager addressed the Council regarding the poor beach water quality.

It was the consensus of Council to schedule a workshop regarding poor water quality on November 5, 2019 at 6:00 p.m. and allow the Mayor to work together with the Manager to develop the workshop and also, to add “water quality” as a 2020 legislative priority.

At this time, the Mayor addressed the Council regarding his participation at the upcoming Mayor’s Summit for the American Flood Coalition.

There was extensive discussion by Council regarding the upcoming beach nourishment project.

At this time, Councilmember London exited the Chambers.

At this time, Item 11A7 was heard.

Councilmember Laredo addressed the Council regarding the Village’s Fire Rescue benefit issue for Ronald Erbel and Angela Herrera.

At this time, Jose Marti, Key Biscayne Fire Rescue Union President and Ronald Erbel, Key Biscayne Firefighter, addressed the Council regarding the State’s Cancer Bill and recommended to accept the terms of the State’s Cancer Bill in order to apply to the Key Biscayne Firefighters Ronald Erbel and Angela Herrera.

There was extensive discussion by Council regarding the State’s Cancer Bill as it relates to Key Biscayne Firefighters Ronald Erbel and Angela Herrera.

It was the consensus of Council to direct the Attorney to bring back the necessary legislation at the next regularly scheduled Council meeting for Council consideration.

At this time, Item 11A4 was heard.

Councilmember Moss addressed the Council requesting to be the designated Council Liaison to the Youth Council program. There were no objections by Council.

At this time, Item 11A5 was heard.

Councilmember Moss addressed the Council regarding the 2040 Vision Plan.

There was extensive discussion by Council regarding allowing the 2040 Vision Board to present a Vision Plan-Scope of Work for Council’s review and consideration.



It was the consensus of Council to allow the 2040 Vision Board to present a Vision Plan-Scope of Work for Council's review and consideration.

At this time, Item 11A6 was heard.

Councilmember Moss addressed the Council regarding the use of Suite 200 as a Historical Pop-Up Museum.

There was extensive discussion by Council regarding the use of Suite 200 at Village Hall.

Councilmember Moss made a motion to utilize Suite 200 as a Historical Pop-Up Museum. The motion was seconded by Mayor Davey and approved by a 5-0 voice vote. The vote is as follows: Councilmembers Luis Lauredo, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Item 11D8 was heard.

Councilmember Petros addressed the Council regarding a proposed ordinance to address fertilizers for Council's review and consideration and also, acknowledged the efforts of Rachel Silverstein from Waterkeepers for working together in bringing this proposed draft ordinance forth.

It was the consensus of Council to direct the Attorney to draft an ordinance to address fertilizers for Council consideration at the next possible regularly scheduled Council meeting.

At this time, Councilmember Petros addressed the Council regarding scheduling a future public forum to allow for input from the public (residents and contractors) after the possible adoption of the ordinance. There were no objections by Council.

Village Attorney. The Attorney requested an Executive Session regarding Marcelo Vilches v. Village of Key Biscayne, Case Number 2015-019987-CA-01 (08) in the 11th Judicial Circuit for Miami-Dade County.

It was the consensus of Council to schedule an Executive Session on Tuesday, October 29, 2019 at 5:30 p.m. and directed the Clerk to properly notice the date and time of the Executive Session.

Village Clerk. The Clerk did not submit a report.

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.

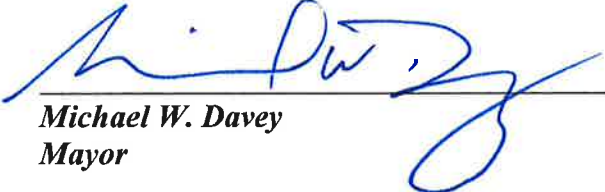
15. **ADJOURNMENT:** The meeting was adjourned at 10:06 p.m.

*Respectfully submitted:*

  
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**Jennifer Medina**  
**Village Clerk**



*Approved this 29<sup>th</sup> day of October, 2019:*

  
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**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.**