



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161
(305) 899-8000

Mayor and Commission

John R. Hornbuckle
Mayor

Robert (Bob) Anderson
Vice-Mayor

Kelly Mallette
Commissioner

Chester H. Morris, M.D.
Commissioner

Steve Bernard
Commissioner

Frank R. Spence
Village Manager

John J. Hearn
Village Attorney

Ann Harper
Village Clerk

AGENDA

REGULAR COMMISSION MEETING

Ed Burke Recreation Center – 11400 NE 9th Court
Tuesday, September 4, 2007 - 7:00 pm

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. PRESENTATIONS – None

2. ADDITIONS, DELETIONS OR WITHDRAWALS TO AGENDA

3. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) Tab #3
 - A. Approval of Minutes – (1) Regular Meeting – July 10, 2007
(2) Special Meeting - July 24, 2007
(3) Regular Meeting - August 7, 2007
(4) Sign Workshop - August 18, 2007
 - B. Approval of Monthly Budget to Actual Statement July 2007
 - C. Approval of use of Federal Forfeiture Funds to pay expenses related to Crime Prevent Certification Class #2 for Police Chief
 - D. Agreements - None

4. ORDINANCES – FIRST READING – None

Village of Biscayne Park - Agenda

5. PUBLIC HEARINGS – TAB #5

A. ORDINANCE NO. 2007-11

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE CODE OF ORDINANCE BY CREATING A NEW SECTION ENTITLED "ADMINISTRATIVE VARIANCES;" PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (2nd Reading)

6. RESOLUTIONS – TAB #6

A. RESOLUTION NO. 2007-15

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING FINDINGS OF FACT AND GRANTING A NON-USE VARIANCE TO THE PROPERTY OWNER OF 11500 NE 11 PLACE, BISCAYNE PARK, FLORIDA, ALLOWING VARIANCES FROM THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES TO ALLOW A 7'8" ENCROACHMENT INTO THE FRONT SETBACK AND A 7'9" ENCROACHMENT INTO THE SIDE SETBACK; PROVIDING FOR AN EFFECTIVE DATE

B. RESOLUTION NO. 2007-16

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING FINDINGS OF FACT AND GRANTING A NON-USE VARIANCE TO THE PROPERTY OWNER OF 11500 NE 11 PLACE, BISCAYNE PARK, FLORIDA, ALLOWING A VARIANCE FROM THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES TO ALLOW AN ENCROACHMENT OF A PORCH 8'2" INTO THE FRONT SETBACK OR THE ACTUAL ENCROACHMENT OF THE CURRENT PORCH, WHICHEVER IS LESS; PROVIDING FOR AN EFFECTIVE DATE

C. RESOLUTION NO. 2007-17

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING FINDINGS OF FACT AND GRANTING A NON-USE VARIANCE TO THE PROPERTY OWNER OF 1100 NE 121 STREET, BISCAYNE PARK, FLORIDA, ALLOWING A VARIANCE FROM THE VILLAGE OF BISCAYNE PARK

Village of Biscayne Park - Agenda

CODE OF ORDINANCES TO ALLOW THE EXISTING FENCE
TO REMAIN ON THE PROPERTY LINE; PROVIDING FOR
AN EFFECTIVE DATE

7. OLD BUSINESS – TAB #7

- A. Report on meeting with South Florida Regional Planning Council Staff relative to the Village's Objection Letter opposing City of North Miami's proposed Comprehensive Plan Amendments (Village Manager)

8. NEW BUSINESS

- A. Consideration of rescheduling regular meeting of December 4, 2007, Election Day, to December 11, 2007, and for installation of newly-elected Commissioners

9. GOOD AND WELFARE (PUBLIC)

10. REPORTS

- A. Committee Reports – Dog Park, Chair, John Ise
- B. Village Attorney Comments
- C. Village Manager Comments
 - 1. Report from Police Chief Glansberg
- D. Commission Comments
 - 1. Commissioner Bernard
 - 2. Commissioner Mallette
 - 3. Commissioner Morris
 - 4. Vice-Mayor Anderson
 - 5. Mayor Hornbuckle

11. ANNOUNCEMENTS

All public meetings are held at the Ed Burke Recreation Center
11400 NE 9th Court, Biscayne Park

*Monday, September 10 - Planning and Zoning Board at 7 pm

Village of Biscayne Park - Agenda

Tentative

- *Tuesday, September 18 - Code Enforcement Board at 7 pm -
- *Tuesday, September 18 – 2nd Budget Public Hearing at 6 pm
- *Monday, October 1 - Planning and Zoning Board at 7 pm
- *Tuesday, October 2 - Regular Commission Meeting at 7 pm
- *Monday, October 15 - Qualification of Candidates begins

12. ADJOURMENT

Submitted

NOTE: TBS = To Be

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www.biscayneparkfl.gov

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will 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.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899-8000 no later than (4) days prior to the proceeding for assistance.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court
Tuesday, July 10, 2007 - 7:00 pm
Rescheduled from July 3, 2007

Mayor Hornbuckle called the meeting to order at 7:10 p.m. In addition to Mayor Hornbuckle, present were Commissioners Bob Anderson, Kelly Mallette, and Dr. Chester Morris. Commissioner Walker was excused due to illness. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Holly Hugdahl, Acting Finance Director; Tony Sanchez, Police Captain; Joe Fisher, Public Works Director; and Ann Harper, Village Clerk.

Commissioner Mallette led the Pledge of Allegiance which was followed by a moment of silence for Commissioner Walker.

5. PRESENTATIONS – None

6. ADDITIONS, DELETIONS OR WITHDRAWALS TO AGENDA

Village Manager Spence said Item 4-B, Ordinance 2007-11, would be moved to the next Agenda.

7. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) Tab #3

A. Approval of Minutes

- Regular Meeting – (1) March 6, 2007
- (2) May 8, 2007
- (3) June 5, 2007

B. Approval of Monthly Budget to Actual Statement May 2007

C. Agreements

- (1) Renewal of agreement with FDOT for maintenance of all landscape and/or turfed areas within the Department's right-of-way (NE 6th Avenue)
- (2) Agreement between the Village and the Office of the State Attorney for the 11th Judicial Circuit to reimburse the State for the cost of State Attorney prosecution of certain criminal violations
- (3) Engagement Letter of Albarni, Caballero & Castellanos, L.L.P., C.P.A.'s to audit the Village's financial statements for the period ending September 30, 2007. (Second year of three-year contract)

Village of Biscayne Park - Agenda

Commissioner Morris requested that Item C(1) be removed from the Consent Agenda for discussion. He also noted that a correction should be made to one portion of the minutes from May 8. The correction, to add the vote to the motion, was noted.

Motion was made by Commissioner Morris, seconded by Commissioner Anderson, to approve the Consent Agenda with the omission of item C(1)

Commissioner Morris suggested that Staff negotiate with FDOT for an increase in their payments to the Village for work performed.

8. ORDINANCES – FIRST READING – TAB #4

A. ORDINANCE NO. 2007-10

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REPEALING AND REPLACING EXISTING SECTION 3-23, ENTITLED "DEFECATING, ETC., ON PUBLIC OR COMMON PROPERTY PROHIBITED," OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the Ordinance. Mayor Hornbuckle asked residents to contact Commissioners with their comments on this item. Commissioners Morris and Anderson spoke in favor of the Ordinance.

Motion was made by Commissioner Morris, seconded by Commissioner Anderson, to approve the Ordinance on first reading and schedule second reading for August 7, 2007. The motion carried by voice vote, as follows:

AYES: Commissioners Anderson, Mallette, and Morris; Mayor Hornbuckle.

NAYS: None.

ABSENT: Commissioner Walker.

B. ORDINANCE NO. 2007-11

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE CODE OF ORDINANCE BY CREATING A NEW SECTION ENTITLED "ADMINISTRATIVE VARIANCES;" PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

This item was removed from the agenda to be placed on the August 7, 2007, agenda.

Village of Biscayne Park - Agenda

5. PUBLIC HEARINGS

A. VARIANCES – Quasi Judicial Hearings – Tab #5

(1) Request of Joyce Da Silva, 11500 NE 11th Place, to approve encroachment of existing porch in property setbacks

(2) Request of Sebastian O. Laschera, 1100 NE 121st Street, to retain a non-conforming fence installed without a permit and installed in property fencing setbacks

Attorney Hearn read the variance requests and stated these would be quasi-judicial hearings. He swore in the people who indicated they would be testifying in the hearings. Since Ms. Da Silva was not present, Mr. Laschera's request was considered first.

Since Mr. Laschera does not speak English, Attorney Hearn asked Sira Ramos, Code Enforcement Officer, to translate for him. Discussion was held regarding the fine imposed by the Code Enforcement Board and the location of the fence and gate. Andrew Olis, Vice Chairman of the Planning and Zoning Board, addressed the Commission and stated that the gate did not meet the required criteria and the Board voted to deny Mr. Laschera's request because of the front gate.

Commissioner Morris commented that the wood portion of the fence was deteriorating and should be brought up to Code requirements.

Motion was made by Commissioner Mallette, seconded by Commissioner Morris, to approve the variance as to the side fences (wood and metal), which must be brought up to Code standards, and the front gate must be removed. Permit application must be received within thirty days. A roll-call vote was taken on the motion, which carried as follows:

AYES: Commissioners Anderson, Mallette, and Morris; Mayor Hornbuckle.

NAYS: None.

ABSENT: Commissioner Walker.

Joyce Da Silva arrived at the meeting and was sworn in by Attorney Hearn. Ms. Da Silva stated she was requesting this variance because at a prior Commission meeting, when she was requesting approval to add rooms to her house, it was determined that the front porch encroached into the setbacks. The porch was in place when she purchased the home many years ago.

Mayor Hornbuckle asked whether or not any residents wished to speak on this request for variance. Dan Keys asked whether or not a determination

Village of Biscayne Park - Agenda

was made that the garage and shed were not encroachments. If so, this could be considered at the same time.

Motion was made by Commissioner Mallette, seconded by Commissioner Morris, to approve the request for variance.

Attorney Hearn noted that the Commission is approving porch encroachment of 7'8" or no more than 8'2", whichever currently exists.

The motion carried by roll-call vote, as follows:

AYES: Commissioners Anderson, Mallette, and Morris; Mayor Hornbuckle.

NAYS: None.

ABSENT: Commissioner Walker.

8. RESOLUTIONS – None

9. OLD BUSINESS – TAB #7

A. Discussion of North Miami Future Land Use Map along NE 121st Street. North Miami Plan

Mr. Spence said the North Miami Commission on Tuesday, June 26, held a meeting at which their consultant made a presentation on the Future Land Use Plan and recommendations to change their Comprehensive Plan. In light of their planning on 121st Street along the border of the Village, Commissioners Anderson and Morris joined him in attending the meeting. He referred to the map in the agenda backup which was distributed at that meeting and he expressed concern that the map showed density would be allowed up to 61.3 units per acre and buildings up to seventy-five feet. Mayor Burns of North Miami stated that the Village's concerns would be addressed in the text of the Comprehensive Plan, but the Consultant was not directed to change the map to reflect what they had agreed to. He said this is on the agenda for discussion and decision on what position to present at the July 12 North Miami Commission meeting.

Commissioner Mallette said although she represents North Miami, she can participate in this discussion. She complimented Village Manager Spence on the diplomatic manner in which he has handled this situation, but any attempt to propose an amendment to their plan is out of order and we do not have the right to ask them to change their Comprehensive Plan.

After discussion, the following motion was made:

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Motion was made by Commissioner Mallette, seconded by Commissioner Morris, prepare a letter for presentation to the North Miami Commission at their meeting on July 12 expressing the following concerns of the Village: (1) that the density be retained at 5.1 units per acre; (2) that the height restriction be retained at 35 feet; (3) that the "buffer" zone be extended to 122nd Street; and (4) that these changes be placed on the map.

The motion carried by voice vote, 4/0.

B. NEW BUSINESS – TAB #8

A. Designation of voting delegate to the Florida League of City's Annual Conference (August 16-18, 2007, Orlando Marriott World Center)

It was decided that the Commissioner who is able to attend the Conference will be designated as the Voting Delegate.

B. Consideration of appointing replacements for Jason Lichtstein on the Code Enforcement Board and Susan Lichtstein on the Planning and Zoning Board

Appointments will be made at a future meeting.

9. GOOD AND WELFARE (PUBLIC)

The following residents spoke on various subjects:

Dan Keys
Rose DeMerle
Judi Hamelburg
Steve Bernard
Mo Yomtov

10. REPORTS – TAB #10

A. Committee Reports – Dog Park, Chair, John Ise

Village Manager Spence said he would present the report on the Dog Park and stated the recent rains have caused extensive flooding has affected the neighbors. A French drain was installed and final grading is complete. He spoke of the problem with salt intrusion and said pumps must be installed to minimize flooding.

B. Village Attorney Comments

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Village Attorney Hearn said he would call an Executive Session to discuss PBA negotiations which will be held prior to the Special Meeting to determine the tentative millage rate.

C. Village Manager Comments

1. Setting date for Special Commission meeting to set millage rate before August 3rd deadline

Mr. Spence suggested the Special Meeting to set the Tentative Millage Rate be held on July 24, 2007 at 7:30 p.m. following the Executive Session.

2. Report from Police Chief Glansberg

Police Captain Tony Sanchez presented the monthly Police Department report and commented on the reduction in speeding tickets.

E. Commission Comments

1. Commissioner Anderson
2. Commissioner Mallette
3. Commissioner Morris
4. Vice-Mayor Walker
5. Mayor Hornbuckle

11. ANNOUNCEMENTS

All public meetings are held at the Ed Burke Recreation Center
11400 NE 9th Court, Biscayne Park

- *Saturday, July 14 – Commission Workshop - Entrance Sign
10am-noon
- *Monday, July 16 - Planning and Zoning Board at 7 pm
- *Monday, August 6 – Planning and Zoning Board at 7 pm
- *Tuesday, August 7 – Regular Commission Meeting

12. ADJOURMENT

There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Commission approved: _____September 4, 2007_____

John R. Hornbuckle, Mayor

Ann Harper, Village Clerk



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court
Tuesday, July 24, 2007 - 7:30 pm

Mayor Hornbuckle called the meeting to order at 7:40 p.m. In addition to Mayor Hornbuckle, present were Commissioners Bob Anderson, Kelly Mallette, and Dr. Chester Morris. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Holly Hugdahl, Acting Finance Director; Mitchell Glansberg, Police Chief; Tony Sanchez, Police Captain; Joe Fisher, Public Works Director; Elisa Tankersley, Recreation Director, and Ann Harper, Village Clerk.

Vice-Mayor Anderson led the Pledge of Allegiance which was followed by a moment of silence in memory of Commissioner Walker.

NEW BUSINESS

Mayor Hornbuckle said he would like to move agenda item #2 to the beginning of the meeting.

2. Consideration of appointment to fill the unexpired term of the late Commissioner
Ted A. Walker.

Village Attorney John Hearn stated that nominations can be made by Commissioners and no second to the motion is required.

Mayor Hornbuckle opened the floor for nominations. Commissioner Mallette nominated David Goehl, and Commissioner Morris nominated Steve Bernard. There were no more nominations, and the nominations were closed.

Commissioner Mallette said Mr. Goehl is an experienced former Commissioner and is not interested in seeking election in December. Commissioner Morris said many residents contacted him and recommended that Steve Bernard be appointed to the Commission because of his prior work on Village issues and his willingness to serve.

Roll-call vote was held on the nomination of David Goehl:

Commissioner Anderson – no
Commissioner Mallette – yes
Commissioner Morris – no
Mayor Hornbuckle – no

Village of Biscayne Park - Agenda

Roll-call vote was held on the nomination of Steve Bernard:

Commissioner Anderson – yes
Commissioner Mallette – no
Commissioner Morris – yes
Mayor Hornbuckle – yes

Steve Bernard was given the Oath of Office by the Village Clerk and joined the other Commissioners on the dais.

3. RESOLUTION 2007-14

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA GRANTING AUTHORITY TO MEMBERS OF THE CITY COMMISSION AND FRANK R. SPENCE AS VILLAGE MANAGER TO SERVE AS SIGNATORIES ON ALL BANKING DOCUMENTS RELATED TO VILLAGE BUSINESS FOR THE VILLAGE OF BISCAYNE PARK; REQUIRING TWO SIGNATURES FOR THE TRANSFER OF FUNDS AND UPDATING ACCOUNT INFORMATION; PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Hearn read the title of the Resolution

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to approve the Resolution. The motion carried by voice vote, 5/0.

4. Recommendation that Commissioner Anderson serve as Vice-Mayor effective immediately

Mr. Spence commented that Commissioner Anderson is next in line to serve in the office of Vice-Mayor.

Motion was made by Commissioner Morris, seconded by Commissioner Bernard, to approve the appointment of Robert Anderson to serve as Vice-Mayor effective immediately until December 2007. The motion carried by voice vote, 5/0.

1. Discussion of establishing the Tentative Maximum Tax Levy for Fiscal Year 2007, permitted under FS 200.185 as created by Chapter 2007-321, L.O.F., to be submitted to the County Property Appraiser and to the Department of Revenue.

RESOLUTION NO. 2007-13

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; ESTABLISHING A TENTATIVE MILLAGE RATE OF _____ FOR FISCAL YEAR 2007-2008, ESTABLISHING THE CURRENT YEAR ROLLED-BACK

Village of Biscayne Park - Agenda

RATE TO BE _____ AND ESTABLISHING THE FIRST AND THE SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK AND ACTING FINANCE DIRECTOR TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; ESTABLISHING THE TIME AND LOCATION OF THE FIRST AND SECOND PUBLIC HEARINGS; PROVIDING FOR AN EFFECTIVE DATE

Mr. Spence said the Florida Legislature has taken over full control of levying of all ad valorem property taxes from municipalities and has defined what cities can and cannot do. He referred to the "Maximum Millage Levy Calculation" form in the backup and outlined the four options available to cities and the required number of votes of the Commission for each option. He recommended approval of the second option of using the rolled-back rate, which requires a two-thirds vote of the Commission. With this option, the property owners get a tax break with a lower millage rate and the Village will be able to operate with the same revenue as the current year. The Village is required to select a tentative millage rate before August 3 and report it to the Property Appraiser and the Tax Collector.

Motion was made by Commissioner Morris, seconded by Vice-Mayor Anderson, to approve the rolled-back rate of 8.34 as the tentative millage rate.

Commissioner Mallette said she cannot support the over-ride on the proposed millage rate and said she favored a rate of 7.49 and reduction of the budget by nine percent as recommended by the Legislature. With the reduced rate and reduced income, things could be done that would not impact services. Some services could be contracted.

Vice-Mayor Anderson confirmed that 8.34 is the tentative millage rate to be published on the proposed property tax bill and the Village is not "locked" into using that rate.

Commissioner Morris said regarding "contracting out" of services, such as Police Department, the Village would be provided with only one officer per shift.

Commissioner Bernard spoke in favor of approving the 8.34 millage rate.

Mayor Hornbuckle called for a voice vote on the motion to approve the 8.34 tentative millage rate, which carried 4/1 with Commissioner Mallette voting no.

Attorney Hearn read the title of Resolution 2007-13 with the tentative millage rate of 8.34 mills in the title. The motion carried by roll-call vote 4/1, with Commissioner Mallette voting no.

Mr. Spence added the following item to the agenda:

6. Discussion of North Miami proposed changes to their Comprehensive Plan.

Mr. Spence said the North Miami map shows the "buffer zone" on N.E. 121st Street where density and height are increased is just 100 feet, not the length as requested by the Village. After discussion the following action was taken.

Village of Biscayne Park - Agenda

Motion was made by Commissioner Bernard, seconded by Vice-Mayor Anderson, to send another letter to North Miami reiterating our concern that the setback of 100 feet on N.E. 121st Street be extended to 200 feet or to theoretically 122nd Street for the height and density restriction and to clarify where the border begins. The motion carried by voice vote, 5/0.

5. Discussion of mutually compatible date to schedule the workshop on the entry sign.

Mr. Spence said the workshop to select the Village entry sign will be Saturday, August 18, 2007, at 10 a.m.

There being no further business to come before the Commission, the Mayor adjourned the meeting at 8:20 p.m.

Commission approved: _____September 4, 2007_____

John R. Hornbuckle, Mayor

Ann Harper, Village Clerk



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court
Tuesday, August 7, 2007 - 7:00 pm

Mayor Hornbuckle called the meeting to order at 7:10 p.m. In addition to Mayor Hornbuckle, present were Commissioners Steve Bernard, Kelly Mallette, Dr. Chester Morris and Vice-Mayor Bob Anderson. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Holly Hugdahl, Acting Finance Director; Mitchell Glansberg, Police Chief; Police Sgt. Betsy Albert, Joe Fisher, Public Works Director; and Ann Harper, Village Clerk.

Commissioner Bernard led the Pledge of Allegiance which was followed by a moment of silence in memory of Commissioner Walker. Mayor Hornbuckle welcomed Commissioner Bernard to serve at his first regular Commission meeting and read a letter of thanks from Mrs. Vera Walker.

2. ADDITIONS, DELETIONS OR WITHDRAWALS TO AGENDA

Mr. Spence added item #7B to the agenda, extension of FDOT maintenance agreement, which was continued from the July 10, 2007, Commission meeting.

3. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) Tab #3

- A. Approval of Minutes – None
- B. Approval of Monthly Budget to Actual Statement June 2007
- C. Agreements – None

Commissioner Morris asked Holly Hugdahl for a “ballpark” estimate on the fund reserves.
Mrs.

Hugdahl responded that she will provide an estimate at the next meeting.

Motion was made by Commissioner Bernard, seconded by Commissioner Morris, to approve the Consent Agenda. The motion carried by voice vote, 5/0.

4. ORDINANCES – FIRST READING – TAB #4

ORDINANCE NO. 2007-11

Village of Biscayne Park - Agenda

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE CODE OF ORDINANCE BY CREATING A NEW SECTION ENTITLED "ADMINISTRATIVE VARIANCES;" PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attorney Hearn read the title of the Ordinance and provided a summary of the purpose of the Ordinance. The intent is limited to ten percent of any development requirement, not to exceed twelve inches. The applicant will not incur advertising expenses. He reviewed the requirements for approval of a variance.

Commissioner Mallette commented that she may not be able to vote on this item because of current construction at her residence. Attorney Hearn advised that this would not be a conflict.

Commissioner Bernard clarified several points in the Ordinance and stated he feels the proposed encroachments should come before the Commission.

Motion was made by Commissioner Morris, seconded by Vice-Mayor Anderson, to approve the Ordinance on first reading and set second reading for September 4, 2007. The motion carried by roll-call vote, as follows:

AYES: Commissioners Mallette and Morris, Vice-Mayor Anderson, and Mayor Hornbuckle.

NAYS: Commissioner Bernard.

5. PUBLIC HEARINGS

A. ORDINANCE NO. 2007-10

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REPEALING AND REPLACING EXISTING SECTION 3-23, ENTITLED "DEFECATING, ETC., ON PUBLIC OR COMMON PROPERTY PROHIBITED," OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the Ordinance and said it is a "modernization" of

Village of Biscayne Park - Agenda

what is presently in the Code. Mayor Hornbuckle opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

In response to Commissioner Mallette's question, Attorney Hearn said the Ordinance will be enforced by the Police Department or the Code Enforcement Officer.

Motion was made by Vice-Mayor Anderson, seconded by Commissioner Morris, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follow:

AYES: Commissioners Bernard, Mallette, and Morris; Vice-Mayor Anderson; Mayor Hornbuckle.

NAYS: None.

10. RESOLUTIONS – None

11. OLD BUSINESS – TAB #7

A. Discussion of North Miami's Future Land Use Map along NE 121st Street

Mr. Spence reviewed the letter in the backup outlining the Village's concerns that the density along the shared border of N.E. 121st Street remain at 5.1 units.

Vice-Mayor Anderson commented on the impact of increased density on the residents on N.E. 121st Street and the expenses of road maintenance. He referred to the letter from Attorney Grasso in the backup regarding the impact of land use changes on adjacent properties and said the Commission has the responsibility of protecting citizens of the Village.

Commissioner Morris said the Commission should take the next step and put North Miami "on notice" that we will not accept anything less than we are requesting.

Motion was made by Vice-Mayor Anderson, seconded by Commissioner Bernard, to direct Staff to write DCA (Department of Community Affairs) stating the Village's concerns regarding keeping the density at 5.1 units and increasing the setback to the "invisible line" at 122nd Street. The motion carried by voice vote, 5/0.

Village of Biscayne Park - Agenda

7B. Renewal of agreement with FDOT for maintenance of all landscape and/or turfed areas within the Department's right-of-way (NE 6th Avenue) This item was added to the Agenda by Mr. Spence under agenda item #2.

Mr. Spence said he spoke with a representative of FDOT who advised him that the agency is working under their new budget as of January 1, 2007, so payments to the Village cannot be increased, as requested. Many other municipalities have requested increases, and DOT will do a survey prior to developing their budget for next year. Mr. Spence recommended the Commission approve this renewal.

Motion was made by Vice-Mayor Anderson, seconded by Commissioner Morris, to approve the maintenance agreement. The motion carried by voice vote, 5/0.

9. NEW BUSINESS – TAB #8

A. Consideration of request of Brett Shinn to use Recreation Department Ball Field for Astronomy Viewing

Mayor Hornbuckle introduced Brett Shinn and asked him to describe his ideas for using the ball field for astronomy viewing. Mr. Shinn spoke about his plans for residents and visitors to use the field for star gazing after sunset on Friday and Saturday evenings. He said everyone would leave the field by 11 p.m.

Attorney Hearn stated that anyone who is going to participate must sign a release with the Village, and there are no public bathroom facilities.

Mayor Hornbuckle said the people who live around the ballpark should be notified before these events start.

Motion was made by Commissioner Morris, seconded by Commissioner Bernard, to approve the request. The motion carried by voice vote, 5/0.

B. Official appeal of disciplinary action against Officer Jose (Ortega) Velez

Attorney Hearn said this appeal to the Commission is a "relic" of the old Charter. The current Charter provides that appeals will be made to the Village Manager, and this will be changed as part of the negotiations when the PBA contract is considered.

Police Chief Glansberg reviewed the events which led to the disciplinary action. Mayor Hornbuckle asked whether or not the Officer or his representative would like to speak on this matter, and no one came forward to speak.

Attorney Hearn said the Commission has two choices: (1) to deny the grievance, or (2) to affirm the grievance. He said a letter will be sent with the result of the Commission's action.

Village of Biscayne Park - Agenda

Motion was made by Commissioner Morris, seconded by Commissioner Mallette, to deny the grievance. The motion carried by voice vote, 5/0.

C. Consideration of "Website/Community Interaction" Proposal by Commissioner Bernard.

Commissioner Bernard suggested that people from the audience should be able to address the Commission on each agenda item and the entire agenda backup information should be posted on the website.

Commissioner Mallette commented that in our Village, all Commissioners are accessible to residents, not like County commissioners or School Board members or legislators, so it is easy for residents to contact Commissioners before meetings to relay their concerns about agenda items. Vice-Mayor Anderson suggested that the "Good and Welfare" portion of the agenda be moved to the beginning of the meeting. Commissioner Morris stated the important thing is for residents to be aware of items on the agenda.

Discussion was held regarding whether or not the public speaking provisions are in compliance with the new Charter. No action was taken on this item.

D. Announcement of Vacancy of the alternate position of the planning and Zoning Board.

Mr. Spence said that Hans Laurenceau has moved into the position on the Planning and Zoning Board which was vacated by the resignation of Jason Lichstein. The Commissioners now have two applicants for the position of Alternate. The applicants are Elizabeth Hornbuckle and Mario Rumiano, and both are architects.

Mayor Hornbuckle turned the meeting over to Vice-Mayor Anderson and recused himself from this issue.

Motion was made by Commissioner Morris, seconded by commissioner Mallette, to authorize preparation of an ordinance to provide for two alternates on the Planning and Zoning Board. The motion carried by voice vote, 4/0 (Mayor Hornbuckle did not vote).

Village of Biscayne Park - Agenda

9. GOOD AND WELFARE (PUBLIC)

The following residents spoke to the Commissioners:

Robert Brumm
David Twitchell
Arthur Earhardt
Harvey Bilt

10. REPORTS – TAB #10

A. Committee Reports – Dog Park, Chair, John Ise – no report

B. Village Attorney Comments

Attorney Hearn commented that the Public Works Committee is no longer active and suggested that it be dissolved.

Motion was made by Vice-Mayor Anderson, seconded by Commissioner Mallette, to dissolve the Public Works Committee. The motion carried by voice vote, 5/0.

C. Village Manager Comments

- 2. Advice of Appointment of Hans Laurenceau to Planning and Zoning Board and Harvey Bilt to the Code Enforcement Board by Commissioner Anderson.**

Mr. Spence notified the Commission that the above appointments were made and do not require confirmation.

Mr. Spence stated that in response to an inquiry, he checked with the State Department of Revenue and was assured that the actions of the Village in setting a tentative millage rate were proper and legal and we are in compliance.

- 3. Report from Police Chief Glansberg – report presented**
- 4. Entry Sign Status – Mr. Spence said a workshop will be held on August 18th**
- 5. Budget Workshop Schedule - Mr. Spence said Budget Workshops will be held Monday and Tuesday, August 20th and 21st, beginning at 6 pm in the Recreation Center.**

F. Commission Comments

- 1. Commissioner Bernard**
- 2. Commissioner Mallette**
- 3. Commissioner Morris**

Village of Biscayne Park - Agenda

4. Vice-Mayor Anderson
5. Mayor Hornbuckle

11. ANNOUNCEMENTS

All public meetings are held at the Ed Burke Recreation Center
11400 NE 9th Court, Biscayne Park

- *Saturday, August 18 – Commission Workshop - Entrance Sign 10am-noon
- *Monday, August 20 – Planning and Zoning Board at 7 pm
- *Tuesday, August 21 – Code Enforcement Board at 7 pm
- *Monday, September 3 – All Departments closed Labor Day Holiday
- *Tuesday, September 4 – 1st Budget Public Hearing and Regular Commission Meeting

12. ADJOURMENT

There being no further business to come before the Commission, the Mayor adjourned the meeting
at 9:30 p.m.

Commission approved: _____(Sept 4, 2007)_____

John R. Hornbuckle, Mayor

Ann Harper, Village Clerk



Village of Biscayne Park

MINUTES

WORKSHOP

Ed Burke Recreation Center – 11400 NE 9th Court
Saturday, August 18, 2007 10:00 am

Mayor Hornbuckle called the meeting to order at 10:10 a.m. In addition to Mayor Hornbuckle, present were Vice-Mayor Robert Anderson and Commissioners Steve Bernard, Kelly Mallette, and Dr. Chester Morris. Present from Staff were Frank Spence, Village Manager;; Mitchell Glansberg, Police Chief , and Ann Harper, Village Clerk.

Mayor Hornbuckle said the purpose of this meeting is to finalize the type and style of the entry sign. He referred to the packet of materials distributed to the Commissioners, Staff, and to the fifteen people in the audience. The first page shows the cost of refurbishing the prior Village sign with new neon lights. The second page shows a monument stone sign stucco finish and concrete foundation with reverse lighting, The third section of the packet shows sketches of masonry signs.

Mr. Spence

There being no further business to come before the Commission, the Mayor adjourned the meeting
at 11:30 a.m.

Commission approved: _____

John R. Hornbuckle, Mayor

Ann Harper, Village Clerk

Village of Biscayne Park - Agenda

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE CODE OF ORDINANCE BY CREATING A NEW SECTION ENTITLED "ADMINISTRATIVE VARIANCES;" PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, Village staff has found that there are many instances where residents have a negligible encroachment of less than one foot, or ten percent, into the setback on their property; and

WHEREAS, at the present time, the costs and staff time expended in order to correct the encroachments is significant; and

WHEREAS, the Village Commission finds it to be in the best interests of the residents and citizenry to amend the Code of Ordinances relative to administrative variances;

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. Each and all the foregoing Whereas clauses are true and correct and are incorporated herein.

Section 2. The Code of Ordinances of the Village of Biscayne Park, Florida is hereby amended to create a new Section entitled "Administrative Variances," to read as follows:

Sec. ____ . Administrative variances.

This part is established to provide standards and procedures for the granting of administrative variances of development standards. Administrative variances are specifically intended to promote high standards of design, provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.

Administrative variances shall be limited to ten (10) percent of the affected setback or substantially similar dimensional requirement, up to a maximum of one (1) foot. The Village Manager shall be charged with the granting or denying of administrative variances. No administrative variance shall be granted unless the applicant clearly shows the existence of one of the following circumstances:

Village of Biscayne Park - Agenda

1. Superior alternatives - where the development will provide an alternative which will achieve the purposes of the requirement through clearly superior design.

2. Technical impracticality - where the strict application of the requirements would be technically impractical in terms of design or construction practices or existing site conditions. The degree of existing non-conforming conditions and the extent to which the proposed modification would lessen the nonconforming condition shall be specifically considered.

3. Adjacent development conditions - where the proposed modification provides a superior alternative due to specific conditions on adjacent developments.

4. Protection of natural features, including trees, wetlands, archeological sites and similar circumstances.

5. Other technical, architectural or engineering reasons.

Section 3. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. Inclusion in Code. It is the intention of the Village Commission of the Village of Biscayne Park, Florida, that the provisions of this Ordinance shall become and be made a part of the Village of Biscayne Park Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

The foregoing ordinance upon being put to a vote, the vote was as follows:

John Hornbuckle, Mayor

Mayor Hornbuckle: _____

Vice Mayor Anderson: _____

Commissioner Bernard: _____

Attest:

Commissioner Mallette: _____

Commissioner Morris: _____

Ann Harper, Village Clerk

1st Reading – August 7, 2007

2nd Reading – September 4, 2007

Village of Biscayne Park - Agenda

Approved as to form:

John J. Hearn, Village Attorney

RESOLUTION NO. 2007-16

**A RESOLUTION OF THE VILLAGE COMMISSION
OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,
MAKING FINDINGS OF FACT AND GRANTING A
NON-USE VARIANCE TO THE PROPERTY OWNER
OF 11500 NE 11 PLACE, BISCAYNE PARK, FLORIDA,
ALLOWING A VARIANCE FROM THE VILLAGE OF
BISCAYNE PARK CODE OF ORDINANCES TO
ALLOW AN ENCROACHMENT OF A PORCH 8'2"
INTO THE FRONT SETBACK OR THE ACTUAL
ENCROACHMENT OF THE CURRENT PORCH,
WHICHEVER IS LESS; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the owner of the property located at 11500 NE 11 Place, Biscayne Park, Florida ("Petitioner") has requested a variance from the Code to allow an encroachment of a porch 8'2" into the front setback or the actual encroachment of the current porch, whichever is less; and

WHEREAS, the Planning and Zoning Board met to review this request and recommended approval of the property owner's request; and

WHEREAS, the Village Commission has heard the request, evidence and testimony and hereby finds the following to be true:

1. There are special circumstances or conditions affecting the property which are such that the strict application of the provisions of the Village Code would deprive the Applicant from the reasonable use of his land;
2. The non-use variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant;
3. The granting of the non-use variance would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated; and
4. The non-use variance proposed is the minimum variance which makes possible the reasonable use of the property;

Village of Biscayne Park - Agenda

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The non-use variance to allow a variance from the Village of Biscayne Park Code of Ordinances to allow an encroachment of a porch 8'2" into the front setback or the actual encroachment of the current porch, whichever is less, is hereby approved.

Section 3. The Applicant is responsible for recording this Resolution in the Public Records of Miami-Dade County, Florida and shall bear the costs thereof.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 4th day of September, 2007.

The foregoing resolution upon being Put to a vote, the vote was as follows:

John Hornbuckle, Mayor

Mayor Hornbuckle _____

Vice Mayor Anderson _____

Commissioner Bernard _____

Commission Mallette _____

Commissioner Morris _____

Attest:

Ann Harper, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

RESOLUTION NO. 2007-15

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING FINDINGS OF FACT AND GRANTING A NON-USE VARIANCE TO THE PROPERTY OWNER OF 11500 NE 11 PLACE, BISCAYNE PARK, FLORIDA, ALLOWING VARIANCES FROM THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES TO ALLOW A 7'8" ENCROACHMENT INTO THE FRONT SETBACK AND A 7'9" ENCROACHMENT INTO THE SIDE SETBACK; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the owner of the property located at 11500 NE 11 Place, Biscayne Park, Florida ("Petitioner") has requested variances from the Code to allow a 7'8" encroachment into the front setback and a 7'9" encroachment into the side setback to build additional rooms to the existing house; and

WHEREAS, the Planning and Zoning Board met to review this request and recommended approval of the property owner's request; and

WHEREAS, the Village Commission has heard the request, evidence and testimony and hereby finds the following to be true:

1. There are special circumstances or conditions affecting the property which are such that the strict application of the provisions of the Village Code would deprive the Applicant from the reasonable use of his land;
2. The non-use variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant;
3. The granting of the non-use variance would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated; and
4. The non-use variance proposed is the minimum variance which makes possible the reasonable use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Village of Biscayne Park - Agenda

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The non-use variance to allow a variance from the Village of Biscayne Park Code of Ordinances to allow a 7'8" encroachment into the front setback and a 7'9" encroachment into the side setback, is hereby approved

Section 3. The Applicant is responsible for recording this Resolution in the Public Records of Miami-Dade County, Florida and shall bear the costs thereof.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 4th day of September, 2007.

*The foregoing resolution upon being
Put to a vote, the vote was as follows:*

John Hornbuckle, Mayor

Mayor Hornbuckle _____

Vice Mayor Anderson _____

Commissioner Bernard _____

Commission Mallette _____

Commissioner Morris _____

Attest:

Ann Harper, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

RESOLUTION NO. 2007-17

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING FINDINGS OF FACT AND GRANTING A NON-USE VARIANCE TO THE PROPERTY OWNER OF 1100 NE 121 STREET, BISCAYNE PARK, FLORIDA, ALLOWING A VARIANCE FROM THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES TO ALLOW THE EXISTING FENCE TO REMAIN ON THE PROPERTY LINE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the owner of the property located at 1100 NE 121 Street, Biscayne Park, Florida (Sebastian Laschera) (hereinafter "Petitioner") has requested a variance from the Code to allow an existing fence to remain on the property line; and

WHEREAS, the Planning and Zoning Board met to review this request and recommended denial of the property owner's request; and

WHEREAS, the Village Commission has heard the request, evidence and testimony and hereby finds the following to be true:

1. There are special circumstances or conditions affecting the property which are such that the strict application of the provisions of the Village Code would deprive the Applicant from the reasonable use of his land;
2. The non-use variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant;
3. The granting of the non-use variance would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated; and
4. The non-use variance proposed is the minimum variance which makes possible the reasonable use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

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Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The non-use variance to allow a variance from the Village of Biscayne Park Code of Ordinances to allow an existing fence to remain on the property line is hereby approved, with the following conditions:

1. The side wood and metal fences shall be brought up to Code standards;
2. The front gate shall be removed; and
3. The permit application must be completed by the Applicant within thirty (30)

days of the date of approval of this Resolution.

Section 3. The Applicant is responsible for recording this Resolution in the Public Records of Miami-Dade County, Florida and shall bear the costs thereof.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 4th day of September, 2007.

*The foregoing resolution upon being
Put to a vote, the vote was as follows:*

John Hornbuckle, Mayor

Mayor Hornbuckle _____

Vice Mayor Anderson _____

Commissioner Bernard _____

Attest:

Commission Mallette _____

Commissioner Morris _____

Ann Harper, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



Village of Biscayne Park

640 Northeast 114th Street
Biscayne Park, Florida 33161

Phone: (305) 899-8000

Fax: (305) 891-7241

August 20, 2007

Mr. Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

And

Ms. Carolyn A. Dekle, Executive Director
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, FL 33021

RE: Objection to the City of North Miami Revised Comprehensive Plan

Dear Mr. McDaniel and Ms. Dekle:

By this letter the Village of Biscayne Park wishes to formally file an objection (as an "Affected person" under Chapter 163.3184) to a portion of the Revised (Amended) City of North Miami Comprehensive Plan, including the Future Land Use Map, which was transmitted and received by your office on or about August 10, 2007.

On July 25, 2007 the City of North Miami City Council voted to transmit amendments to the City's Comprehensive Plan based on the recommendations of the City's Evaluation and Appraisal Report.

Although we applaud the City's (staff and Council) willingness to listen to the Village's concerns, we still believe the proposal may allow for densities and intensities which are incompatible with the abutting single-family residences within the Village of Biscayne Park.

The area of concern is along NE 121st Street, which is the shared municipal

Village of Biscayne Park - Agenda

boundary. between our two cities, from Griffing Boulevard and NE. 13th Place.

Mr. Mike McDaniel and Ms. Carolyn A. Dekle

August 20, 2007

Page Two

Although the City of North Miami has designated a 100' cross hatched setback area along its southern boundary, defined as the Village of Biscayne Park Height Transition Zone'', the Village believes a setback of 200' from the southerly right of way line along NE 121st Street would be more appropriate. Additionally, the Village has concerns with the proposed density of 16.3 dwelling units per gross acre (Medium Density Residential) right across the Street from the Village's single family residences with a density of 2-3 Units per Acre. A more consistent density would be the City's Low Density Residential category which is 5.1 units per acre. (Yellow coded on the FLUM).

Although no administrative hearing is being requested at this time, by submittal of this letter the Village wishes to maintain its standing in the process.

We would respectfully request that both parties participate in the South Florida Regional Planning Council Regional Dispute Resolution Process, as specified by 186.509, F.S., to settle any remaining differences between the City of North Miami and the Village of Biscayne Park prior to final adoption of the Plan.

Sincerely,

FRANK R. SPENCE
Village Manager

cc: Bob Dennis, Regional Planning Administrator, DCA
Paul Darst, DCA
Teny Manning, SFRPC
Maxine Calloway, Director Community Planning and Development
City of North Miami
Biscayne Park Village Commission
Alex A. David, Bell David Planning Group