

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, NOVEMBER 13, 2007

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 Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline, Chabad of Key Biscayne gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mr. Michael Kahn led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: Michael Kahn, 881 Ocean Drive.
6. **AGENDA:** The Clerk requested the correction of a clerical error on page 2 of Item 8A; Councilmember Weinman requested the deferral of Item 9A to the December 4, 2007 Council Meeting and Councilmember Davey requested the addition of a discussion regarding comments from

ZORC members as Item 10A7. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the October 16, 2007 Athletic Programs/KBAC Workshop. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Davey made a motion to approve the minutes of the October 23, 2007 Zoning Meeting. The motion was seconded by Councilmember Thornton and approved by a 7 -0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCA YNE, FLORIDA; AMENDING THE VILLAGE CODE BY AMENDING ARTICLE VII, "WORKS OF ART IN PUBLIC PLACES," OF CHAPTER 2 "ADMINISTRATION," BY AMENDING SECTION 2-142 "ART-IN-PUBLIC-PLACES BOARD," BY AMENDING PARAGRAPH B(1), "MEMBERSHIP; QUALIFICATIONS;" TO PROVIDE FOR BOARD MEMBERS TO SERVE STAGGERED TERMS ON THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

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

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

It was the consensus of Council to direct staff to amend the ordinance by incorporating conflict of interest language in lieu of the following: "and may not operate, own or be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives income from the sale or display of art work."

The ordinance, as amended, was adopted on first reading by a 7 -0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The second reading of the ordinance will be on December 4, 2007.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE PURCHASE OF LAND AND IMPROVEMENTS LOCATED AT 85 WEST ENID DRIVE IN THE VILLAGE (THE "PROPERTY"); AUTHORIZING THE VILLAGE TO PURCHASE THE PROPERTY AS DESCRIBED HEREIN; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR FINANCING CONDITION; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

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 7 -0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

9. **RESOLUTIONS:** The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF LAND ACQUISITION REVENUE BONDS, SERIES 2007, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$2,800,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF ACQUIRING LAND LOCATED AT 85 WEST ENID DRIVE FOR VILLAGE PURPOSES, FINANCING LEGAL COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDING THE SALE OF THE BONDS TO SUNTRUST BANK; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Weinman requested the deferral of this resolution to the December 4, 2007 Council Meeting. There was no objection to the request.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AUTHORIZING AND APPROVING AGREEMENT BETWEEN THE VILLAGE AND ARTISTIC SURFACES, INC., TO PROVIDE FOR THE INSTALLATION OF TERRAZZO FLOORING FOR THE JOSE BEDIA PLAZAS ARTWORK PROJECT OF THE VILLAGE WHICH IS SITUATED WITHIN THE CRANDON BOULEVARD PROJECT AREA; AMENDING AND SUPPLEMENTING CAPITAL PROJECT AUTHORIZING RESOLUTION NUMBER 2007 - 1 ON THE SAME PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; APPROVING, CONFIRMING AND RATIFYING APPOINTMENTS TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

Councilmember Thornton made a motion to approve the resolution. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; APPROVING AGREEMENT FOR PROFESSIONAL SERVICES FIREWORKS DISPLAY BETWEEN FIREWORKS BY GRUCCI, INC., AND THE VILLAGE OF KEY BISCAVNE CONCERNING FIREWORKS DISPLAYS FOR JULY 4TH CELEBRATIONS OF THE VILLAGE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Liedman.

The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING THE AGREEMENT FOR PROFESSIONAL COMMUNICATIONS AND RELATED SERVICES BETWEEN HENNY GRÖSCHEL - BECKER, PH.D. AND THE VILLAGE OF KEY BISCAYNE CONCERNING WEBSITE DEVELOPMENT, COMMUNICATION AND RELATED SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Dr. Gröschel-Becker addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND JORGE MORA CONCERNING VIDEOGRAPHY SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING SERVICES, SUPPLIES AND EQUIPMENT FOR THE RESTORATION OF BRONZE PLAQUES FOR KEY BISCAYNE HERITAGE TRAIL AND VILLAGE GREEN; AUTHORIZING THE PURCHASE OF SUPPLIES, EQUIPMENT AND SERVICES FROM OMAR 'S BRONZE RESTORATION CORP, FOR SUCH PURPOSE; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. The Mayor addressed the Council regarding beach erosion as the result of Tropical Storm Noel proposing to start the dune restoration project immediately.

Tim Blankenship with Coastal Systems International, Inc. addressed the Council regarding the condition of the beach.

It was the consensus of Council to direct staff to bring to the December 4, 2007 Council Meeting a definite plan for the dune restoration and beach renourishment projects.

The Mayor also addressed the Council regarding the potential of a Key Biscayne Advisory Radio Station.

Cynthia Cutler, 251 Crandon Boulevard and Andrew Korge with Atlantic Radio Network addressed the Council.

It was the consensus of Council to direct staff to bring back a resolution with an agreement with Atlantic Radio Network to the December 4, 2007 Council Meeting.

Councilmember Weinman addressed the Council proposing funding assistance for Bill Baggs State Park portion of the Key Biscayne Boat Parade.

Kathy King, 745 Fernwood Road addressed the Council.

The Manager, the Attorney and Parks and Recreation Director Todd Hofferberth addressed the Council regarding this proposal.

It was the consensus of Council to direct staff to bring a proposal before Council for funding assistance for the Bill Baggs State Park portion of the Key Biscayne Boat Parade to the November 27, 2007 Council Meeting.

Councilmember Weinman also addressed the Council regarding the transition of athletic programs from KBAC to the Village.

The Manager, the Attorney and Director Hofferberth addressed the Council regarding this transition.

Councilmember Weinman also addressed the Council concerning temporary lights for the playing field during the winter months.

It was the consensus of Council to direct staff to bring a proposal for temporary lights for the playing fields to the November 27, 2007 Zoning meeting.

Councilmember Garcia addressed the Council requesting an update on cameras/monitoring system to promote compliance with red light signals.

The Manager addressed the Council regarding this project reporting that a procurement resolution will be presented to the Council at the December 4, 2007 Council Meeting.

Councilmember Davey addressed the Council regarding comments made by some ZORC Members regarding the June 2007 referendum as it relates to the Zoning Code.

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Councilmember Garcia nominated Vice Mayor Mendia. The nomination was seconded by Councilmember Davey. The Mayor closed the floor for nominations.

A vote was taken on the nomination of Vice Mayor Mendia. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Vernon voting Yes.

The Clerk presented to the Council the proposed 2008 Council Meeting Schedule. Councilmember Liedman requested to change the July 1 Council Meeting to July 8 and Vice Mayor Mendia requested to change the March 11 Council Meeting to March 4. There was no objection to the proposed changes.

The Office of the Mayor issued the following proclamation during the month of October: proclaiming October 20, 2007 as Immaculata-La Salle High School Day.

Village Manager. The Manager did not submit a report.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
13. **ADJOURNMENT:** The meeting was adjourned at 8:55 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 27th day of November, 2007:

Robert L. Vernon
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.