



Village of Biscayne Park

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

Mayor and Commission

John R. Hornbuckle
Mayor

Kelly Mallette
Vice-Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Chester "Doc" Morris
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, March 3, 2009 - 7:00 pm

1. CALL TO ORDER and ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR DELETIONS TO AGENDA
4. PRESENTATIONS – Tab #4
 - A. Traffic Safety and Enforcement Solutions by American Traffic Solutions and the Benefits of Red-light Cameras on Preventing Traffic Crashes (Police Chief)
 - B. Proclamation declaring Friday, April 24, 2009, as Arbor Day
 - C. Presentation by Miami Fitness Connection to operate Summer Camp Program
 - D. Presentation of Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting To the Village of Biscayne Park's Finance Department for its Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2007
5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS
6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) - Tab #6
 - A. Approval of Minutes – Special Meeting – (1) September 23, 2008
(2nd Budget Public Hearing)
Regular Meetings – (2) December 2, 2008
(3) January 6, 2009
(4) February 3, 2009
 - B. Approval of Quarterly Financial Statements for the period ended December 30, 2008

Village of Biscayne Park - Agenda

7. PUBLIC HEARINGS - Tab #7

A. SECOND READING OF ORDINANCES

(1) ORDINANCE NO. 2009-4

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Continued from Commission Meeting January 6, 2009) (2nd Reading)

Manager's Recommendation: Continue to October 6, 2009, meeting

8. ORDINANCES – FIRST READING – None

9. RESOLUTIONS – Tab #9

A. RESOLUTION NO. 2009-2

AS

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY ALLOW THE VILLAGE OF BISCAYNE PARK TO PARTICIPATE IN THE COUNTY'S LANDSCAPE BEAUTIFICATION PROGRAM; AUTHORIZING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE APPROPRIATE COUNTY OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE

10. OLD BUSINESS - Tab #10

- A. Consideration of filling the Alternate position on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from February 3, 2009, meeting)**
- B. Consideration of filling the Alternate Member position on the Parks & Parkways Advisory Board caused by moving Jane Ansley to the permanent position**
- C. Report on City of North Miami Reduction of Capital Improvement Surcharge on Water (Commissioner Bernard)**
- D. Clarification of Resolution 2007-10, Landlord Permit Fees as it Relates to rate and time frame (Commissioner Bernard)**
- E. Report on selection of site for new entry sign (Village Manager)**

(Continued on next page)

Village of Biscayne Park - Agenda

10. OLD BUSINESS - Tab #10 (Continued)

F. Report on Qualifications for a Florida Recreation Development Assistance Program (FRDAP) Grant (Village Manager)

G. Consideration of proposals to provide curbside recycling pickup. (Current contract with Miami Shores expires in April 2009.)

TBS H. Approval of Policy and Procedures Manual (Village Manager)

11. NEW BUSINESS – Tab #11

TBS A. Report on Transportation Stimulus Funds allocation for the Village (\$74,073) and projected use (Village Manager)

B. Consideration of invitation by Florida Department of Transportation (FDOT) to become a Participating Agency on Phase 2 of the South Florida East Coast Corridor Transit Analysis (SFECCTA)

C. Consideration of extending current health care contract with Blue Cross-Blue Shield from May 31, 2009, to September 30, 2009, To coincide with the Village's fiscal year.

D. Consideration of filling vacancy on the Code Review Committee to replace Lilly Harper who resigned February 24th, 2009

E. Discussion of ebay sales for benefit of new foundation (Continued From February 3, 2009, meeting)

12. GOOD AND WELFARE (PUBLIC)

13. REPORTS

A. Committee Reports

1. Parks & Parkways Advisory Board – Dan Keys, Chairman
2. Recreation Advisory Board – Roxanna Ross, Chairman

B. Village Attorney Comments

C. Village Manager Comments

1. Report from Police Chief Glansberg
2. Updates on various projects

- a. Recreation Pavillion
- b. Public Works Building
- c. Commission Directives

Village of Biscayne Park - Agenda

D. Commission Comments

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

14. ANNOUNCEMENTS - All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

- | | |
|---------------------|---|
| *Wednesday, March 4 | Joint meeting of Recreation Advisory Board and Parks and Parkways Board 6:30 pm |
| *Tuesday, March 10 | Code Review Committee 6:30 pm |
| *Monday, March 16 | Planning & Zoning Board 6:30 pm |
| *Tuesday, March 17 | Code Enforcement Board 7 pm |
| *Tuesday, March 24 | Code Review Committee 6:30 pm |
| *Tuesday, April 7 | Regular Commission Meeting 7 pm |

15. ADJOURNMENT - NOTE: TBS = To Be Submitted

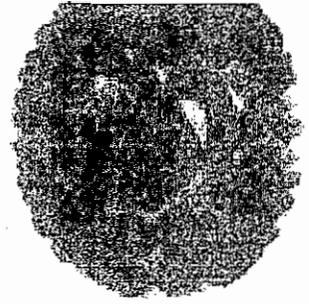
Visit our website at www.biscayneparkfl.gov

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.



About American Traffic Solutions, Inc. (ATS)

We operate on a fundamental and proven principle that successful, long term customer relationships are key to a successful business. These relationships are built upon trust, reliable and complete customer service and a deep knowledge and understanding of customer business needs and goals.

ATS is a leading provider of technology and business solutions that support the growing requirements for Electronic Toll and Traffic Management worldwide. Our unique solutions for automated toll and traffic violation processing, together with the proven business management expertise provide each of the required elements to ensure successful outcomes for our customers and partners.

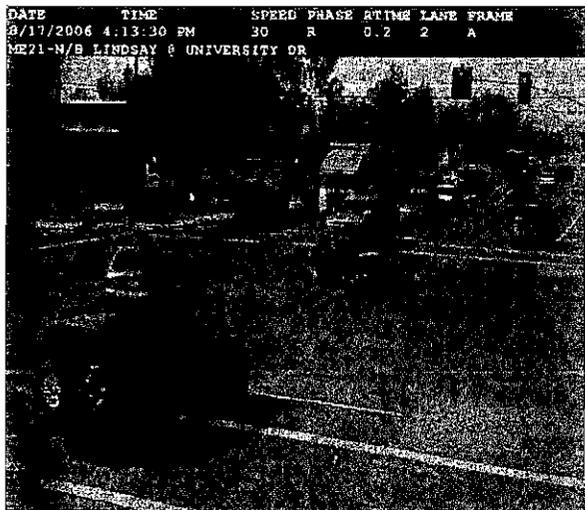
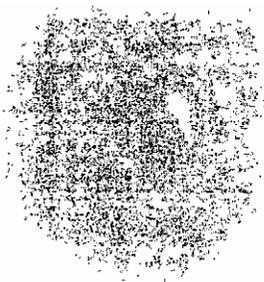
Since its founding in 1992, ATS continues to be a client-focused transportation products and services company. Our offerings are backed by state-of-the-art hardware and software, professional and reliable services, knowledgeable and dedicated people, specific and extensive industry experience.

With regional facilities in New York City, NY, Philadelphia, PA, Mesa, AZ, St. Louis, MO and Houston, TX, ATS maintains a state-of-the-art Software Development Center in Scottsdale, Arizona, as well as high-tech research and development facilities for development and manufacturing. The Scottsdale facility also serves as the company's Global Network Operations Center which is linked to all active cameras and data collection devices worldwide.

Our products and offerings are focused on mobility and traffic safety, and have been specifically developed in response to the growing demand for traffic and transportation related systems worldwide. The company has steadily cultivated the right combination of people, processes and enabling technologies required to achieve success.

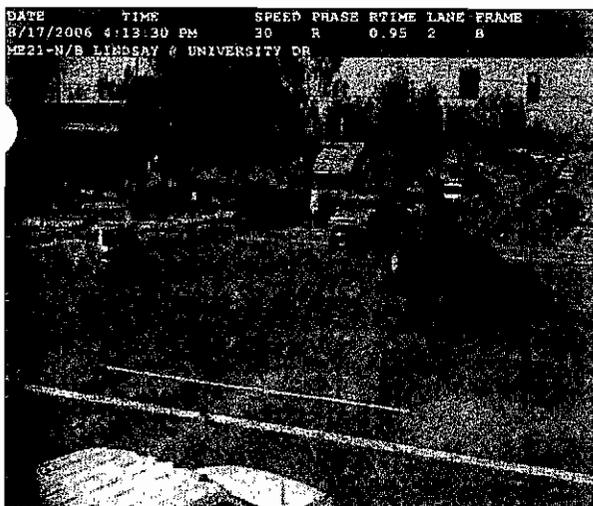
Our track record includes the implementation and operation of large and visible programs, including the City of Philadelphia, City of Houston and the New York City Red Light Camera Programs. ***The New York program alone generates more than 330,000 violation notices each year***, and is among the largest photo safety programs in the country. ATS is also responsible for the operation of Canada's largest digital red light camera program in Calgary, Alberta.





Red light running is a long-time safety problem.

- Red light running is the leading cause of urban crashes according to the Insurance Institute for Highway Safety.
- In 2004, as many as 207,000 crashes, 168,000 injuries and over 900 fatalities in the U.S. were attributed to red light running.
- The financial cost to the public is estimated to be more than \$14 billion each year.
- An average of 3.2 red light violations occur per hour, according to a 2003 study conducted by University Transportation Center for Alabama in 4 states at 19 different intersections.



A crash caused by a driver who runs a red light is more likely to result in serious injury or death.

- Deaths caused by red light running are increasing at more than three times the rate of increase for all other fatal crashes.
- More people are injured in crashes involving red light running than in any other crash type.
- Reduction in red light running through a comprehensive red light camera program will promote and protect the public health, safety and welfare of your community.



Most people run red lights because they are in a hurry, when in fact they only save seconds.

- Almost all drivers (96%) fear being struck by a red light runner.
- Majority of Americans (56%) admit to running red lights.
- Red light runners can be any one of us who drives.
- One in three Americans knows someone who has been injured or killed in a red light running crash.
- Red light running is often a result of aggressive driving, and is **completely preventable**.



- Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,* Arbor Day is now observed throughout the nation and the world, and
- Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
- Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

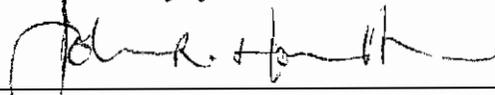
*Now, Therefore, I, John R. Hornbuckle, Mayor of
the Village of Biscayne Park do hereby proclaim
Friday, April 24, 2009 as*

Arbor Day

The Village of Biscayne Park and I urge all
citizens to celebrate Arbor Day and to support efforts to protect
our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 3rd day of March, 2009



Mayor John R. Hornbuckle

4B

MIAMI FITNESS CONNECTION

"Committed to Family Fitness"
9716 NE 5th Avenue Road
Miami Shores, FL 33138

Phone # (305) 757-2218
Fax # (305) 757-2204



Biscayne Park Summer Camp 2009 (June 8 – Aug 21) Proposed Schedule and Fees

Summer Camp will be 11 weeks in length, will begin on June 8 and end on August 21, 2009. Camp will begin at 8:30 am. The camp day will end at 5:30 pm.

Staff:

There will be 1 staff member provided for every 10 children. The staff will include counselors that have been trained in the areas of education and/or physical fitness with prior experience working with children. All of our summer camp staff will participate in an 8 hour mandatory training workshop. Background checks and fingerprints will be completed for all of the staff.

Themes and Activities:

Week 1	June 8 – June 12	Summer Safari
Field Trip: Parrot Jungle Swimming Special Event: Safari Scavenger Hunt Character Club: Caring		
Week 2	June 15 – June 19	Super Heroes Unite!
Field Trip: Miami Children's Museum Swimming Character Club: Self-Confidence		
Week 3	June 22 – June 26	Festival of Nations
Field Trip: Young at Art Swimming Special Event: Festival of Foods – Children will have the opportunity to taste foods from around the world. Character Club: Acceptance		
Week 4	June 29 – July 3	Survivor BP: Outwit, Outlast, Olympics
Field Trip: T.Y. Park Swimming Special Event: Survivor Olympics and Awards at Founders Park Character Club: Trustworthiness		

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Week 5 July 6 – July 10 Camp Carnival

Field Trip: Carnival Fun Station

Swimming

Special Event: Biscayne Park Carnival

- Cotton Candy
- Face Painting
- Snow Cones
- Games and More!

Character Club: Cooperation

Week 6 July 13 – July 17 America the Beautiful

Field Trip: Movie Theatre

Swimming

Character Club: Citizenship

Week 7 July 20 – July 24 Time Warp

Field Trip: Cold Stone Creamery: Children will have the opportunity to learn how ice cream is made, as well as participate in interactive games to win free ice cream, t-shirts and more!

Swimming

Special Event: Decade Dress Up Day & Fun Stations

- Root Beer Floats
- Sock Hop & Twister
- Tie Dye Creations
- Hula Hoop Contest
- Bubble Gum Blowing

Character Club: Self-Discipline

Week 8 July 27 – July 31 That's Entertainment!

Field Trip: Miami Children's Theatre

Swimming

Special Event: Talent Show

Character Club: TeamWork

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Week 9 **August 3 – August 7** **Wild Water Adventure**

Field Trip: C. B. Smith Park
Special Event: Wacky Water Play – Slip-n-Slide, Super Soaker Tag and more!
Character Club: Perseverance

Week 10 **August 10 – August 14** **Pirates and Princesses on Parade**

Field Trip: Kabooms
Special Event: Pirate & Princess Ball – DJ with music, games and more!
Swimming
Character Club: Acceptance

Week 11 **August 17 – August 21** **Silly Science Adventure**

Field Trip: Fort Lauderdale Museum of Discovery & Science
Swimming
Special Event: Science Stations – Campers will perform a variety of cool experiments and make their own slime they can take home with them.
Character Club: Friendship

Transportation:

The bus company we will use for summer camp is A1A Transportation. We will require A1A to submit all updated paper work such as, proof of insurance, driver background checks and vehicle inspections.

Fee Breakdown:

The fees for Summer Camp will include all activities, arts & crafts projects, field trips, and special events. Campers will also receive a free camp T-shirt with their registration fee. The minimum enrollment required will be 40 children.

Term	Residents	Non-Residents
11 weeks	\$1,100	\$1,540
4 weeks	\$480	\$576
2 weeks	\$280	\$336

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Projected Revenues:

The projected revenue and expenses are based on 40 campers at the 11 week resident rate.

PROJECTED REVENUES	\$44,000.00
Biscayne Park Revenues	\$4,400.00
Miami Fitness Revenues	\$39,600.00
EXPENDITURES	
Staffing	\$18,880.00
Supervisor \$12/hour 40/week	\$5,280.00
4 Staff \$10/hour 40/week	\$13,600.00
Field Trips	\$2,985.00
Parrot jungle (\$10/ child)	\$400.00
Miami Children's Museum(\$7 / child)	\$280.00
Young at Art (\$6 / child)	\$240.00
T.Y. Park (\$8 / child)	\$320.00
Carnival Fun Station (\$8 / child)	\$320.00
Movie Theatre (\$7 / child)	\$280.00
Parrot Jungle (\$10 / child)	\$400.00
Cold Stone Creamery (\$7 / child, \$5 / Counselor)	\$295.00
Miami Children's Theatre (\$6 / child)	\$240.00
C.B. Smith Park (\$9 / child)	\$360.00
Kabooms (\$9 /child)	\$360.00
Museum of Discovery & Science (\$12 / child)	\$480.00
Swimming (\$5 / child, \$5 / counselor) 1 a week	\$2,200.00
Transportation (\$45/ hour with a 4 hour minimum)	\$4,500.00
Art & Craft Supplies	\$500.00
Special Events	\$1,000.00
Camp T-shirts	\$300.00
Board Games & Equipment	\$250.00
TOTAL EXPENSES	\$29,535.00



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

February 24, 2009

Frank R. Spence
Village Manager
Village of Biscayne Park
640 Northeast 114 Street
Biscayne Park FL 33161

Dear Mr. Spence:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended September 30, 2007, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Each entity submitting a report to the Certificate of Achievement review process is provided with a "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements in its financial reporting techniques. Your list has been enclosed. You are strongly encouraged to implement the recommended improvements into the next report and submit it to the program. If it is unclear what must be done to implement a comment or if there appears to be a discrepancy between the comment and the information in the CAFR, please contact the Technical Services Center (312) 977 9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.

Certificate of Achievement program policy requires that written responses to the comments and suggestions for improvement accompany the next fiscal year's submission. Your written responses should provide detail about how you choose to address each item that is contained within this report. These responses will be provided to those Special Review Committee members participating in the review.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. Enclosed is an AFRA for:

Finance Department, Biscayne Park

Your Certificate of Achievement plaque will be shipped to you under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release has been enclosed. We suggest that you provide copies of it to local newspapers, radio stations and television stations. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

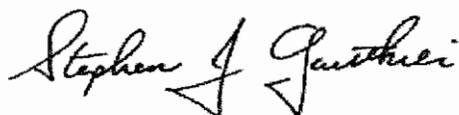
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A current holder of a Certificate of Achievement may include a reproduction of the award in its immediately subsequent CAFR. A camera ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions. A Certificate of Achievement is valid for a period of one year. To continue to participate in the Certificate of Achievement Program it will be necessary for you to submit your next CAFR to our review process.

In order to expedite your submission we have enclosed a Certificate of Achievement Program application form to facilitate a timely submission of your next report. This form should be completed and sent (postmarked) with three copies of your report, three copies of your application, three copies of your written responses to the program's comments and suggestions for improvement from the prior year, and any other pertinent material with the appropriate fee by March 31, 2009.

Your continued interest in and support of the Certificate of Achievement Program is most appreciated. If we may be of any further assistance, please contact Delores Smith (dsmith@gfoa.org or (312) 578-5454).

Sincerely,
Government Finance Officers Association

A handwritten signature in cursive script that reads "Stephen J. Gauthier". The signature is written in black ink and is positioned above the typed name.

Stephen J. Gauthier, Director
Technical Services Center

SJG/ds

Certificate of Achievement for Excellence in Financial Reporting

Presented to

Village of Biscayne Park
Florida

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
September 30, 2007

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



President

Executive Director



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Finance Department
Village of Biscayne Park, Florida



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date February 24, 2009



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

02/24/2009

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Village of Biscayne Park** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Finance Department, Biscayne Park

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



Village of Biscayne Park

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

MINUTES

2nd PUBLIC HEARING ON FY 2008-2009 BUDGET

Ed Burke Recreation Center

11400 N.E. 9TH Court, Biscayne Park, Florida

Tuesday, September 23, 2008 6:00 p.m.

Mayor Hornbuckle called the meeting to order at 6:10 p.m. In addition to the Mayor, the following were present: Commissioners Bob Anderson, Steve Bernard, and Kelly Mallette and Vice-Mayor "Doc" Morris. Present from Staff were Bernard Pratt, Public Works Director; Elisa Tankersley, Recreation Director; Mitchell Glansberg, Police Chief; Holly Hugdahl, Acting Finance Director; Frank Spence, Village Manager; John Hearn, Village Attorney, and Ann Harper, Village Clerk.

2. PUBLIC HEARING - ORDINANCES FOR SECOND AND FINAL READING

A. ORDINANCE No. 2008-5

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE 2008-2009 MILLAGE RATE 8.8903 MILS PER EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; AND SETTING AN EFFECTIVE DATE

Attorney Hearn read the title of the Ordinance and said approval of the proposed millage rate required a super majority, or four-fifths, vote of the Commission.

Mr. Spence said that there has been no change to the bottom lines of any funds since the first reading of the Ordinance, which was on September 9, 2008. The only change that was approved at last week's budget workshop was to transfer \$5,000 in salaries from the Public Works Department budget to the Police Department salaries budget.

The Mayor opened the Public Hearing.

Robert Brumm said this budget represents irresponsible and reckless spending. He was opposed to spending funds on the entrance sign and to purchasing five new Police cars.

Chuck Ross suggested increasing the utility tax rate; commented that maintenance of trees in the Village was not in the budget, and said the Village should try to collect delinquent waste fees.

Arthur Ehrhardt commented on reducing the Public Works staff by one person.

Mo Yomtov asked how much the recycling program is costing the Village.

Minutes
2nd Budget PH
Sept. 23, 2008

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There were no more speakers, and Mayor Hornbuckle closed the Public Hearing and responded to questions which the speakers asked.

Mayor Hornbuckle asked for comments from the Commissioners.

Commissioner Bernard said several areas in the budget are not clear. He asked for clarification on the number of Police Officers and said that some analysis reports which he requested have still not been completed. He said the biggest cuts in the budget were in the Public Works Department, which lost twenty-four percent of funding, and Police Overtime is still a big issue. He stated he wants documentation to show proof, detail, and analysis.

Mr. Spence said the budget cuts were made because of Amendment I, and the same level of service cannot be provided with reduced funding. The budget has been cut by over \$160,000, and with the Police Department having top priority for funding, Public Works was the Department which lost funding. The budget is an estimate based on experience and prior history.

Attorney Hearn explained the State requirements for re-advertising and holding another meeting before September 30 if the millage and budget are not approved tonight.

Commissioner Bernard said the budget can be prepared by looking at more than past history and trends. He is still concerned that we do not have one-fourth of our largest department covered.

Mayor Hornbuckle said to keep in mind that the budget is a guideline, and at this point to vote not to approve it would not be a good idea.

Commissioner Morris said he agrees the budget is a working document and you have to make adjustments. It would be a bad idea not to approve it tonight.

Commissioner Anderson said he has received calls that the taxes are too high, but in order to decrease taxes you have to reduce some services. He feels that we have found the center point, and we need to move forward.

Commissioner Mallette commended everyone on the Commission for their diligence throughout the budget process. She questioned whether or not we are making the best use of our resources. She feels that the cost of the Finance Contractor is higher than it needs to be. She said some innovative things must be done in the future.

Mayor Hornbuckle said at the meeting last week there was discussion about keeping money in the budget for the lobbyist. Mr. Spence said if the Commission directs that funds be put back into the budget, Staff will do it.

Attorney Hearn said if the Commission desires, he can send a letter to advise the lobbyist that his contract is being held in abeyance. In this way it will not be necessary to issue a RFP or RFQ should the Commission decide to reinstate the contract.

Motion was made by Vice-Mayor Morris, seconded by Commissioner Anderson, to approve the Ordinance setting the millage rate at 8.8903 on second and final reading. The motion carried by roll-call vote, as follows:

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

NAYS: Commissioner Bernard.

B. ORDINANCE NO. 2008-6

AN ORDINANCE OF THE VILLAGE
COMMISSION OF THE VILLAGE OF BISCAYNE
PARK, FLORIDA, ADOPTING A BUDGET FOR
FISCAL YEAR 2008-2009 FOR THE VILLAGE OF
BISCAYNE PARK, FLORIDA; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the Ordinance. Mayor Hornbuckle opened the Public Hearing.

Barbara Kuhl spoke in favor of keeping the Public Works Department in the Village and not outsourcing the department. She expressed concern about cutting Public Works funding and still retaining the same level of service, and also asked the Commission not to cut the Public Works Department budget again next year.

Robert Brumm commented that the Village will have the highest millage rate in the County.

Estelle Hacia said that she was told that less than one percent of residents recycle.

Chuck Ross said he agrees with Barbara Kuhl and has concerns about underfunding in the Public Works Department.

There were no more speakers, and the Public Hearing was closed.

Mayor Hornbuckle asked the Commissioners whether or not they had any comments on the proposed Ordinance. There was no discussion.

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Morris, to approve the Ordinance adopting the Fiscal Year 2008-2009 budget on second and final reading. The motion carried by voice vote, as follows:

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

NAYS: Commissioner Bernard.

There being no further business to come before the Commission, the meeting was adjourned at 7:10 p.m.

Commission approved on _____

ATTEST:

John Hornbuckle, Mayor

Ann Harper, Village Clerk

See attached addendum

Addendum requested by Commissioner Bernard 12/17/08

- 1. There were requests from several Commissioners for an analysis of systems and/or departments. While they were not provided for this budget, Mr. Spence and Mrs. Hugdahl stated that they would be provided throughout the year on a continuing basis for next year's budget.**
- 2. In discussions regarding the Recreation Center, it was decided to fund the programs until the end of the 2008 calendar year, at which point the soon-to-be-formed Recreation Center Advisory Board would present recommendations for all programs.**
- 3. Commissioner Bernard stated that the presentation and transparency of the budget needed to be better, because it is impossible for anyone to follow the printed budget unless they asked the Finance Director specific questions.**



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court

Tuesday, December 2, 2008, 7:00 pm

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

Commissioner Mallette led the Pledge of Allegiance followed by a moment of silence.

3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR WITHDRAWALS TO AGENDA

Mayor Hornbuckle moved item 10B, Report from the Recreation Advisory Committee, to item 4C, Presentations.

Mr. Spence moved item 6C, Financial Reports, from the Consent Agenda to item 8A, first reading of Ordinance for budget amendments.

4. PRESENTATIONS

A. Recognition of Police Chief Mitchell Glansberg for graduating from St. Thomas University with a Bachelor of Arts Degree in Organizational Leadership, Suma Cum Laude.

Mayor Hornbuckle and Village Manager Spence congratulated Chief Glansberg for his accomplishment in graduating Suma Cum Laude from St. Thomas University.

B. Presentation by Kimley-Horn and Associates, Inc., of Comprehensive Traffic Study Update for Biscayne Park

Mr. Spence introduced Greg Kyle of Kimley-Horn Associates. Mr. Kyle thanked the Commission for the opportunity to update the traffic study from a few years ago. He reviewed the objectives of the study, which are in the report distributed to the Commissioners, and said a kick-off meeting with residents was held in April. At this meeting a number of issues were identified, after which data was collected and analyses were performed. A draft report was presented to the Parks & Parkways Boards in October, and at that meeting they were asked to look at a few additional items.

He described the traffic counts which showed a decrease, from the 2004 traffic study, in the number of vehicles, and the average speed decreased by one to three miles per hour between 2004 and 2008. Field review also included maintenance of public and private property. They studied landscaping and its impact on sight distances. He noted that many street lights are blocked by overgrown trees and shrubs. He described the four main components of CPTED, Crime Prevention Through Environmental Design.

Mr. Kyle continued with his power-point presentation by showing proposals for traffic calming improvements, gateway entry features along the perimeter of the Village at eighteen intersections, and other miscellaneous traffic improvements.

Mr. Kyle also recommended that the Village contact FDOT and ask them to incorporate the standards of "Transportation Design for Livable Communities" along NE 6th Avenue, which allows for lower standards, such as a lower speed limit. He recommended incorporating the CPTED strategies into the Code and enhanced lighting around the park. The Parks & Parkways Board requested that consideration be given to making one-way streets, and he reviewed the pro's and cons of this recommendation.

He concluded with cost estimates for some of the recommended improvements, both short term (up to three years) and long term, such as gateway features, which could take three to five years.

Mayor Hornbuckle thanked Mr. Kyle for his presentation.

Commissioner Bernard said that some recommendations, such as working on NE 6th Avenue, could be implemented immediately. We should set up priorities.

Regarding NE 6th Avenue, Mr. Kyle said that the Village will have to wait until FDOT comes in with another project. At that time, if the Village has adopted a vision plan and the Village wants those standards applied to that corridor, then when FDOT designs the improvement, they have to incorporate those features. Commissioner Mallette suggested passing a Resolution for this purpose.

Commissioner Morris commented that it all boils down to money, and we have budget constraints. He asked whether or not any grants were available.

Mr. Kyle said these are traffic improvements, and CITT funds could be used.

Commissioner Anderson said the Kimley-Horn report is on the Village's website.

Discussion was held concerning painting of the stop bars by the Village and/or by the County.

Mayor Hornbuckle thanked Mr. Kyle again for his presentation.

Mayor Hornbuckle said the Consent Agenda will be next on the agenda.

6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) - TAB #6

- A. Approval of Minutes – Regular Meeting – (1) August 5, 2008
(2) November 5, 2008
Special Meeting – (3) September 23, 2008 (2nd Budget PH)**
- B. Approval of Preliminary Financial Statements for quarter ending 9/30/2008**
- C. Approval of Village Manager to attend Florida City/County Manager Association's Winter Institute in St. Augustine, February 4 – 6, 2009**
- D. Confirmation of Commission Meeting Dates and Holidays for 2009
Manager's Recommendation: Approval of Consent Agenda**

Commissioner Bernard removed items 6A (2) and (3) from the Consent Agenda and said he would give the Village Clerk a list of action items which should be made a part of the minutes, and the revised minutes can be put back on the next agenda for approval.

Commissioner Bernard said at each meeting (September 23rd and November 5th) there were subjects discussed which were to be ongoing. For example, during the budget process requests were made for an analysis of the telephone system, which should be completed during the year. These subjects should be noted for future action.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to approve the Consent Agenda items which were not removed. The motion carried by voice vote, 5/0.

4. C. Presentation of Recreation Advisory Board recommendations by Roxanna Ross, Chairperson

Mayor Hornbuckle recognized the members of the Recreation Advisory Board: Chairman Roxanna Ross, Members Vicky O'Bryan, Steve Taylor, Amy Refeca, Tracy Truppman, and Janey Anderson.

Mrs. Ross said the Board held nine weekly meetings and forwarded their recommendations to the Commissioners before the Thanksgiving weekend so they would have time to review them before this meeting. She said that Tracy Truppman would present their power-point program.

The six-page summary of recommendations and support for recommendations is attached to these minutes.

After Ms. Truppman outlined the recommendations, she thanked Chuck Ross for the budget studies, and the Mayor thanked Mrs. Ross and Ms. Truppman. Mayor Hornbuckle asked Commissioners for their comments.

Commissioner Anderson suggested holding a workshop to discuss the recommendations.

Commissioner Morris said we have \$83,000 in the budget, and over the past two months more has been spent than was taken in. If we want any type of program, we will have to find out how many people are interested, what the expenses are and how much people will pay. With \$7,000 a month we could keep it open but not run programs.

Commissioner Mallette said she is amenable with having a workshop and she agrees with Commissioner Morris that we need to close the programs as the Board recommended. She says it is unfortunate that we are now at this point and we don't have a plan. The programs we have offered in Recreation are what has set us apart as a community, and we need to work with staff to offer programs. She complimented the Board on a job well done and would like them to move forward and make recommendations on other matters.

Commissioner Bernard said it is sad that it has come to this point, but it is the result of having a low priority for the Recreation Center, and the Board did not get information in a timely manner. If we accept these recommendations, he does not think it is the end of the Recreation Center programs; we now have the opportunity to make the programs anything we want them to be. Our residents who are paying other communities for programs should see what makes those programs successful so they can be created here. He sees no choice but to follow the Board's recommendation to discontinue the after-school program in January and re-tool and come back with something better.

Mayor Hornbuckle said it is sad that it has come to this point.

Vice-Mayor Morris said the Commission could recommend to the Advisory Board that they figure out a way to come up with money, and as of January 1st they will have approximately seven thousand dollars a month to run the Recreation Department.

Commissioner Bernard asked Mr. Spence to verify that the figures given for attendance and budget are accurate. Mr. Spence reviewed the figures and said they are accurate. He recommended that the Advisory Board continue with their efforts.

With regard to expenses to fund the Recreation Department, Charles Ross, CPA, said that it is hard to base an entire year on the expenses of two months. During those two months, there were few expenses for supplies, repairs, etc., and these expenses are not indicative of an entire year.

Commissioner Anderson said it is obvious that something needs to be done.

Mr. Spence reviewed and commented on the Advisory Board recommendations, and said that the recommendation to drop the after-school program should be implemented in January, and it is important to give as much advance notice as possible to the families.

Commissioner Mallette said we need to decide tonight about the after school program in order to give families and staff adequate notice. After receiving comments from residents, she has concerns that people are disappointed in the participation from management and staff. Mr. Spence said it was his recommendation that the Recreation Advisory Board be created in order to get input from residents, and he did not want to interfere with their discussions or present any ideas that he had at this point.

Commissioner Mallette said some of the departmental policies are outdated, such as people using the programs do not have to pay for the service when their children are absent. That would not happen at other day care facilities. Prior to this happening, some of these things could have been observed at the staff level, and then reported, and there could have been a dialogue. The community events are the same every year, and we need to improve them. She is not looking for everything to be revenue enhancing.

Mayor Hornbuckle opened the meeting for public comments about recreation activities.

Tracy Truppman said it is important that the recreation center be utilized. Almost fifty percent of the people with children do not use the facility.

Barbara Kuhl said at the budget workshops the budget started at a much higher number, then it was cut. She said one comment from residents is that they do not feel safe in the park.

Maria Camara objected to taking down the basketball hoops, and the website needs to be improved.

Amy Refeca said as a member of the Recreation Advisory Board, it was not easy to make the recommendations. If the Board continues to meet, please give the members additional direction.

Karen Cohen spoke in favor of removing the basketball hoops and said more small children can now play in the park.

Steve Taylor said he agreed with taking down the basketball hoops and spoke about requiring permits for groups using the park.

Lori Cajas, 11023 N.E. 9th Court, said she is a parent with two children in the after-school program, and she is disheartened that she must now put her children in the Miami Shores program at a cost of three times what she is paying at the park. She said the after-school care program should not be discontinued.

Roxanna Ross, Chairman of the Recreation Advisory Board, said the Board was formed because of budget constraints. She asked the Commission to provide more guidance to the Board.

There were no more speakers, and the Mayor asked for further comments from the Commissioners.

Commissioner Mallette said there should be a policy in place regarding the basketball hoops, and she is sad that we can't manage our own park. There was no documentation that there was a problem, and there is no plan for what we will do if the hoops are put up again.

Mayor Hornbuckle referred to the list of recommendations, and said that we do not need to approve recommendation #9 because the Board is still in place. Recommendation #3 should be acted on tonight and then have a motion to have a workshop to address the other points with advice from Manager and Staff. Commissioner Bernard said we should also act on recommendation #4.

Motion was made by Vice-Mayor Morris, seconded by Commissioner Bernard, to approve Advisory Board Recommendations #3, #4, and #9. The motion carried by voice vote, 5/0. Attorney Hearn read the recommendations into the record as follows:

3. Continue After-School, Youth Camp and Recess Programs through January 2, 2009, and discontinue these programs thereafter.
4. Continue, but restructure, the Athletics Program, with emphasis on pre-enrollment procedures, alternate revenue sources including sponsorships and increased parental participation, as well as review of the employee roster with the goal that the program be ultimately self-sustaining.
9. Empower the Recreation Advisory Board to continue to study and make recommendations on additional issues that have not been addressed due to time limitations.

Mayor Hornbuckle said the other recommendations will be discussed at a workshop, which was scheduled for Tuesday, January 6, 2009, at 6 p.m., prior to the regular Commission meeting.

5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS – no speakers

6. (Moved to first part of meeting)

7. PUBLIC HEARINGS - TAB #7

A. SECOND READING OF ORDINANCES - None

Agenda items 8 and 6B were considered together.

8. ORDINANCES – FIRST READING – TAB #8

A. ORDINANCE NO. 2008-9

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2007-13 ADOPTED ON SEPTEMBER 18, 2007 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007-2008, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Manager's Recommendation: Approval

Attorney Hearn read the title of the Ordinance.

Mr. Spence said that State law requires that all necessary adjustments be made in order to balance the budget. If accounts are over-spent, adjustments must be made using accounts which are under-spent. This Ordinance is required to implement these adjustments, and the final product will be forwarded to the State. In this way the State can determine whether the Village ended the year in the red or the black. He recommended approval of the Ordinance on first reading.

Vice-Mayor Morris said he was concerned about the \$228,000 overage in the Police Department, which is in workers' compensation. Mrs. Hugdahl said there are four officers still on workers' compensation. Chief Glansberg said, with regard to overtime, that we are only spending what is necessary in order to be staffed.

Commissioner Anderson said it looks like we underspent in the Sanitation Fund and asked whether or not it could be carried over. Mrs. Hugdahl said it depends on what action the auditors take. Commissioner Anderson suggested it might be used to reduce fees for residents.

Commissioner Bernard said there is no backup to explain why some accounts were so high and some so much lower, and he had a two-hour conversation with Mrs. Hugdahl for explanations. He would like the Commission to ask the Manager whenever financial information is furnished to the Commission that they also get a summary explanation of accounts with differences. Commission consensus was that an explanation be furnished for any line which changes by ten thousand dollars or fifteen percent. Commissioner Bernard said the Commission should be notified when changes in spending take place, such as when the \$15,000 allocated for recodification was not needed and was reallocated without Commission notification. He would also like to be advised when revenues are lower than expected, such as at the Recreation Center.

Mr. Spence said he disagreed; it is his job to manage the whole budget. The budget was prepared as a balanced budget, and somewhere along the line some items will be over-expended and others will be under-expended. Proper accounts must be charged with appropriate expenditures, and accounts must be balanced at the end of the year.

Commissioner Bernard continued asking questions regarding the Road Fund and other special funds, and Mrs. Hugdahl and Mr. Spence responded. Commissioner Bernard said there were still questions he would like to be answered.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to approve the Ordinance on first reading and schedule second reading for January 6, 2009. The motion carried by voice vote, as follows:

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

NAYS: Commissioner Bernard.

6 B. Approval of Preliminary Financial Statements for quarter ending 9/30/2008

Motion was made by Commissioner Morris, seconded by Commissioner Mallette, to approve the Financial Statements for the quarter ending 9/30/2008. The motion carried by voice vote 4/1, with Commissioner Bernard voting no.

9. RESOLUTIONS – TAB #9

A. RESOLUTION NO. 2008-12

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; PROVIDING FOR AN EFFECTIVE
Manager's Recommendation: Approval**

Attorney Hearn read the title of the Resolution.

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

10. OLD BUSINESS – TAB #10

A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from November 5, 2008, meeting)
No action taken – place on next agenda

B. Presentation of Recreation advisory Board recommendations by Roxanna Ross, Chairperson – moved to item 4C

C. Consideration of scheduling a workshop (or special meeting) to discuss:

- (1) Recommendations of the Recreation Advisory Board**
- (2) Proposed Personnel Rules and Regulations**
- (3) Formulation of guidelines for Performance Evaluation of the Village Manager (sample evaluation forms previously submitted)**

Commission consensus was to discuss recommendations of the Recreation Advisory Board at a workshop at 6 pm on Tuesday, January 6, 2009, and to discuss items (2) and (3) at a workshop tentatively scheduled at 6 pm on January 15, 2009.

11. NEW BUSINESS – TAB #11

A. Designation of Commissioner Kelly Mallette to serve as Vice-Mayor for the period of January 1st – June 30th 2009 Manager's Recommendation – Approval

Motion was made by Commissioner Bernard, seconded by Commissioner Anderson, to approve Commissioner Mallette to serve as Vice-Mayor from January 1st to June 30th, 2009. The motion carried by voice vote, 5/0.

B. Ratification of Collective Bargaining Agreement with the Police Benevolent Association for October 1, 2007, to September 30, 2010 Manager's Recommendation – Approval

Attorney Hearn said the contract which is in the agenda backup was approved by the PBA members and is now presented for Commission approval. The previous agreement was written before the position of Village Manager was created by the new Charter, and this agreement changes references from the Police Commissioner to the Village Manager. The major change is in Article 7, Compensation, and it provides for 5% salary increases on April 1, 2008, October 1, 2008, and October 1, 2009. It also provides the employee contributions of \$15/week beginning October 1, 2008, and \$25/week beginning October 1, 2009, for health insurance. There is also a limit on vacation carryover and a three-hour minimum for call-backs. The agreement is retroactive to October 1, 2007, and goes through 2010.

Mr. Spence said that during the budget workshops, when dealing with severe budget cuts, the Commission determined the first budget priority for funding was to be the Police Department, second priority was Public Works, and the third priority was the Recreation Department. This PBA contract was approved unanimously by the members in the Police Department.

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

C. Request approval for use of Federal Forfeiture Funds to pay \$485 for Chief Mitchell Glansberg to attend the three-day Florida Police Chiefs Association's mid-winter Training Conference January 11 – 13, 2009, in St. Augustine Manager's Recommendation - Approval

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to approve the use of Federal Forfeiture Funds as outlined. The motion carried by voice vote, 5/0.

D. Discussion of possible Recreation Facility Improvements to be included in next FRDAP grant proposal (Commissioner Mallette)

Commissioner Mallette said there are Florida Recreation Development Assistance Program (FRDAP) grant funds available, and the Village should take advantage and apply for them. She said she would like the Commission to task the Manager to get plans for renovating the bathrooms and installing a window at the concession area at the Recreation Center and prepare an application for funding.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, for the Manager to prepare an application for funding as described. The motion carried by voice vote, 5/0.

E. Confirmation of purchase of replacement diesel engine in garbage Truck #2 (Village Manager)

Mr. Spence read his memorandum in the backup materials, which is attached to these minutes. In summary, he said that gasoline was put into the back-up garbage truck, which destroyed the diesel engine. We have not been able to determine who put the gasoline in the tank. Since the truck is used regularly for picking up trash, it was crucial to get it repaired as soon as possible. Three estimates were obtained, and he authorized the repairs to be made at Atlantic Truck Center, where we purchased the garbage trucks. The total bill was \$12,430.00.

Mr. Spence continued that the current code does not address emergency purchases but allows the Commission to waive the bidding process.

Commissioner Anderson made a motion to approve the purchase of the replacement diesel engine. Commissioner Morris seconded the motion.

Commissioner Anderson made a second motion to authorize preparation of an ordinance to address emergency purchases. There was no second to the motion.

Commissioner Bernard said the code does not need to be changed, just needs to be followed.

Attorney Hearn said the code references the "Director of Finance" for authorizing purchases.

Mr. Spence said the portions of the code which reference the "Director of Finance" should be changed to "Village Manager," and the Manager should be authorized to make purchases in situations of emergency. He said that this repair order exceeded his authority, and needs Commission conformation.

Commissioner Bernard said this happened in September, and the Commission should have been notified earlier. Mr. Spence said we were going through the process of getting estimates at that time.

Commissioner Bernard asked whether or not there have been any policy changes, such as having only one person in charge of fueling or the use of sign-in sheets since this incident took place.

Bernard Pratt said he personally checks all the gasoline slips.

Commissioner Bernard commented that the memo says funds were available for the repairs, and Mrs. Hugdahl said the repairs were paid for with funds from last year.

Mayor Hornbuckle called for a vote on the motion to confirm the purchase, and the motion carried 4/1 with Commissioner Bernard voting no.

Commissioner Mallette said she does not like that this happened, and we need to take steps so that things like this do not happen again.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to clarify with the Attorney and the Manager whether or not the code needs to be changed and, if so, bring it back to the Commission. The motion carried by voice vote, 5/0.

12. **GOOD AND WELFARE (PUBLIC)** – No speakers.

13. **REPORTS**

A. Committee Reports

1. Parks & Parkways Advisory Board – Dan Keys, Chairman

Mr. Spence said the Parks Board will meet Wednesday, December 10, at 6 pm. Commissioner Bernard asked whether or not the permit was received from "DERM" and also asked whether or not a log was being kept on when the new trees are being watered. He was advised the permit has not been received, and a log is being maintained.

2. Recreation Advisory Board – Roxanna Ross, Chairman – report given earlier in the meeting.

B. Village Attorney Comments – Attorney Hearn said the ordinance about abandoned property has been drafted and will be coming to the Commission in January. He will be contacting the Commissioners individually regarding the issue of eminent domain.

C. Village Manager Comments

1. Report from Police Chief Glansberg – Chief Glansberg said two of the components from Kimley-Horn report regarding CPTED are already being implemented. He gave the crime report for November.

2. Updates on various projects

a. Entry sign easement – Mr. Spence forwarded to the Commissioners a copy of the letter from the Episcopal Diocese approving the easement the Village requested from the Church of the Resurrection for fifteen years with a condition. Commissioner Anderson suggested another site for the sign.

b. Recreation Pavillion – Mr. Spence said the pavillion plans have been revised by the architect by eliminating the storage feature, and the structure can now be built for \$50,000. This is a "change of scope" and must be approved by the Board which disburses the funds, and this Board's next meeting has not been scheduled. Commissioner Mallette said the Manager was given direction to look at installing a prebuilt structure rather than constructing a pavillion and suggested he call Dorai, South Miami and Palmetto Bay to see what they purchased.

c. Recreation Building Hardening – Mr. Spence said the engineers will get back to us on this project.

d. Public Works Building bids – Mr. Spence said the invitation to bid has been published in the Miami Herald and the Sun Sentinel, and bids are due December 8.

e. Job descriptions and Rules and Regulations (to be discussed at workshop scheduled for January 15, 2009)

Mr. Spence advised the Commission that the IRS has approved the application for the Biscayne Park Foundation as a 501(c)3, and all donations to the Foundation will be tax exempt.

D. Commission Comments

1. **Commissioner Anderson** said that Public Works Department needs a new piece of equipment for tree trimming and people can donate funds to purchase it.

2. **Commissioner Bernard** congratulated Chief Glansberg on receiving his degree; commented on the Winterfest bake sale; asked the status of signage about permits for the park, the drainage charts and stop bars.

3. **Commissioner Mallette** had no comments.

4. **Vice-Mayor Morris** also congratulated Chief Glansberg.

5. **Mayor Hornbuckle** had no comments.

14. ANNOUNCEMENTS - All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

- *Tuesday, December 9** ~~Code Review Committee 6:30 pm~~ - CANCELLED
- *Wednesday, December 10** **Parks & Parkways Board 6 pm**
- *Monday, December 15** **Planning & Zoning Board 6:30 pm**
- *Tuesday, December 16** ~~Code Enforcement Board 7 pm~~ - CANCELLED
- *Thursday, December 25** **All Departments Closed in observance of Christmas**
- *Thursday, January 1st** **All Departments Closed in observance of New Year's Day**
- *Tuesday, January 6** **Regular Commission Meeting**

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

Commission approved _____

Attest:

John Hornbuckle, Mayor

Ann Harper, Village Clerk



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court

Tuesday, January 6, 2009, 7:00 pm

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

Commissioner Bernard led the Pledge of Allegiance followed by a moment of silence.

4. PRESENTATIONS - None

5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS - None

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

A. Approval of Minutes – None

7. PUBLIC HEARINGS

A. SECOND READING OF ORDINANCES

(1) ORDINANCE NO. 2008-1

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Continued from Commission Meeting November 5, 2008)

Attorney Hearn read the title of the Ordinance and opened the Public Hearing. He suggested the Commission defer action on this until the Commission meeting in March.

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to continue the Public Hearing until March 3, 2009. The motion carried by voice vote, 5/0.

ORDINANCE NO. 2008-9

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2007-13 ADOPTED ON SEPTEMBER 18, 2007 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007-2008, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (2nd reading)

Manager's Recommendation: Approval

Attorney Hearn read the title of the Ordinance and opened the Public Hearing.

Mr. Spence said in view of questions which have been raised, he recommends that the item be continued until February 3, 2009.

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to continue the Public Hearing until the Commission meeting on February 3, 2009. The motion carried by voice vote, 5/0.

8. ORDINANCES – FIRST READING

A.

ORDINANCE NO. 2009-1

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 16 ENTITLED "PERMITS AND CERTIFICATES" BY AMENDING SECTION 16.15 ENTITLED "LANDLORD PERMITS;" CLARIFYING VARIOUS PROVISIONS INCLUDING FEES, APPLICATION PROCEDURES AND PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attorney Hearn read the title of the Ordinance and said this amends previously approved Ordinance 2006-13 and clarifies issues that have arisen over the past two years. Fees for the permit are addressed in the accompanying Resolution. The fee would be waived after three years, but the inspections will continue. He said he was alerted to another issue which will be addressed before the next meeting.

Motion was made by Commissioner Anderson to approve the Ordinance on first reading with the changes which will be made by the Village Attorney and schedule second reading for February 3, 2009.

Commissioner Anderson referred to the Kimley-Horn traffic study which referenced run-down properties and said the eastern part of the Village is mostly rentals, and the northeastern part has the highest crime rate. This Ordinance will assure that properties will be maintained up to housing standards.

Commissioner Morris seconded the motion. Mayor Hornbuckle called for a vote on the motion which carried by roll-call vote, as follows.

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

NAYS: None.

9. RESOLUTIONS

A. RESOLUTION NO. 2009-1

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE FEES FOR THE ISSUANCE OF LANDLORD PERMITS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the Resolution and said this accompanies the previous Ordinance. It will be placed on the next agenda along with the second reading of the Ordinance and will take effect when approved at that time.

10. OLD BUSINESS

A. **Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from December 2, 2008, meeting)**

No action was taken on this item.

B. **Discussion of Public Works Building (Commissioner Morris)**

Commissioner Morris said plans for having a new Public Works building have been going on for five years.

Motion was made by Commissioner Morris, seconded by Commissioner Anderson, to build a Public Works building.

Mr. Spence said we must request the County transfer bond funds from Village Hall to a Public Works building. Attorney Hearn said this should be done by Resolution.

Commissioner Morris changed his motion to include authorizing the preparation of a resolution to request the transfer of funds from the County, and Commissioner Anderson agreed with the change.

Mayor Hornbuckle called for a voice vote on the motion, which carried 5/0.

C. **Discussion of Recreation Pavillion (Commissioner Morris)**

Commissioner Morris said he proposed to the North Miami Medical Foundation that they give funds to cities, and Biscayne Park decided they wanted to use the funds for a pavillion and requested that the

building have a storage area. Bids received to build the structure were higher than the budget, and the Village decided to delete the storage feature, but this must be approved by the Safe Neighborhoods Committee, which meets on January 29, 2009.

Motion was made by Commissioner Morris that the day after the Manager meets with the Committee, the project will be started. If the Committee does not approve deleting the storage feature, then we must look at other possibilities.

Commissioner Malette said she thinks we should buy a pavilion and does not know why we have not done that.

Mr. Spence said he has met with people about another type of structure, and these pavilions start at \$11,000 plus the pad and other expenses. Also, the Parks & Parkways Board rejected the idea of a metal structure.

Mayor Hornbuckle called for a voice vote on the motion to go ahead with building the pavillion.

Commissioner Mallette said she will vote against building the structure. She said she is on the County Safe Neighborhood Committee and will abstain from voting when this comes before the Committee.

The motion passed by voice vote 4/1, with Commissioner Mallette voting no.

D. Discussion of Entry Sign (Commissioner Morris)

Commissioner Morris said now is the time to take control of the situation and move the entry sign to a new location.

Motion was made by Commissioner Morris, seconded by Commissioner Anderson, to move the sign to Village property and build it.

Attorney Hearn said he spoke with the attorney for Diocese and told him of the problem. In order to change anything, it would take months to go through the process, and he is not hopeful of getting a long-term lease.

Mr. Spence said he and Commissioner Morris met with the Diocese and three representatives from the Church. The Church representatives made it clear that it would be "quid pro quo" for school signs. He agreed that now is the time to go to another site.

Mayor Hornbuckle suggested a "quick take" of the property, and Attorney Hearn outlined the procedure. He explained that once you announce you are doing a "quick take", you are committed. He described the process which included paying attorney fees and one hundred ten percent of the fair market value of the property.

Commissioner Bernard said a landscape architect should be consulted before a new location is chosen.

Commissioner Morris amended his motion to include contacting the landscape architect for location suggestions. Mayor Hornbuckle called for a voice vote on the motion, which carried 5/0.

11. NEW BUSINESS

A. Purchase of "Cherry Picker" (Hi Lift) for Public Works (Commissioner Anderson)

Commissioner Anderson proposed purchasing a re-built "cherry picker" and to finance the purchase by selling advertising signs for a two-year period at \$6,000 per side. He asked for Commission approval to see whether or not it is feasible to sell the advertising

Commissioner Morris said our insurance will increase and the drivers will need to be trained.

Mr. Spence said the approximate cost of the used truck would be up to \$12,000.

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to purchase the "cherry picker" truck to be funded from the Road Fund for \$12,000.

The Village Manager was authorized to get bids.

Mayor Hornbuckle called for a vote on the motion, which carried by voice vote 5/0.

B. Discussion of Plan for Stepped Up Code Enforcement (Commissioner Anderson)

Commissioner Anderson referred to the Kimley-Horn Traffic Study and spoke about the deteriorating tax base of the Village. He requested that Code Enforcement target some high density areas and displayed photos of properties that are deteriorating.

Attorney Hearn said an ordinance has been drafted which deals with properties which have been abandoned and is based on what other cities are doing and the ordinance will be on an upcoming agenda.

C. Discussion of Village Email System (Commissioner Bernard)

Commissioner Bernard said we will be talking about policies and procedures, and these should include both emails and the website. He said we need to know what the requirements are and we need to institute a system.

Attorney Hearn said almost all records in Florida, including emails, are public records. The State Division of Libraries has retention schedules, and all cities struggle with this issue.

Commissioner Bernard said he is not sure how we are following State law, and he spoke about Commissioners who attend committee meetings and speak at those meetings. He would like the attorney to provide an overview about what we can do and what we cannot do.

Commissioner Anderson said we are working on a system for retaining emails.

D. Discussion of Village Website (Commissioner Bernard)

Commissioner Bernard said we need to do better on our website. People looking to move to the Village look at the website, and it needs to be up to date.

Motion was made by Commissioner Bernard, seconded by Commissioner Morris, for the Manager to get three proposals from webmasters to bring our system up to date and keep it updated.

Commissioner Anderson said this was brought up during the budget cycle, and there was no money available for the project.

Mayor Hornbuckle called for a voice vote on the motion, which carried 5/0.

E. Discussion of Village Goals (Commissioner Bernard)

Commissioner Bernard asked each Commissioner to give the Village Manager a list of goals before the February meeting so we can set priorities.

F. Recreation Committee Recommendations (added at the beginning of the meeting)

Motion was made by Commissioner Morris, seconded by Commissioner Anderson, seconded by Commissioner Anderson, to direct the Manager to develop a plan in accordance with the "spirit" of the Recreation Advisory Board recommendations. The motion carried by voice vote, 5/0.

12. GOOD AND WELFARE (PUBLIC)

Dan Keys made several suggestions regarding "e-news" and notifying landowners when Code Enforcement will be working on specific projects, such as dirty roofs.

Gary Kuhl suggested reconvening the committee which worked on obtaining an entry sign.

Fred Jonas commented on securing a site for the sign.

13. REPORTS

A. Committee Reports

1. Parks & Parkways Advisory Board – Dan Keys, Chairman

Mr. Keys reported that the new trees are planted and are being watered by the Public Works Department. He asked residents to also water the trees. He said the Village received a donation of 122 new trees which will be distributed at a later time.

2. Recreation Advisory Board – Roxanna Ross, Chairman

Mrs. Ross thanked the Commission for accepting the spirit of the Advisory Board's recommendations. She commented that implementation of the first three recommendations did not go smoothly.

B. Village Attorney Comments

Attorney Hearn advised the Commissioner with updates on the FP&L contract and issues with the Church.

C. Village Manager Comments

1. Report from Police Chief Glansberg

Chief Glansberg presented a power-point presentation on two incidents which occurred in December.

2. Updates on various projects

a. Entry sign easement

b. Recreation Pavillion & Building Hardening

Mr. Spence said we are awaiting a proposal for "hardening" of the Recreation Center

c. Public Works Building

d. (Added at beginning of meeting)

Commissioner Bernard referred to a list of tasks which he said the Commissioners had instructed the Manager to complete and asked for an update on each item.

D. Commission Comments

1. Commissioner Anderson asked for a copy of the list of Commission directions.

2. Commissioner Bernard said there are only twelve home occupational licenses on the books and said he would like to have a "mini Chamber of Commerce" event at the Recreation Center for licensed businesses.

3. Commissioner Morris

4. Vice-Mayor Mallette

5. Mayor Hornbuckle

14. ANNOUNCEMENTS - All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

- | | |
|-------------------------------|---|
| *Wednesday, January 7 | Parks & Parkways Advisory Board 6 pm |
| *Tuesday, January 13 | Code Review Committee 6:30 pm |
| *Thursday, January 15 | Commission Workshop 6 pm |
| *Monday, January 19 | All Departments Closed in observation of Dr. Martin Luther King, Jr. Day |
| *Tuesday, January 20 | Code Enforcement Board 7 pm |
| *Wednesday, January 21 | Recreation Advisory Board |
| *Monday, January 26 | Planning & Zoning Board |
| *Tuesday, February 3 | Regular Commission Meeting |

15. ADJOURNMENT

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

Commission approved _____ .

Attest:

John Hornbuckle, Mayor

Ann Harper, Village Clerk



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court

Tuesday, February 3, 7:00 pm

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

Commissioner Anderson led the Pledge of Allegiance followed by a moment of silence in memory of the father of Felipe Ramos.

3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR DELETIONS TO AGENDA

Items 10C and 10G were moved to the front of the agenda. Items 8A and 11A were removed. Items 10H, Manager Evaluation, and 11D, North Miami water issue, were added to the agenda.

4. PRESENTATIONS - None

5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS

Robert Brumm spoke about agenda item 7A2, Ordinance 2009-1, Landlord Permits.

Estelle Hacia spoke about the North Miami water plant issue, which was added to the agenda as item 11D.

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

A. Approval of Minutes – None

10 G. Report on action taken by the Safe Neighborhood Parks Bond Program Advisory Committee on the \$25,000 grant for the Recreation Pavillion (Village Manager)

Mr. Spence said he and Commissioner Bernard attended the January 29, 2009, meeting of the Safe Neighborhood Advisory Committee. The Committee approved the Village's request to carry over the \$25,000 funding to construct a pavillion and also approved the removal of the storage feature from the original plans. He requested the Commission approve the award of bid and authorize the attorney to draft a contract. Architect Scot Di Stefano said he was here to answer questions.

Motion was made by Commissioner Morris, seconded by Commissioner Bernard, to approve awarding the bid to construct the shade pavillion to Jolten Group, Inc. for \$50,000, and authorize Attorney Hearn to negotiate a contract for the construction with the low bidder. The motion carried by voice vote, 5/0.

Vice-Mayor Mallette said she is a member of the Committee, but she did not vote on the Village's request. She said that all of the cities who appeared before the Committee to request extensions of time were admonished because they had not completed their projects in accordance with the original time frame. She said we need to do a better job when we receive grant funds to move it out and get the project finished.

In response to Commissioner Morris' question, Mr. De Stefano said the proposal does not have a time frame. Attorney Hearn said a time limit could be put into the contract.

10 C. Award of bid for construction of Public Works Administration Building to NuSpace, Inc., in the amount of \$319,855.64 as the base bid, and authorization to process Memorandum of Agreement
1. Recommendation of Architect

Mr. Spence said a bid advertisement was placed in the Herald and the Sun Sentinel, and three bids were received. NuSpace came in with the lowest bid, and he recommended the Commission approve the bid and authorize the Attorney to develop an agreement.

Commissioner Anderson asked whether or not the variance needed for the original building plans was approved and whether or not it needs to go back to the Planning & Zoning Board. Commissioner Bernard said the revisions to the plans were made to bring the building up to code requirements. Mr. Di Stefano said no aesthetic changes were made.

Motion was made by Commissioner Morris, seconded by Commissioner Anderson, to approve the award of bid to Nu Space and authorize Attorney Hearn to negotiate a contract for construction of the project with Nu Space. The motion carried by voice vote, 5/0.

Mr. Spence said he will put a rendering of the building in the next newsletter.

7. PUBLIC HEARINGS – TAB #7

A. SECOND READING OF ORDINANCES

(1) ORDINANCE NO. 2008-9

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2007-13 ADOPTED ON SEPTEMBER 18, 2007 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007-2008, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (2nd reading)
(Continued from Commission Meeting January 3, 2009)
Manager's Recommendation: Approval**

Commissioner Bernard said even after many hours of conversations with the Manager and with Mrs. Hugdahl, he still has many questions, and this document is not fully transparent.

Commissioner Anderson and Mayor Hornbuckle said this is a standard procedure for all cities. Commissioner Bernard said if we approve it the way it is, outside people will not be able to understand it, and we are not doing the residents a service.

Mr. Spence said we have had hours of discussion on this subject. This presentation represents over thirty years of professional experience which he and Mrs. Hugdahl have in this field, and they are confident in the process and the dollar figures. Commissioner Bernard wants to change this into an explanatory document. The purpose is to adjust the over and under accounts. When budgets are prepared, predictions are made a year in advance. At the end of the year, the auditors want to see what actually happened during the year. Figures can be moved around within a department.

Commissioner Anderson commented that if the Commission wants to change the adjustments and get more details, it will cost more money and funds must be budgeted.

Motion was made by Commissioner Morris, seconded by Commissioner Mallette, to approve the Ordinance on second reading.

Commissioner Bernard said it matters where we come in under budget, and the statements do not show these under-budgeted items. He asked why the Commission was not notified when \$15,000 was not spent for the purpose for which it was budgeted.

Mayor Hornbuckle called for a vote on the motion, which carried as follows:

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

NAYS: Commissioner Bernard.

7. A. (2) ORDINANCE NO. 2009-1

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 16 ENTITLED "PERMITS AND CERTIFICATES" BY AMENDING SECTION 16.15 ENTITLED "LANDLORD PERMITS;" CLARIFYING VARIOUS PROVISIONS INCLUDING FEES, APPLICATION PROCEDURES AND PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (2nd Reading)

Manager's Recommendation: Approval

Attorney Hearn read the title of the Ordinance. Mayor Hornbuckle opened the Public Hearing.

Dan Keys asked whether or not the legality of entering someone's property has been investigated.

Robert Brum said owners of duplexes were being discriminated against because of the inspections.

There were no more speakers, and the Public Hearing was closed.

Attorney Hearn said it does not matter what type of housing the property owner has, the inspection is based upon the fact that the owner is renting the unit. The Village is not seeking to violate any person's civil rights. This ordinance is based upon ordinances which were adopted by other cities years ago. The ordinance requests the owner's consent to inspect the property. If consent is not given, the Village will obtain a warrant.

Discussion was held regarding whether or not the Code Review Committee recommended deleting the provision for waiving the fee after three years of compliance.

Commissioner Bernard asked what would be inspected. Attorney Hearn said the application lists the things which are being inspected.

Motion was made by Commissioner Bernard, seconded by Commissioner Morris, to state in the Ordinance that we are inspecting based on a particular standard, such as Minimum Housing Code and Biscayne Park Zoning Codes. The motion carried by voice vote, 5/0.

Attorney Hearn revised the Ordinance at Section 16.15.7 to include these provisions.

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to approve the Ordinance as amended on second reading. The motion passed by roll-call vote, as follows:

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

NAYS: Vice-Mayor Mallette.

Vice-Mayor Mallette said she voted against the original Ordinance because she disagrees with requiring a landlord permit.

8. ORDINANCES – FIRST READING – TAB #8

A. ORDINANCE NO. 2009-2

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, FLORIDA BY CREATING A NEW CHAPTER ENTITLED, "ABANDONED REAL AND PERSONAL PROPERTY" TO INCLUDE BUT NOT BE LIMITED TO PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOTIFICATION PROCEDURES; PROVIDING FOR REMOVAL OF ABANDONED PERSONAL PROPERTY; PROVIDING FOR THE REGISTRATION OF ABANDONED REAL PROPERTY; PROVIDING FOR MAINTENANCE AND INSPECTION REQUIREMENTS; PROVIDING FOR SECURITY REQUIREMENTS; PROVIDING PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (1st Reading)

Manager's Recommendation: Approval as amended

This item was removed from the Agenda earlier in the meeting

B.

ORDINANCE NO. 2009-3

**AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK VILLAGE COMMISSION TO ADOPT ITS 2008-2025 WATER SUPPLY FACILITIES WORK PLAN AND TO AMEND THE VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT AND CAPITAL IMPROVEMENT ELEMENT, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (1ST Reading)
Manager's and Consultant Bell David's Recommendation:
Approval**

Attorney Hearn read the title of the Ordinance, and Mayor Hornbuckle opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Alex David, Bell David Planning Group, said State Statutes require that each municipality provide this document to the State, regardless of whether or not they have their own water supply. After Commission approval, this document will be submitted to the State and will come back to the Village for formal adoption.

Mr. Spence said this was presented to the Planning & Zoning Board sitting as the Local Planning Authority.

Commissioner Bernard asked whether or not the plan will have to be revised if North Miami does not build their water plant. Mr. David said if the State requires North Miami to change their plan, then the Village must also change its plan.

Motion was made by Commissioner Bernard, seconded by Commissioner Morris, to approve the Ordinance on first reading and schedule second reading after it is reviewed and returned by the State. The motion carried by roll-call vote, as follows:

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

NAYS: None.

9. RESOLUTIONS – TAB #9

A.

RESOLUTION NO. 2009-1

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE FEES FOR THE ISSUANCE OF LANDLORD PERMITS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

Attorney Hearn read the title of the Resolution and said this is consistent with the fees set by Miami Gardens. Establishing the fees by Resolution allows for revisions to be made by Resolution rather than by Ordinance.

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to approve the Resolution. The motion carried by voice vote 4/1, with Commissioner Mallette voting no.

10. OLD BUSINESS – TAB #10

- A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from January 3, 2009, meeting) – No action was taken.**
- B. Consideration of filling the vacancy on the Parks & Parkways Advisory Board to replace Frank Rabl (Vice-Mayor Mallette's appointment)**

Vice-Mayor Mallette appointed Jane Ansley, Alternate Member of the Board, to the position of regular member.

- C. Award of bid for construction of Public Works Administration Building to NuSpace, Inc., in the amount of \$319,855.64 as the base bid, and authorization to process Memorandum of Agreement**
 - 1. Recommendation of Architect**

Action was taken on this item earlier in the meeting.

- D. Selection of site for placement of entry sign**
 - 1. Recommendation of Consultant Savino/ Miller Design Studio**

Mr. Spence said that after months of negotiation, the issue of placing the entry sign on church property was not solved. He described the sites on Village property which were considered for placement and said the site recommended is on NE 6th Avenue.

Commissioner Anderson said that site is fine so long as the Church does not plant a hedge on their property which will block the view of the sign.

Mayor Hornbuckle opened the meeting for comments from the audience.

Dan Keys said the Village needs to avoid any possibility that the church can block the view of the sign, and the Village should also start plans to move the water pump and the power pole.

Gary Kuhl said placement of the sign further north would eliminate the problem of blocking the view.

In response to Vice-Mayor Mallette's question, Attorney Hearn said it would not be possible to be "spot specific" zoning restrictions in order to avoid blocking the view of the sign.

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to place the sign in the general location as described on NE 6th Avenue, and move forward with the installation. The motion carried by voice vote, 5/0.

E. Discussion of Village goals (continued from January 3, 2009, meeting) (Commissioner Bernard)

Commissioner Bernard said he asked other Commissioners to submit their list of goals to the Manager, and the Manager was to combine the lists. Mr. Spence said only two Commissioners submitted lists.

Commissioner Bernard asked all Commissioners to email their list of goals to the Manager by the end of the week.

F. Discussion of "mini Chamber of Commerce" event for Village businesses (Commissioner Bernard)

Commissioner Bernard said we have a home business permit requirement, and not a lot of people know about it. He would like to have a flyer distributed with the next newsletter advising the residents that they can participate in a "mini Chamber of Commerce" to be held sometime in early March. There would be no cost to the participants or to the Village.

G. Report on action taken by the Safe Neighborhood Parks Bond Program Advisory Committee on the \$25,000 grant for the Recreation Pavilion (Village Manager)

Action on this item was taken earlier in the meeting.

H. Manager Evaluation (added at beginning of meeting)

Commissioner Anderson thanked Vicky Bilt for her help in creating the evaluation form. Three more items were added to the "Responsibilities" section; on the last page "total rating" was changed to "Overall Average Rating;" "0" rating on page 2 changed to "N/A."

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Mallette, to accept the evaluation form as amended. The motion carried by voice vote, 5/0.

Commissioners are to submit completed forms to Attorney Hearn by March 1, 2009.

11. NEW BUSINESS – TAB #11

A. Discussion of employee sick leave accrual time (Vice-Mayor Mallette) – Removed from agenda

B. Consideration of renewal of recycling contract with Miami Shores Village which expires April 2009

Mr. Spence asked the Commissioners whether or not they would like him to pursue renewing the recycling contract with Miami Shores.

Commissioner Morris said residents have called him to say that they do not want recycling areas within the Village. The Manager of Miami Shores said he would work with the Village to keep the same cost of the service they are providing.

Commissioner Anderson said because of the economic times we are in, we should try to have a recycling bin in a central location, and we might be able to avoid an increase in the Sanitation fee.

Vice-Mayor Mallette said she agrees in general with Commissioner Morris, and this is a service our residents should have. There would be less participation in recycling if it was done at a site.

Commissioner Bernard said it costs \$27 per family for the Miami Shores recycling service. He thinks we should talk to the County again. There are two meetings between now and April, and we should look at every option.

After further discussion, it was decided to request an extension of time from Miami Shores on the contract. During this time issue an RFP and, in addition, include a questionnaire in the next issue of the newsletter to determine interest from the residents in recycling.

D. North-Miami Water Plant (added at the beginning of the meeting)

Commissioner Bernard reviewed the recent history of issues between the Village and North Miami concerning water service and costs to the residents of the Village. A recent newspaper article indicated that North Miami was not going to build the water plant for which they had been billing water customers. He suggested that a Resolution be written and approved by the Commission stating the Village position on returning funds to residents which had been earmarked for construction of the water plant.

Vice-Mayor Mallette said what Commissioner Bernard is proposing is too aggressive. North Miami has been a good neighbor, and we have no position to negotiate from. A better way is to try to work with them. They have every right to charge what they want to charge us. We should wait to learn what they do at their meeting on February 10 before we take action.

Commissioner Morris recommended that the Manager write a polite letter to their Manager, and Commissioner Anderson and the Mayor agreed.

Mr. Spence said he would attend the North Miami meeting on February 10th.

12. GOOD AND WELFARE (PUBLIC)

Barbara Kuhl said she would prefer that Miami Shores pick up the recycling every other week instead of weekly.

Bryan Cooper said the Village is facing financial problems, and he supports Commissioner Bernard in his suggestions on budgeting.

Joe deMadet (Coach Joe) said he submitted a proposal to provide a private athletic program at the Recreation Center. Mr. Spence said the Recreation Advisory Board will give a recommendation on this proposal.

Chuck Ross suggested securing a FRDAP grant to obtain a shade structure at the Recreation Center before summer and said he has not seen financial statements for the first quarter.

Vice-Mayor Mallette said up to \$350,000 could be obtained for grants to use for the Recreation Department. She suggested the Parks & Parkways Board and the Recreation Advisory Boards work together on a recommendation for renovation of the Recreation building and installation of a shade structure and report at the next meeting.

Dan Keys suggested issuing an RFP for the shade structure. He also said the Village newsletter should be created by staff and the Village could hire an employee for the recycling program by using the \$35,000 paid to Miami Shores.

Roxanne Ross said the Village should investigate options for recycling programs. She presented the report for the Recreation Advisory Board and asked that the Commission advise the Board of its purpose in regard to operation of the Recreation programs and making recommendations to the Commission.

13. REPORTS – TAB #13

A. Committee Reports

1. Parks & Parkways Advisory Board – Dan Keys, Chairman

Mr. Keys reported on new trees which were donated to the Village

2. Recreation Advisory Board – Roxanna Ross, Chairman

B. Village Attorney Comments

Attorney Hearn said he attended the Code Review Board meeting where the issue of residential zoning and institutional uses were being discussed. The Commission consensus was that he should follow the suggestions of the Code Review Committee regarding regulation of uses.

C. Village Manager Comments

1. Report from Police Chief Glansberg – Chief Glansberg said he is using Reserve Officers to check on abandoned homes.

2. Updates on various projects – Commission Directives – Mr. Spence provided updates on the issues listed on the directives list.

D. Commission Comments

1. Commissioner Anderson offered three options to using the basketball courts: for basketball; for a tennis practice area; for open area for roller skating and other activities.

2. Commissioner Bernard objected to receiving agenda backup at a time too late to review it before the meeting and commented on other issues.

3. Commissioner Morris suggested someone from the Village attending the DOT meeting on February 12th about the East Coast Corridor.

4. Vice-Mayor Mallette said a meeting will be held Monday afternoon with DOT officials regarding NE 6th Avenue beautification.

5. **Mayor Hornbuckle** requested that Commissioners placing items on the agenda provide backup information to go with it.

14. ANNOUNCEMENTS - All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

*Monday, February 9	Planning & Zoning Board 6:30 pm
*Monday, February 9	Recreation Advisory Board 6:30 pm
*Tuesday, February 10	Code Review Committee 6:30 pm
*Wednesday, February 11	Parks & Parkways Advisory Board 6 pm
*Monday, February 16	All Departments Closed in observance of Presidents' Day
*Tuesday, February 17	Code Enforcement Board 7 pm
*Tuesday, February 24	Code Review Committee 6:30 pm
*Tuesday, March 3	Regular Commission Meeting 7 pm

There being no further business to come before the Commission, the meeting was adjourned at 10:45 p.m.

Commission approved _____

Attest:

John Hornbuckle, Mayor

Ann Harper, Village Clerk

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Village Commission of the Village of Biscayne Park, Florida recognizes that the Village of Biscayne Park and its citizens need and desire the continued benefits of electric service; and

WHEREAS, the provision of such service requires substantial investment of capital and other resources in order to construct, maintain and operate facilities essential to the provision of such service in addition to costly administrative functions, and the Village of Biscayne Park does not desire to undertake to provide such services; and

WHEREAS, Florida Power & Light Company (FPL) is a public utility which has the demonstrated ability to supply such services; and

WHEREAS, there is currently in effect a franchise agreement between the Village of Biscayne Park and FPL, the terms of which are set forth in Village of Biscayne Park Ordinance No. 201, passed and adopted April 1, 1980, and FPL's written acceptance thereof dated April 28, 1980 granting to FPL, its successors and assigns, a thirty (30) year electric franchise ("Current Franchise Agreement"); and

WHEREAS, FPL and the Village of Biscayne Park desire to enter into a new Agreement (New Franchise Agreement) providing for the payment of fees to the Village of Biscayne Park in exchange for the nonexclusive right and privilege of supplying electricity and other electric related services within the Village of Biscayne Park free of competition from the Village of Biscayne Park, pursuant to certain terms and conditions, and

7A(1)

WHEREAS, the Village Commission of the Village of Biscayne Park deems it to be in the best interest of the Village of Biscayne Park and its citizens to enter into the New Franchise Agreement prior to expiration of the Current Franchise Agreement;

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

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

Section 2. There is hereby granted to Florida Power & Light Company, its successors and assigns (hereinafter called the "Grantee"), for the period of 30 years from the effective date hereof, the nonexclusive right, privilege and franchise (hereinafter called "franchise") to construct, operate and maintain in, under, upon, along, over and across the present and future roads, streets, alleys, bridges, easements, rights-of-way and other public places (hereinafter called "public rights-of-way") throughout all of the incorporated areas, as such incorporated areas may be constituted from time to time, of the Village of Biscayne Park, Florida, and its successors (hereinafter called the "Grantor"), in accordance with the Grantee's customary practice with respect to construction and maintenance, electric light and power facilities, including, without limitation, conduits, poles, wires, transmission and distribution lines, and all other facilities installed in conjunction with or ancillary to all of the Grantee's operations (hereinafter called "facilities"), for the purpose of supplying electricity and other electric related services to the Grantor and its successors, the inhabitants thereof, and persons beyond the limits thereof.

Section 3. The facilities of the Grantee shall be installed, located or relocated so as to not unreasonably interfere with traffic over the public rights-of-way or with reasonable egress from and ingress to abutting property. To avoid conflicts with traffic, the

location or relocation of all facilities shall be made as representatives of the Grantor may prescribe in accordance with the Grantor's reasonable rules and regulations with reference to the placing and maintaining in, under, upon, along, over and across said public rights-of-way; provided, however, that such rules or regulations (a) shall not prohibit the exercise of the Grantee's right to use said public rights-of-way for reasons other than unreasonable interference with motor vehicular traffic, (b) shall not unreasonably interfere with the Grantee's ability to furnish reasonably sufficient, adequate and efficient electric service to all of its customers, and (c) shall not require the relocation of any of the Grantee's facilities installed before or after the effective date hereof in public rights-of-way unless or until widening or otherwise changing the configuration of the paved portion of any public right-of-way used by motor vehicles causes such installed facilities to unreasonably interfere with motor vehicular traffic. Such rules and regulations shall recognize that above-grade facilities of the Grantee installed after the effective date hereof should be installed near the outer boundaries of the public rights-of-way to the extent possible. When any portion of a public right-of-way is excavated by the Grantee in the location or relocation of any of its facilities, the portion of the public right-of-way so excavated shall within a reasonable time be replaced by the Grantee at its expense and in as good condition as it was at the time of such excavation. The Grantor shall not be liable to the Grantee for any cost or expense in connection with any relocation of the Grantee's facilities required under subsection (c) of this Section, except, however, the Grantee shall be entitled to reimbursement of its costs from others and as may be provided by law.

Section 4. The Grantor shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by the Grantee of its facilities hereunder, and the acceptance of this ordinance shall be deemed an agreement on the part of the Grantee to indemnify the Grantor and hold it harmless against any and all

liability, loss, cost, damage or expense which may accrue to the Grantor by reason of the negligence, default or misconduct of the Grantee in the construction, operation or maintenance of its facilities hereunder.

Section 5. All rates and rules and regulations established by the Grantee from time to time shall be subject to such regulation as may be provided by law.

Section 6. As a consideration for this franchise, the Grantee shall pay to the Grantor, commencing 90 days after the effective date hereof, and each month thereafter for the remainder of the term of this franchise, an amount which added to the amount of all licenses, excises, fees, charges and other impositions of any kind whatsoever (except ad valorem property taxes and non-ad valorem tax assessments on property) levied or imposed by the Grantor against the Grantee's electric utility property, business or operations and those of its electric utility subsidiaries during the Grantee's monthly billing period ending 60 days prior to each such payment will equal 5.9 percent of the Grantee's billed revenues, less actual write-offs, from the sale of electrical energy to residential, commercial and industrial customers (as such customers are defined by FPL's tariff) within the incorporated areas of the Grantor for the monthly billing period ending 60 days prior to each such payment, and in no event shall payment for the rights and privileges granted herein exceed 5.9 percent of such revenues for any monthly billing period of the Grantee.

The Grantor understands and agrees that such revenues as described in the preceding paragraph are limited, as in the existing franchise Ordinance No. 201, to the precise revenues described therein, and that such revenues do not include, by way of example and not limitation: (a) revenues from the sale of electrical energy for Public Street and Highway Lighting (service for lighting public ways and areas); (b) revenues from Other Sales to Public Authorities (service with eligibility restricted to governmental entities); (c) revenues from Sales to Railroads and Railways (service supplied for

propulsion of electric transit vehicles); (d) revenues from Sales for Resale (service to other utilities for resale purposes); (e) franchise fees; (f) Late Payment Charges; (g) Field Collection Charges; (h) other service charges.

Section 7. If during the term of this franchise the Grantee enters into a franchise agreement with any other municipality located in Miami-Dade County, Florida where the number of Grantee's active electrical customers is equal to or less than 50,000, the terms of which provide for the payment of franchise fees by the Grantor at a rate greater than 5.9% of the Grantee's residential, commercial and industrial revenues (as such customers are defined in FPL's tariff), under the same terms and conditions as specified in Section 6 hereof, the Grantee, upon written request of the Grantor, shall negotiate and enter into a new franchise agreement with the Grantor in which the percentage to be used in calculating monthly payments under Section 6 hereof shall be no greater than that percentage which the Grantee has agreed to use as a basis for the calculation of payments to the other Miami-Dade County municipality, provided, however, that such new franchise agreement shall include additional benefits to the Grantee, in addition to all benefits provided herein, at least equal to those provided by its franchise agreement with the other Miami-Dade County municipality. Subject to all limitations, terms and conditions specified in the preceding sentence, the Grantor shall have the sole discretion to determine the percentage to be used in calculating monthly payments, and the Grantee shall have the sole discretion to determine those benefits to which it would be entitled, under any such new franchise agreement.

Section 8. As a further consideration, during the term of this franchise or any extension thereof, the Grantor agrees: (a) not to engage in the distribution and/or sale, in competition with the Grantee, of electric capacity and/or electric energy to any ultimate consumer of electric utility service (herein called a "retail customer") or to any electrical

distribution system established solely to serve any retail customer formerly served by the Grantee, (b) not to participate in any proceeding or contractual arrangement, the purpose or terms of which would be to obligate the Grantee to transmit and/or distribute, electric capacity and/or electric energy from any third party(ies) to any other retail customer's facility(ies), and (c) not to seek to have the Grantee transmit and/or distribute electric capacity and/or electric energy generated by or on behalf of the Grantor at one location to the Grantor's facility(ies) at any other location(s). Nothing specified herein shall prohibit the Grantor from engaging with other utilities or persons in wholesale transactions which are subject to the provisions of the Federal Power Act. Additionally, nothing herein shall prohibit Grantor from adopting or complying with environmental initiatives which enable or require Grantor to generate electrical energy for consumption at facilities owned or operated by Grantor, provided that such initiatives and the implementation of same do not violate any of the terms or conditions of this New Franchise Agreement, specifically including but not limited to the provisions enumerated in Sections 8(a), 8(b) and 8(c) herein.

Nothing herein shall prohibit the Grantor, if permitted by law, (i) from purchasing electric capacity and/or electric energy from any other person, or (ii) from seeking to have the Grantee transmit and/or distribute to any facility(ies) of the Grantor electric capacity and/or electric energy purchased by the Grantor from any other person; provided, however, that before the Grantor elects to purchase electric capacity and/or electric energy from any other person, the Grantor shall notify the Grantee. Such notice shall include a summary of the specific rates which have been offered by the other person and identify the Grantor's facilities to be served under the offer. The Grantee shall thereafter have 90 days to evaluate the offer and, if the Grantee offers rates which are equal to or better than those offered by the other person, the Grantor shall be obligated to continue to purchase from the Grantee

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electric capacity and/or electric energy to serve the previously-identified facilities of the Grantor for a term no shorter than that offered by the other person. If the Grantee does not agree to rates which equal or better the other person's offer, all of the terms and conditions of this franchise shall remain in effect.

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Section 9. If the Grantor grants a right, privilege or franchise to any other person or otherwise enables any other such person to construct, operate or maintain electric light and power facilities within any part of the incorporated areas of the Grantor in which the Grantee may lawfully serve or compete on terms and conditions which the Grantee determines are more favorable than the terms and conditions contained herein, the Grantee may at any time thereafter terminate this franchise if such terms and conditions are not remedied within the time period provided hereafter. The Grantee shall give the Grantor at least 60 days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for the Grantee herein, advise the Grantor of such terms and conditions that it considers more favorable. The Grantor shall then have 60 days in which to correct or otherwise remedy the terms and conditions complained of by the Grantee. If the Grantee determines that such terms or conditions are not remedied by the Grantor within said time period, the Grantee may terminate this franchise agreement by delivering written notice to the Grantor's Clerk and termination shall be effective on the date of delivery of such notice.

Section 10. If as a direct or indirect consequence of any legislative, regulatory or other action by the United States of America or the State of Florida (or any department, agency, authority, instrumentality or political subdivision of either of them) any person is permitted to provide electric service within the incorporated areas of the Grantor to a customer then being served by the Grantee, or to any new applicant for electric service within any part of the incorporated areas of the Grantor in which the Grantee may lawfully

serve, and the Grantee determines that its obligations hereunder, or otherwise resulting from this franchise in respect to rates and service, place it at a competitive disadvantage with respect to such other person, the Grantee may, at any time after the taking of such action, terminate this franchise if such competitive disadvantage is not remedied within the time period provided hereafter. The Grantee shall give the Grantor at least 90 days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for the Grantee herein, advise the Grantor of the consequences of such action which resulted in the competitive disadvantage. The Grantor shall then have 90 days in which to correct or otherwise remedy the competitive disadvantage. If such competitive disadvantage is not remedied by the Grantor within said time period, the Grantee may terminate this franchise agreement by delivering written notice to the Grantor's Clerk and termination shall take effect on the date of delivery of such notice.

Section 11. Failure on the part of the Grantee to comply in any substantial respect with any of the provisions of this franchise shall be grounds for forfeiture, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by the Grantee until there is final determination (after the expiration or exhaustion of all rights of appeal) by a court of competent jurisdiction that the Grantee has failed to comply in a substantial respect with any of the provisions of this franchise, and the Grantee shall have six months after such final determination to make good the default before a forfeiture shall result with the right of the Grantor at its discretion to grant such additional time to the Grantee for compliance as necessities in the case require.

Section 12. Failure on the part of the Grantor to comply in substantial respect with any of the provisions of this ordinance, including but not limited to: (a) denying the Grantee use of public rights-of-way for reasons other than unreasonable interference with motor vehicular traffic; (b) imposing conditions for use of public rights-of-way contrary to

Florida law or the terms and conditions of this franchise; (c) unreasonable delay in issuing the Grantee a use permit, if any, to construct its facilities in public rights-of-way, shall constitute breach of this franchise and entitle the Grantee to withhold all or part of the payments provided for in Section 6 hereof until such time as a use permit is issued or a court of competent jurisdiction has reached a final determination in the matter. The Grantor recognizes and agrees that nothing in this franchise agreement constitutes or shall be deemed to constitute a waiver of the Grantee's delegated sovereign right of condemnation and that the Grantee, in its sole discretion, may exercise such right.

Section 13. The Grantor may, upon reasonable notice and within 90 days after each anniversary date of this franchise, at the Grantor's expense, examine the records of the Grantee relating to the calculation of the franchise payment for the three (3) years preceding such anniversary date. Such examination shall be during normal business hours at the Grantee's office where such records are maintained, and each party shall bear its own costs, fees and expenses associated with any such reasonable examination of the records prepared and kept by Grantee in the ordinary course of Grantee's business. Records not prepared by the Grantee in the ordinary course of business may be provided at the Grantor's expense and as the Grantor and the Grantee may agree in writing. Information identifying the Grantee's customers by name or their electric consumption shall not be taken from the Grantee's premises. Such audit shall be impartial and all audit findings, whether they decrease or increase payment to the Grantor, shall be reported to the Grantee. The Grantor's right to examine the records of the Grantee in accordance with this Section shall not be conducted by any third party employed by the Grantor whose fee, in whole or part, for conducting such audit is contingent on findings of the audit.

Grantor waives, settles and bars all claims relating in any way to the amounts paid by the Grantee under the Current Franchise Agreement embodied in Ordinance No. 201 not

asserted in writing within one hundred fifty (150) days after the effective date of this Ordinance.

Section 14. The provisions of this ordinance are interdependent upon one another, and if any of the provisions of this ordinance are found or adjudged to be invalid, illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 15. Grantor acknowledges it is fully informed concerning the existing franchise granted by Miami-Dade County, Florida, to the Grantee herein, and accepted by the Grantee as set out in Ordinance No. 60-16 adopted on May 3, 1960, and subsequently renewed and accepted by the Grantee as set out in Ordinance No. 89-81 adopted on September 5, 1989 by the Board of County Commissioners of Miami-Dade County, Florida. Grantor agrees to indemnify and hold Grantee harmless against any and all liability, loss, cost, damage and expense incurred by Grantee in respect to any claim asserted by Miami-Dade County against Grantee arising out of the franchise set out in the above referenced ordinances for the recovery of any sums of money paid by Grantee to Grantor under the terms of this New Franchise Agreement. Grantee acknowledges and Grantor hereby relies on the Dade County Resolution No. R-709-78 adopted on June 20, 1978 in the granting of this franchise.

Section 16. As used herein "person" means an individual, a partnership, a corporation, a business trust, a joint stock company, a trust, an incorporated association, a joint venture, a governmental authority or any other entity of whatever nature.

Section 17. Ordinance No. 201, passed and adopted April 1, 1980 and all other ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

Section 18. As a condition precedent to the taking effect of this ordinance, the

Grantee shall file its acceptance hereof with the Grantor's Clerk within 30 days of adoption of this ordinance. The effective date of this ordinance shall be the date upon which the Grantee files such acceptance.

PASSED on first reading this _____ day of _____, 2008.

PASSED AND ADOPTED on second reading this _____ day of _____, 2009.

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The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by _____ 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

Attest:

Mayor Hornbuckle: _____
Vice Mayor Bernard: _____
Commissioner Mallette: _____
Commissioner Morris: _____
Commissioner Anderson: _____

Ann Harper, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

VILLAGE OF BIL /NE PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

FUND	GENERAL FUND	FY 08-09 YEAR TO DATE 12/31/08	FY 08-09 ADOPTED BUDGET	VARIANCE	25%
OBJECT:	REVENUES				
311.10.00	Real & Personal Property	1,127,391.15	1,504,156	376,764.85	74.95%
	Total Ad Valorem Taxes:	1,127,391.15	1,504,156	376,764.85	74.95%
313.10.00	Electric	34,256.91	125,000	90,743.09	27.41%
313.40.00	Gas/Propane			0.00	
	Total Franchise Fees:	34,256.91	125,000	90,743.09	27.41%
314.10.00	Electric	28,580.49	100,000	71,419.51	28.58%
314.40.00	Gas/Propane	2,085.41	6,000	3,914.59	34.76%
	Total Utility Service Taxes:	30,665.90	106,000	75,334.10	28.93%
315.10.01	Communications Service Tax	31,600.14	117,050	85,449.86	27.00%
	Total Communications Service Tax:	31,600.14	117,050	85,449.86	27.00%
322.10.00	Building Permits	19,716.40	85,000	65,283.60	23.20%
322.20.00	Electrical Permits	800.00	9,000	8,200.00	8.89%
322.30.00	Plumbing Permits	2,697.00	13,000	10,303.00	20.75%
322.40.00	Air Conditioning/Mechanical Permits	555.00	8,000	7,445.00	6.94%
322.60.00	Paint Permits	560.00	2,800	2,240.00	20.00%
322.70.00	Garage Sale	270.00	900	630.00	30.00%
322.75.00	Code Compliance			0.00	
322.80.00	Plan Review	300.00	1,000	700.00	30.00%
322.99.00	Permit Administrative Fee	4,657.16	20,000	15,342.84	23.29%
322.90.01	Variance Application Fee		500	500.00	0.00%
322.90.10	Variance Advertisement		500	500.00	0.00%
322.90.20	Variance Mailing Fees			0.00	
323.10.00	Re-Occupancy	925.00	2,100	1,175.00	44.05%
323.11.00	Contractor Registration	490.00	2,000	1,510.00	24.50%
323.12.00	Landlord Permit Fees		1,500	1,500.00	0.00%
323.13.00	Home Occupational Fees	50.00	500	450.00	10.00%
	Total (Village) Licenses & Permits:	31,020.56	146,800	115,779.44	21.13%

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VILLAGE OF BIRNEY PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

331.20.00	Federal Grants - COPS Grant								
334.21.00	Crime Prevention- Byrne Grant	81.19						-81.19	
335.12.00	State Revenue Sharing	16,059.15	70,195					54,135.85	22.88%
335.18.00	Local Govt. 1/2 Cent Sales Tax	45,230.09	206,650					161,419.91	21.89%
338.30.00	Occupational Licenses - County	2,276.67	1,900					-376.67	119.82%
	Total Intergovernmental Revenue:	63,647.10	278,745					215,097.90	22.83%
341.10.00	Recording Fees								
341.90.00	Sale of Maps & Publications								
341.20.00	Certification, Copies & Lien Search	1,006.80	3,000					1,993.20	33.56%
347.20.01	Recreation Program Fees	19,607.80	125,000					105,392.20	15.69%
347.20.02	Recreation - Concession Sales	1,809.75	15,000					13,190.25	12.07%
347.20.03	Other Parks & Rec. Fees (Special)	3,315.25	5,000					1,684.75	66.31%
	Total Service Revenue:	25,739.60	148,000					122,260.40	17.39%
351.01.00	Judgments/ Citations - Court Imposed	14,468.60	35,000					20,531.40	41.34%
354.00.01	Violations - Local Ordinance	23,725.00	25,000					1,275.00	94.90%
359.00.00	LETTF							0.00	
	Total Fines & Forfeitures:	38,193.60	60,000					21,806.40	63.66%
361.00.00	Interest	2,248.87	23,500					21,251.13	9.57%
369.01.00	Miscellaneous Other	9,381.06	6,000					-3,381.06	156.35%
	Insurance Proceeds	1,195.90	4,500					4,500.00	0.00%
369.02.00	Misc Newsletter Ads								
369.03.00	North Miami Beach Police Reimbursable								
380.00.00	Fund Balance / Carryover								
380.01.00	Proceeds from Capital Lease								
	Total Miscellaneous Revenue	12,825.83	34,000					22,370.07	37.72%
	TOTAL REVENUE/BUDGET:	1,395,340.79	2,519,751					1,124,410.21	55.38%

VILLAGE OF BLAINE / NE PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	EXECUTIVE/VILLAGE COMMISSION				
511.11.01	Salaries / Reimbursements	3,000.00	12,000	9,000.00	25.00%
511.21.01	FICA Taxes	186.00	744	558.00	25.00%
511.21.02	Medicare	43.50	174	130.50	25.00%
ALL PERSONAL SERVICES:		3,229.50	12,918	9,688.50	25.00%
511.40.01	Travel Conferences & Meetings	560.00	1,000	440.00	56.00%
511.47.01	Printing & Binding		750	750.00	0.00%
511.54.01	Dues, Subscriptions & Memberships	460.00	1,200	740.00	38.33%
511.55.01	Special Events	6,019.87	3,900	-2,119.87	154.36%
TERIALS, SUPPLIES, SERVICES:		7,039.87	6,850	-189.87	102.77%
TOTAL OPERATING EXPENSES/BUDGET:		10,269.37	19,768	9,498.63	51.95%

VILLAGE OF BILLYNE PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	EXECUTIVE/ADMINISTRATION				
512.12.01	Regular Salaries	32,208.12	139,293	107,084.88	23.12%
512.13.01	Other Salaries & Wages			0.00	
512.14.01	Overtime			0.00	
512.21.01	FICA Taxes	1,996.90	8,636	6,639.10	23.12%
512.21.02	Medicare	467.01	2,020	1,552.99	23.12%
512.22.01	Retirement	4,054.67	16,551	12,496.33	24.50%
512.23.01	Life, Health & Dental Insurance	2,544.53	6,904	4,359.47	36.86%
512.24.01	Workers Compensation	292.00	669	377.00	43.65%
512.25.01	Unemployment Compensation			0.00	
512.26.01	Liability Insurance		3,092	3,092.00	0.00%
	ALL PERSONAL SERVICES:	41,563.23	177,165	135,601.77	23.46%
512.40.01	Travel, Conferences & Meetings	402.00	3,000	4,000.00	13.40%
512.40.02	Travel/Auto Allowance	1,200.00	4,800		
512.46.02	R&M - Equipment		700	700.00	0.00%
512.47.01	Printing & Binding			0.00	
512.49.02	Legal Advertising				
512.49.04	Ordinance Codification	1,591.50	8,000	6,408.50	19.89%
512.49.06	Election	218.22	500	2,500.00	0.00%
512.51.01	Office Supplies	192.96	1,000	807.04	19.30%
512.52.12	Special Departmental Supplies		500	500.00	0.00%
512.54.01	Dues, Subscriptions & Memberships	755.00	1,800	1,045.00	41.94%
512.54.02	Education & Training		200	200.00	0.00%
	MATERIALS, SUPPLIES, SERVICES:	4,359.68	23,000	16,442.32	18.96%
	TOTAL DEPARTMENT EXPENSES/BUDGET:	45,922.91	200,165	154,242.09	22.94%

VILLAGE OF BLOOMINGDALE PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	FINANCE				
513.12.01	Regular Salaries				0.00
513.13.01	Banked Sick/Vacation				0.00
513.21.01	FICA Taxes				0.00
513.21.02	Medicare				0.00
513.22.01	Retirement				0.00
513.23.01	Life, Health & Dental Insurance				0.00
513.24.01	Workers Compensation				0.00
513.25.01	Unemployment Compensation				0.00
	TOTAL PERSONAL SERVICES:	0.00	-	-	0.00
513.32.01	Accounting & Audit Services		30,500		30,500.00
513.34.01	Consulting Services	24,115.00	75,000		50,885.00
513.34.02	Contract Services-HTE	4,450.00	17,500		13,050.00
513.40.01	Travel, Conferences & Meetings	35.00	150		115.00
513.46.02	R&M - Equipment				0.00
513.51.01	Office Supplies	64.19	500		435.81
513.54.01	Dues, Subscriptions & Memberships		105		105.00
513.54.02	Education & Training				0.00
	TOTAL OPERATING EXPENSES/BUDGET:	28,664.19	123,755	95,090.81	23.16%
	TOTAL OPERATING EXPENSES/BUDGET:	28,664.19	123,755	95,090.81	23.16%

VILLAGE OF BLOOMINGDALE
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	GENERAL GOVERNMENT					
519.12.01	Regular Salaries	4,021.36	18,935	14,913.64	0.00	21.24%
519.14.01	Overtime					
519.21.01	FICA Taxes	249.33	1,174	924.67	216.67	21.24%
519.21.02	Medicare	58.33	275	216.67		21.21%
519.22.01	Retirement	396.09	1,865	1,468.91		21.24%
519.23.01	Life, Health & Dental Insurance	1,448.05	6,584	5,135.95		21.99%
519.24.01	Workers' Compensation	40.00	91	51.00		43.96%
519.25.01	Unemployment Compensation		5,000	5,000.00		0.00%
519.26.01	Liability Insurance	176.00	420	244.00		41.90%
	TOTAL PERSONAL SERVICES:	6,389.16	34,344	27,954.84		18.60%
519.31.01	Attorney Legal Fees	11,298.72	60,000	48,701.28		18.83%
519.31.02	Legal - Other		15,000	15,000.00		0.00%
519.31.03	Other Professional Services	5,877.00	20,200	14,323.00		29.09%
519.31.04	Contract Services		750	750.00		0.00%
519.41.01	Telephone	2,609.49	12,500	9,890.51		20.88%
519.42.01	Postage, Freight & Express Charges	806.27	2,000	1,193.73		40.31%
519.43.01	Electric Utility Service	7,674.80	30,000	22,325.20		25.58%
519.43.02	Water Utility Services	213.39	1,500	1,286.61		14.23%
519.44.02	Equipment Rental & Lease	3,327.13	14,500	11,172.87		22.95%
519.45.01	Insurance	10,538.00	31,000	20,462.00		33.99%
519.46.02	Repair & Maintenance - Equipment	2,097.50	5,400	3,302.50		38.84%
519.47.01	Printing & Binding	1,251.15	1,000	-251.15		125.12%
519.48.01	Communications - Newsletter/ Website	0.00	1,500	1,500.00		0.00%
519.48.02	Legislative Representative			0.00		
519.49.01	Miscellaneous - FDMS Fees	1,009.24	8,000	6,990.76		12.62%
519.51.01	Office Supplies - General	1,325.36	3,500	2,174.64		37.87%
519.52.01	Operating Supplies	300.00	1,500	1,200.00		20.00%
519.54.01	Dues, Subscriptions & Memberships		1,200	1,200.00		0.00%
519.59.01	Contingency		15,000	15,000.00		0.00%
	MATERIALS, SUPPLIES, SERVICES:	48,328.05	224,550	176,221.95		21.52%
	TOTAL OPERATING EXPENSES/BUDGET:	54,717.21	258,894	204,176.79		21.13%
519.64.03	Capital Outlay		9,100	9,100.00		0.00%
	TOTAL CAPITAL OUTLAY	0.00	9,100	9,100.00		0.00%
519.82.01	Aids to Private Organizations	5,000.00	2,500	-2,500.00		200.00%
	GRANTS & AIDS:	5,000.00	2,500	-2,500.00		200.00%
	TOTAL DEPARTMENT EXPENSES/BUDGET:	59,717.21	270,494	210,776.79		22.08%

VILLAGE OF BLDINGWAYNE PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	POLICE						
521.12.01	Regular Salaries	136,539.26	483,779	347,239.74	28.22%		
521.13.01	Other Salaries & Wages	21,569.76	104,397	82,827.24	20.66%		
521.14.01	Overtime	19,051.97	55,000	35,948.03	34.64%		
521.15.01	Special Pay - Officer Incentive	810.00	8,000	7,190.00	10.13%		
521.16.01	Court Time	1,581.67	5,000	3,418.33	31.63%		
521.17.01	Holiday Pay			0.00			
521.19.01	Banked Sick Leave			0.00			
521.21.01	FICA Taxes	11,132.26	40,683	29,550.74	27.36%		
521.21.02	Medicare	2,603.51	9,515	6,911.49	27.36%		
521.22.01	Retirement	34,492.16	134,389	99,896.84	25.67%		
521.23.01	Life, Health & Dental Insurance	17,125.92	79,013	61,887.08	21.67%		
521.24.01	Workers' Compensation	34,882.00	79,867	44,985.00	43.68%		
521.25.01	Unemployment Compensation			0.00			
521.26.01	Liability Insurance	11,536.00	27,421	15,885.00	42.07%		
	ALL PERSONAL SERVICES:	291,324.51	1,027,064	735,739.49	28.36%		
521.31.04	Contract Services - Other	929.92	1,200	270.08	77.49%		
521.34.01	Contract Services		1,000	1,000.00	0.00%		
521.40.01	Travel, Conferences & Meetings	108.00	1,500	1,392.00	7.20%		
521.41.01	Telephone & Cellular Air Time	1,375.55	6,000	4,624.45	22.93%		
521.44.01	Rental & Lease - Beepers	742.48	1,500	757.52	49.50%		
521.45.01	Insurance - Auto	3,087.00	21,700	18,613.00	14.23%		
521.46.01	R&M - Vehicles	7,515.75	15,000	7,484.25	50.11%		
521.46.02	R&M - Equipment	800.00	5,000	4,200.00	16.00%		
521.46.03	R&M - Radio	863.18	4,000	3,116.82	22.08%		
521.47.01	Printing & Binding	371.00	1,000	629.00	37.10%		
521.51.01	Office Supplies	1,066.44	4,500	3,433.56	23.70%		
521.52.02	Gas & Oil	7,522.05	50,000	42,477.95	15.04%		
521.52.03	Tires & Tire Repair	1,888.50	4,500	2,611.50	41.97%		
521.52.04	Uniforms	1,851.18	5,000	3,148.82	37.02%		
521.52.05	Vests - Body Armor	600.00	1,200	600.00	50.00%		
521.52.06	Dry Cleaning - Uniforms		1,800	1,800.00	0.00%		
521.52.07	Ammunition		3,000	3,000.00	0.00%		
521.52.08	Photography		200	200.00	0.00%		
521.52.12	Special Department Supplies	700.00	4,500	3,800.00	15.56%		
521.54.01	Dues, Subscriptions & Memberships	613.50	3,000	2,366.50	20.45%		
512.54.02	Education & Training		4,000	4,000.00	0.00%		
	TOTAL MATERIALS, SUPPLIES, SERVICES:	30,054.55	139,600	109,545.45	21.53%		
	TOTAL OPERATING EXPENSES/BUDGET:	321,379.06	1,166,664	845,284.94	27.55%		
521.64.01	Vehicles	2,985.83	41,968	38,982.17	7.11%		
521.64.02	Machinery & Equipment - 800 Mhz						
	TOTAL CAPITAL OUTLAY	2,985.83	41,968	38,982.17	7.11%		
	TOTAL DEPARTMENT EXPENSES/BUDGET:	324,364.89	1,208,632	884,267.11	26.84%		

VILLAGE OF BLDG. MAINTENANCE
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	BUILDING					
524.12.01	Regular Salaries	6,906.08	27,502	20,595.92		25.11%
524.13.01	Other Salaries & Wages	7,219.82	24,020	16,800.18		30.06%
524.14.01	Overtime		495	495.00		0.00%
524.21.01	FICA Taxes	875.80	3,040	2,164.20		28.81%
524.21.02	Medicare	204.83	710	505.17		28.85%
524.22.01	Retirement	733.46	2,758	2,024.54		26.59%
524.23.01	Life, Health & Dental Insurance	1,427.16	6,584	5,156.84		21.68%
524.24.01	Workers Compensation	646.00	1,480	834.00		43.65%
524.25.01	Unemployment Compensation					
524.26.01	Liability Insurance	452.00	1,088			
	TOTAL PERSONAL SERVICES:	18,465.15	67,677	49,211.85		27.28%
524.31.07	Inspectors Fees	150.00	60,000	59,850.00		0.25%
524.31.08	Structural Engineer	75.00	1,200	1,125.00		6.25%
524.46.02	R&M Equipment	1,299.50	1,200	-99.50		108.29%
524.47.01	Printing & Binding		250	250.00		0.00%
524.49.03	Special Departmental Supplies		500	500.00		0.00%
524.51.01	Office Supplies	157.06	2,000	1,842.94		7.85%
524.54.01	Subscriptions, Memberships, Books	100.00	250	150.00		40.00%
524.54.02	Education & Training		1,000	1,000.00		0.00%
524.64.02	Machinery & Equipment			0.00		
	TOTAL MATERIALS, SUPPLIES, SERVICES:	1,781.56	66,400	64,618.44		2.68%
	TOTAL OPERATING EXPENSES/BUDGET:	20,246.71	134,077	113,830.29		15.10%

VILLAGE OF BILLYME PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	CODE ENFORCEMENT	10,637.92	42,552	31,914.08	25.00%
529.12.01	Regular Salaries				
529.13.01	Other Salaries & Wages				
529.14.01	Overtime	368.26	614	245.74	59.98%
529.21.01	FICA Taxes	682.38	2,676	1,993.62	25.50%
529.21.02	Medicare	159.60	626	466.40	25.50%
529.22.01	Retirement	1,084.11	4,252	3,167.89	25.50%
529.23.01	Life, Health & Dental Insurance	1,427.16	6,584	5,156.84	21.68%
529.24.01	Workers' Compensation	1,208.00	2,767	1,559.00	43.66%
529.25.01	Unemployment Compensation	0.00		0.00	
529.26.01	Liability Insurance	404.00	959	555.00	42.13%
	TOTAL PERSONAL SERVICES:	15,971.43	61,030	45,058.57	26.17%
529.33.01	Court/Hearing Reporter		850	850.00	0.00%
529.41.01	Telephone & Cellular Air Time	104.18	650	545.82	16.03%
529.42.01	Postage		1,000	1,000.00	0.00%
529.46.01	R&M Equipment	1,298.50	1,200	-98.50	108.21%
529.47.01	Printing	11.52	150	138.48	7.68%
529.51.01	Office Supplies & Misc.	57.82	750	692.18	7.71%
529.52.02	Gas & Oil		100	100.00	0.00%
529.52.03	Tires & Tire Repair		275	275.00	0.00%
529.52.04	Uniforms		250	250.00	0.00%
529.52.06	Dry Cleaning - Uniforms			0.00	
529.52.08	Photography			0.00	
529.54.01	Dues, Subscriptions & Memberships			0.00	
529.54.02	Education & Training			0.00	
	TOTAL MATERIALS, SUPPLIES, SERVICES:	1,472.02	5,225	3,752.98	28.17%
529.64.02	Machinery & Equipment			0.00	
	TOTAL DEPARTMENT EXPENSES / BUDGET:	17,443.45	66,255	48,811.55	26.33%

VILLAGE OF BUCKAYNE PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT: OBJECT/ACCOUNT NAME:	PUBLIC WORKS					
534.12.01	Regular Salaries	33,632.50	114,909	81,276.50		29.27%
534.13.01	Other Salaries & Wages	4,956.76	5,745	788.24		86.28%
534.14.01	Overtime	265.39	1,500	1,234.61		17.69%
534.19.01	Banked Sick Leave			0.00		
534.21.01	FICA Taxes	2,408.98	7,574	5,165.02		31.81%
534.21.02	Medicare	563.39	1,771	1,207.61		31.81%
534.22.01	Retirement	3,827.18	12,032	8,204.82		31.81%
534.23.01	Life, Health & Dental Insurance	7,318.99	27,654	20,335.01		26.47%
534.24.01	Workers' Compensation	5,038.00	11,534	6,496.00		43.68%
534.25.01	Unemployment Compensation	185.94		-185.94		
534.26.01	Insurance - Liability	1,140.00	2,712	1,572.00		42.04%
	TOTAL PERSONAL SERVICES:	59,337.13	185,431	126,093.87		32.00%
534.41.01	Telephone	699.63	4,900	4,200.37		14.28%
534.43.01	Electric	395.76	4,000	3,604.24		9.89%
534.43.02	Water	263.77	2,000	1,736.23		13.19%
534.44.02	Equipment Rental	641.15	4,000	3,358.85		16.03%
534.45.01	Insurance - Auto	296.00	2,400	2,104.00		12.33%
534.46.01	R&M Vehicles	159.00	1,500	1,341.00		10.60%
534.46.02	R&M Equipment	849.00	2,800	1,951.00		30.32%
534.46.03	R&M Buildings	2,489.53	3,000	510.47		82.98%
534.46.05	R&M Field		17,180	17,180.00		0.00%
534.49.05	Truck Washing		250	250.00		0.00%
534.51.01	Office Supplies	710.60	1,500	789.40		47.37%
534.52.01	Operating Supplies	1,828.20	10,000	8,171.80		18.28%
534.52.02	Gas & Oil	750.00	16,000	15,250.00		4.69%
534.52.03	Tires & Tire Repair		1,500	1,500.00		0.00%
534.52.04	Uniform Rental	602.84	2,000	1,397.16		30.14%
	TOTAL MATERIALS, SUPPLIES, SERVICES:	9,685.48	73,030	63,344.52		13.26%
	TOTAL OPERATING EXPENSES / BUDGET:	69,022.61	258,461	189,438.39		26.71%
534.62.01	Buildings	0.00		0.00		
534.63.02	Landscaping	4,532.10	10,000	5,467.90		45.32%
534.64.02	Machinery & Equipment	2,300.00		-2,300.00		
	TOTAL CAPITAL OUTLAY:	6,832.10	10,000	3,167.90		68.32%
	TOTAL NON-OPERATING BUDGET:	6,832.10	10,000	3,167.90		68.32%
	TOTAL DEPARTMENT EXPENSES / BUDGET:	75,854.71	268,461	192,606.29		28.26%

VILLAGE OF BAYNE PARK
 BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

DEPARTMENT:	RECREATION					
572.12.01	Regular Salaries	18,371.96	72,303	53,931.04		25.41%
572.13.01	Other Salaries/Wages	11,934.62	55,280	43,345.38		21.59%
572.21.01	FICA Taxes	1,879.00	7,910	6,031.00		23.75%
572.21.02	Medicare	439.44	1,850	1,410.56		23.75%
572.22.01	Retirement	1,809.61	7,122	5,312.39		25.41%
572.23.01	Life, Health & Dental Insurance	2,854.32	13,169	10,314.68		21.67%
572.24.01	Workers Compensation	3,572.00	8,178	4,606.00		43.68%
572.25.01	Unemployment Compensation			0.00		
572.26.01	Liability Insurance	1,192.00	2,832			
	TOTAL PERSONAL SERVICES:	42,052.95	168,644	126,591.05		24.94%
572.31.08	Professional Services	40.50	300	259.50		13.50%
572.41.01	Telephone	1,315.96	3,500	2,184.04		37.60%
572.43.01	Electric Utility Service	2,177.77	7,500	5,322.23		29.04%
572.43.02	Water Utility Services	203.98	1,100	896.02		18.54%
572.44.02	Equipment Rental & Lease	106.00	1,000	894.00		10.60%
572.45.01	Insurance - Auto	1,652.00	2,670	1,018.00		61.87%
572.46.01	R&M Vehicles	150.00	1,500	1,500.00		0.00%
572.46.02	R&M Equipment	150.00	800	650.00		18.75%
572.47.01	Printing & Binding		100	100.00		0.00%
572.51.01	Office Supplies - General		500	500.00		0.00%
572.52.01	Operating Supplies	994.83	4,000	3,005.17		24.87%
572.52.02	Gas & Oil	478.19	2,000	1,521.81		23.91%
572.52.09	Concession - Resale	701.22	10,000	9,298.78		7.01%
572.52.10	Games - Indoor		2,000	2,000.00		0.00%
572.52.11	Games - Outdoor		1,500	1,500.00		0.00%
572.54.01	Dues, Subscriptions & Memberships		100	100.00		0.00%
572.55.01	Special Events	3,010.22	8,000	4,989.78		37.63%
	TOTAL MATERIALS, SUPPLIES, SERVICES:	10,830.67	46,570	35,739.33		23.26%
	TOTAL OPERATING EXPENSES / BUDGET:	52,883.62	215,214	162,330.38		24.57%
572.63.01	Improvements other than Buildings			0.00		
572.64.02	Machinery & Equipment			0.00		
572.74.01	Lease/Purchase	6,457.10	12,930	6,472.90		
	TOTAL CAPITAL OUTLAY	6,457.10	12,930	6,472.90		49.94%
	TOTAL DEPARTMENT EXPENSES / BUDGET:	59,340.72	228,144	168,803.28		26.01%
	TOTAL EXPENSES	641,824.16	2,519,751	1,877,926.84		25.47%
	TOTAL REVENUE	1,395,340.79	2,519,751	1,124,410.21		55.38%
	TOTAL REVENUES/TOTAL EXPENSES	753,516.63		-753,516.63		

VILLAGE OF BLYNDENNE PARK
BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

FUND	ROAD FUND								
		REVENUE:							
312.40.10		Local Option Gas Tax -Capital Improvements	5,865.16	22,620	16,754.84	25.93%			
312.40.20		Local Option Gas Tax (6 Cents)	14,705.56	59,230	44,524.44	24.83%			
334.10.00		Forestry Grant		11,000	11,000.00	0.00%			
334.20.00		DOT Landscaping Grant	995.00	3,980	2,985.00	25.00%			
335.12.00		State Revenue Sharing	6,398.07	25,477	19,078.93	25.11%			
335.14.00		Fuel Tax Rebate	557.31	2,000	1,442.69	27.87%			
361.00.00		Interest	27.19	383	355.81	7.10%			
391.91.00		CITT Road Improvements	10,750.00	43,000	32,250.00	25.00%			
		TOTAL REVENUES/BUDGET:	39,298.29	167,690	128,391.71	23.44%			
534.12.01		Regular Salaries	17,325.78	76,972	59,646.22	22.51%			
534.13.01		Other Salaries/Wages	2,819.96	8,078	0.00				
534.14.01		Overtime	669.43	1,000	330.57	66.94%			
534.19.01		Banked Sick Leave			0.00				
534.21.01		FICA Taxes	1,290.54	4,833	3,542.46	26.70%			
534.21.02		Medicare	301.82	1,130	828.18	26.71%			
534.22.01		Retirement	2,050.29	7,680	5,629.71	26.70%			
534.23.01		Life, Health & Dental Insurance	4,416.61	17,120	12,703.39	25.80%			
534.24.01		Workers Compensation	3,090.00	7,075	3,985.00	43.67%			
534.25.01		Unemployment Compensation							
534.26.01		Insurance - Liability	728.00	1,730	1,002.00	42.08%			
534.31.08		Contract Services		2,000	2,000.00	0.00%			
534.45.01		Auto Insurance	712.00	2,372	1,660.00	30.02%			
534.46.01		R&M Vehicles		3,200	3,200.00	0.00%			
534.46.02		R&M Equipment	10.74	2,500	2,489.26	0.43%			
534.52.01		Operating Supplies	183.33	2,500	2,316.67	7.33%			
534.52.02		Gas & Oil	1,115.39	3,000	1,884.61	37.18%			
534.52.04		Uniforms	426.74	1,000	573.26	42.67%			
534.53.01		Road Materials		3,500	3,500.00	0.00%			
534.63.01		Improvements other than Buildings	21,600.00	22,000	400.00	98.18%			
		TOTAL DEPARTMENT EXPENSES/BUDGET	56,740.63	167,690	110,949.37	33.84%			
		TOTAL EXPENSES	56,740.63	167,690	110,949.37	33.84%			
		TOTAL REVENUE	39,298.29	167,690	128,391.71	23.44%			
		TOTAL REVENUES/TOTAL EXPENSES	(17,442.34)		17,442.34				

VILLAGE OF BAYNE PARK
BUDGET VS ACTUAL AS OF 12/31/2008 (PERIOD3)

FUND	SANITATION FUND					
	REVENUE:					
343.40.01	Garbage/Waste Fees		707,310	193,980.52		72.57%
343.40.03	Special Pick-up / Lot Clearing	513,329.48	5,000	5,000.00		0.00%
	TOTAL REVENUES/BUDGET:	513,329.48	712,310	198,980.52		72.07%
	EXPENSES					
	OBJECT/ACCOUNT NAME:					
534.12.01	Regular Salaries	56,391.78	214,747	158,355.22		26.26%
534.13.01	Other Salaries & Wages	5,974.15	14,287	8,312.85		41.82%
534.14.01	Overtime	327.45	1,000	672.55		32.75%
534.19.01	Banked Sick Leave		1,635	1,635.00		0.00%
534.21.01	FICA Taxes	3,886.99	13,314	9,427.01		29.19%
534.21.02	Medicare	909.05	3,114	2,204.95		29.19%
534.22.01	Retirement	6,175.29	21,153	14,977.71		29.19%
534.23.01	Life, Health & Dental Insurance	12,453.42	53,991	41,537.58		23.07%
534.24.01	Workers' Compensation	13,106.00	30,009	16,903.00		43.67%
534.26.01	Insurance - Liability	2,006.00	4,767	2,761.00		42.08%
	TOTAL PERSONAL SERVICES:	101,230.13	358,017	256,786.87		28.28%
534.34.02	Dump-Garbage/Waste	34,980.21	190,500	155,519.79		18.36%
534.34.03	Dump-Recycling		35,000	35,000.00		0.00%
534.41.01	Telephone	699.63	1,295	595.37		54.03%
534.41.02	Radios		1,060	1,060.00		0.00%
534.43.01	Electric	395.75	1,135	739.25		34.87%
534.43.02	Water	263.76	370	106.24		71.29%
534.45.01	Insurance - Auto	1,484.00	5,856	4,372.00		25.34%
534.46.01	R&M Vehicles	4,137.26	7,000	2,862.74		59.10%
534.49.05	Truck Washing		1,000	1,000.00		0.00%
534.52.01	Operating Supplies	873.02	2,000	1,126.98		43.65%
534.52.02	Gas & Oil	3,232.40	26,504	23,271.60		12.20%
534.52.03	Tires & Tire Repair	135.14	2,000	1,864.86		6.76%
534.52.04	Uniform Rental	686.60	2,700	2,013.40		25.43%
534.53.01	Depreciation		20,327	20,327.00		0.00%
534.53.02	Administration Fee-Miami-Dade	7,073.10	35,366	28,292.90		20.00%
	TOTAL MATERIALS, SUPPLIES, SERVICES:	53,960.87	332,113	278,152.13		16.25%
534.75.01	Lease/Purchase Interest	11,089.84	22,180	11,090.16		50.00%
	TOTAL DEBT SERVICE	11,089.84	22,180	11,090.16		50.00%
	TOTAL DEPARTMENT EXPENSES/BUDGET	166,280.84	712,310	546,029.16		23.34%
	TOTAL EXPENSES	166,280.84	712,310	546,029.16		23.34%
	TOTAL REVENUE	513,329.48	712,310	198,980.52		72.07%
	TOTAL REVENUES/TOTAL EXPENSES	347,048.64	-	(347,048.64)		

VILLAGE OF BISCAYNE PARK
PLANNING & ZONING BOARD
MEMBERSHIP

Gage Hartung, Chairman
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Biscayne Park FL 33161
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Recommended by Comm. Mallette
Appointed April 10, 2007

Andrew Olis, Vice-Chairman
11935 N.E. 5th Avenue
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786-223-5151
AOLIS@Hotmail.com
Recommended by Comm. Morris

Alternate

Mario L. Rubio
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786-417-3610
Appointed by Comm. Morris 11/6/07

Elizabeth P. Hornbuckle
950 N.E. 117th Street
Biscayne Park FL
786-282-7699
Appointed by Commissioner
Anderson 6/3/08

Appointments made at Commission meeting October 3, 2006
Organizational meeting October 16, 2006
Meets 1st and 3rd Mondays 7 pm in Recreation Center

VILLAGE OF BISCAYNE PARK
PARKS & PARKWAYS ADVISORY BOARD
MEMBERSHIP

Dan Keys, Chairman
1107 NE 118th St.
305-895-9920 - home
keypalmnut@aol.com
Comm. Anderson appointed

Lynn Fischer
11605 NE 10th Ave.
305-891-4787
fish009@bellsouth.net
Mayor Hornbuckle appointed 4/10/07

Barbara K. Kuhl, Vice-Chairman
777 NE 111th St.
305-893-9173 - home
thunder_mom@juno.com
Comm. Morris appointed 10/2/07

Bryan Cooper
839 NE 115th Street
786-252-2861 (Cell)
bcooper839@yahoo.com
appointed by Comm. Bernard

Alternate

Jane Ansley
janeansley@gmail.com
Comm. Mallette appointed 2/3/09

Established Ord. 2007-2 approved March 6, 2007
Organizational meeting ___9/19/07___
Meets _1st_ and ___ ___Wednesday___ 6:30 pm in Recreation Center

COMPUTATIONS for Different Rate Scenarios if Project B (The New Water Plant) is deferred to a later date.
 24-Feb-09

OPTIONS	Description	Bond Project		Residential		Non-Residential		Monthly Totals	Annual Totals	Annual Revenues	
		Years	Cost 000s	Rate	Units	Rate	Units			Required	(shortage)/surplus
H	Original Total Project (A&B)	40	\$ 127.70	\$ 22.65	34,336	\$ 22.65	2,322	\$ 830,303.70	\$ 9,963,644.40	\$ 9,963,410.40	\$ 234.00
i	Ordinance Total Project (A&B)	40	\$ 127.70	\$ 14.00	34,336	\$ 150.56	2,322	\$ 830,304.32	\$ 9,963,651.84	\$ 9,963,410.40	\$ 241.44
s	FY 2008 Total Project (A&B)	40	\$ 127.70	\$ 14.00	34,336	\$ 75.28	2,322	\$ 655,041.16	\$ 7,866,049.92	\$ 9,963,410.40	\$ (2,097,360.48)
t	7/1/2008 Total Project (A&B)	40	\$ 127.70	\$ 14.00	34,336	\$ 49.15	1,688	\$ 563,669.20	\$ 6,764,030.40		
o						\$ 69.05	307	\$ 21,198.35	\$ 254,380.20		
r						\$ 75.28	327	\$ 24,616.56	\$ 295,398.72	\$ 9,963,410.40	\$ (2,649,601.08)
i	10/1/2008 Total Project (A&B)	40	\$ 127.70	\$ 14.00	34,336	\$ 49.15	1,688	\$ 563,669.20	\$ 6,764,030.40		
c						\$ 69.05	307	\$ 21,198.35	\$ 254,380.20		
a						\$ 75.28	318	\$ 23,939.04	\$ 287,268.48		
i						\$ 150.56	9	\$ 1,355.04	\$ 16,260.48	\$ 9,963,410.40	\$ (2,641,470.84)
Option 1	Project A-Renovation only	40	\$ 25.00	\$ 2.75	34,336	\$ 29.35	2,322	\$ 162,574.70	\$ 1,950,896.40	\$ 1,950,549.60	\$ 346.80
Option 2	Project A-Renovation only	40	\$ 25.00	\$ 4.44	34,336	\$ 4.44	2,322	\$ 162,761.52	\$ 1,953,138.24	\$ 1,950,549.60	\$ 2,588.64
Option 3	Project A-Renovation only	30	\$ 25.00	\$ 3.05	34,336	\$ 33.00	2,322	\$ 181,350.80	\$ 2,176,209.60	\$ 2,174,148.00	\$ 2,061.60
Option 4	Project A-Renovation only	30	\$ 25.00	\$ 4.95	34,336	\$ 4.95	2,322	\$ 181,457.10	\$ 2,177,485.20	\$ 2,174,148.00	\$ 3,337.20
Option 5	Project A-Renovation (REV)	40	\$ 35.00	\$ 3.80	34,336	\$ 42.00	2,322	\$ 228,000.80	\$ 2,736,009.60	\$ 2,730,770.33	\$ 5,239.27
Option 6	Project A-Renovation (REV)	40	\$ 35.00	\$ 6.21	34,336	\$ 6.21	2,322	\$ 227,646.18	\$ 2,731,754.16	\$ 2,730,770.33	\$ 983.83
Option 7	Project A-Renovation (REV)	30	\$ 35.00	\$ 4.25	34,336	\$ 46.40	2,322	\$ 253,668.80	\$ 3,044,025.60	\$ 3,043,807.49	\$ 218.11
Option 8	Project A-Renovation (REV)	30	\$ 35.00	\$ 6.92	34,336	\$ 6.92	2,322	\$ 253,673.36	\$ 3,044,080.32	\$ 3,043,807.49	\$ 272.83
Option 9	Project A-Renovation (REV)	20	\$ 35.00	\$ 5.25	34,336	\$ 57.00	2,322	\$ 312,618.00	\$ 3,751,416.00	\$ 3,747,792.82	\$ 3,623.18
Option 10	Project A-Renovation (REV)	20	\$ 35.00	\$ 8.52	34,336	\$ 8.52	2,322	\$ 312,326.16	\$ 3,747,913.92	\$ 3,747,792.82	\$ 121.10
Option 11	Project A-Renovation (REV2)	30	\$ 31.50	\$ 3.85	34,336	\$ 41.40	2,322	\$ 228,324.40	\$ 2,739,892.80	\$ 2,739,426.73	\$ 466.07
Option 12	Project A-Renovation (REV2)	30	\$ 31.50	\$ 6.23	34,336	\$ 6.23	2,322	\$ 228,379.34	\$ 2,740,552.08	\$ 2,739,426.73	\$ 1,125.35
Option 13	Project A-Renovation (REV2)	20	\$ 31.50	\$ 4.75	34,336	\$ 50.95	2,322	\$ 281,401.90	\$ 3,376,822.80	\$ 3,373,013.53	\$ 3,809.27
Option 14	Project A-Renovation (REV2)	20	\$ 31.50	\$ 7.67	34,336	\$ 7.67	2,322	\$ 281,166.86	\$ 3,374,002.32	\$ 3,373,013.53	\$ 988.79

The first option in each set above represents the rates for residential and non-residential units at a ratio established by ordinance at 10.75:1

The second option in each set above represents the fee if assessed evenly to all units

Options are shown for bond issuances at 20, 30 and 40 year amortizations

The proposals DO NOT redistribute the rates between non-residential accounts as a result of meter size.

Original Project A \$25 million
 Revised \$35 million
 Revised w/o A&E \$31.5 million
 (booster/tank)
 (exist revenues)

10C

RESOLUTION #2007-10

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ESTABLISHING THE COST FOR A HOME BASED OCCUPATIONS LICENSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, due to technology, traffic and other developments, there has been a substantial growth in the number of home based occupations within the Village of Biscayne Park, resulting in a growing concern regarding the impact of these businesses on surrounding residential family neighborhoods with respect to noise, equipment and other adverse impacts; and

WHEREAS, the Village Commission authorized an amendment to Chapter 16 of the Code of Ordinances and subsequently adopted Ordinance No. 2007-4 to provide regulations for home based occupations in order to preserve the character of homes and the residential community as a whole; and

WHEREAS, Ordinance 2007-4 provides that the cost for a home based occupations license shall be determined by Resolution of the Village Commission; and

WHEREAS, the Village Commission of the Village of Biscayne Park desires to establish the cost for a home based occupations license;

NOW THEREFORE IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct and incorporated herein by this reference.

Section 2. The Village Commission of the Village of Biscayne Park hereby determines that the cost for a home based occupations license shall be \$50.00.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 15th day of May, 2007.

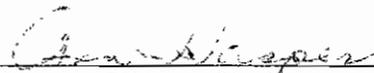
**The foregoing resolution upon being
Put to a vote, the vote was as follows:**



John Hornbuckle, Mayor

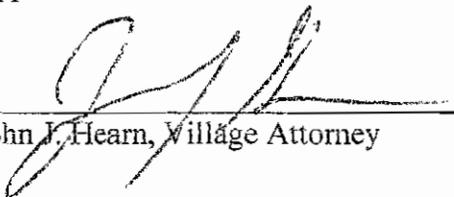
Mayor Hornbuckle yes
Vice Mayor Walker yes
Commissioner Anderson yes
Commission Mallette no
Commissioner Morris yes

Attest:

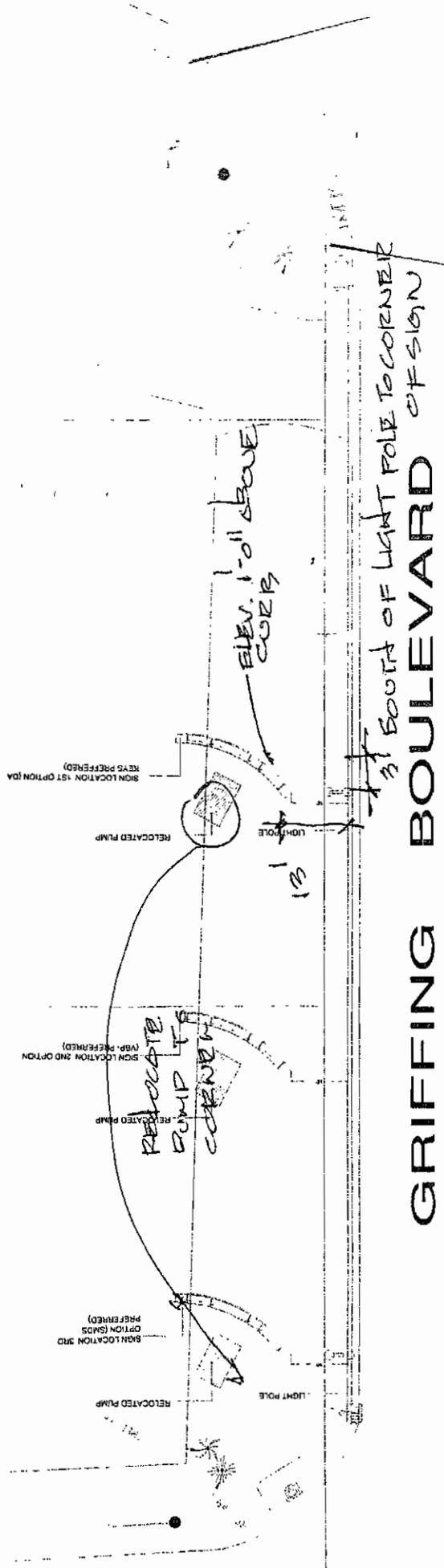


Ann Harper, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney



GRIFFING BOULEVARD

10E

village clerk

From: FRANK R SPENCE [frspence@bellsouth.net]
Sent: Tuesday, February 24, 2009 6:37 PM
To: John Hornbuckle; Kelly Mallette; Bob Anderson; Steve Bernard; Chester Morris
Cc: Ann Harper; John Hearn; Dan Keys; Barbara Kuhl; Dan Keys2; Lynn Fischer; Jane Ansley; Bryan Cooper; Roxanna Ross; Roxy; Amy Refeca; Victoria O'Bryan; Tracy Truppman; Steve Taylor; Finance; ESSA THORNELL; Bernard Pratt; Cesar Hernandez; Holly Hugdahl
Subject: Fw: mr. spence docu. fl.dept.enviromental protection-FRDAP Application Guidelines

As requested by the Commission, the Parks & Parkways Advisory Board and the Recreation Advisory Board please find attached the guidelines for applying for the FRDAP Recreational facilities grant. Please read each requirement completely. There is much work to be done and a lot of hoops to jump through. And a long lead time. So, the sooner we get started the easier it will be by deadline time.

All suggestions and recommendations as to projects from both boards and individuals would be appreciated and funneled to me for forwarding to the Commission who will make the final choice. Remember, we can get up to three (3) \$50,000 grants without any required match. (But getting 3 is rare with all of the competition).

We spoke with FRDAP staff yesterday about the process. Here are some items: they won't know how much money they'll have to give out; these funds cannot be used for interior work; they cannot be used for restrooms that might be attached to a building (which is what we need); they prefer a free standing restroom building. Deadline for submittal is in October of this year.

Frank Spence

----- Forwarded Message -----

From: Arlenis Silvera <bdclerk@biscayneparkfl.gov>
To: frspence@bellsouth.net
Sent: Tuesday, February 24, 2009 10:06:15 AM
Subject: mr. spence docu. fl.dept.enviromental pro.pdf - Adobe Acrobat Professional

10F

2/25/2009



Florida

Department of Environmental Protection

"More Protection, Less Process"

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Office of Information and Recreation Services (OIRS)

What is FRDAP?

FRDAP is a competitive program which provides grants for acquisition or development of land for public outdoor recreation use or to construct or renovate recreational trails.

How is FRDAP Administered?

Florida's Department of Environmental Protection (DEP) administers the program according to Florida Statute and Administrative Code. The Office of Information and Recreation Services in DEP's Division of Recreation and Parks has direct responsibility for FRDAP.

Who May Apply for FRDAP Funds?

Municipal and county governments or other legally constituted entities with the legal responsibility to provide public outdoor recreation.

How Do I Apply?

Applicants must submit a completed FRDAP Grant Application during an announced submission period. Applicants may submit up to two applications during the submission period. Applications must involve only one project site except for acquisition or development of sandy beach access.

What is the Maximum Grant Amount?

The maximum grant amount is \$200,000.

What are the Match Requirements?

The local match requirement depends on the total project cost:
 Total Project, Cost FRDAP Grant, Local Match
 \$50,000 or less, 100%, 0%
 \$50,001 - 150,000, 75%, 25%
 Over \$150,000, 50%, 50%

What Can I Use to Match a FRDAP Grant?

* Cash * Value of undeveloped land owned by applicant (subject to conditions) * In-kind services

How are FRDAP Grants Awarded?

Each application is reviewed to determine eligibility. The Office of Information and Recreation Services evaluates each eligible application according to Florida Administrative Code and assigns a final score. Based on the scores, DEP prepares and submits a recommended priority list to the Florida Legislature for funding consideration.

Where Do I Get More Information?

Office of Information and Recreation Services
 3900 Commonwealth Boulevard, Mail Station #585
 Tallahassee, Florida 32399-3000
 Phone: 850/245-2501
 Fax: 850/245-3038

[Back to OIRS Homepage](#)

Last updated: May 27, 2008

3900 Commonwealth Blvd · Tallahassee, Florida 32399 Information Line: (850) 245-2157

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM
 GRANT APPLICATION PACKET
 2007-2008**

APPLICATION CHECKLIST

Please use this list to make sure that all applicable and all required documentation is included. To facilitate review and scoring, please tab all exhibits. ANY APPLICATIONS SUBMITTED WITHOUT EXHIBITS BEING TABBED, WILL BE SENT BACK TO THE APPLICANT AND ASKED TO BE TABBED AS REQUESTED BELOW OR WILL BE CONSIDERED INELIGIBLE. Attach supporting documents as follows:

<i>Application Item - If Applicable</i>	<i>Development & Trails Projects</i>	<i>Acquisition Projects</i>	<i>Tab as Exhibit</i>
NOTE: Three (3) copies of the completed and signed application and all supporting documents must be submitted before September 15, 2006. (1 original and 2 copies).	✓	✓	Please use a soft covered binder. (No Hard 3-ring binders)
A. 1) A letter from the agency's chief administrator certifying the five year capital improvement schedule is officially adopted and the date adopted and 2) a copy of the Capital improvements schedule OR 1) a copy of a fully executed resolution amending the existing schedule to include the proposed project. Designate proposed project by name, date and year.	✓	✓	A
B. SCORP objectives support documentation --Written response to Part III, Item 2A on page 13 of this application. Include a brief narrative explaining how the project implements one or more of the outdoor recreation goals and objectives as listed in the 2000 SCORP. Provide quotations or other appropriate references with explanation to justify the correlation.	✓	✓	B
C. Public participation documentation: 1. Copy of public meeting advertisement for SOLE PURPOSE of discussing the project. Advertisement must state where and when advertised	✓	✓	C1
----- 2. Minutes of REGULARLY SCHEDULED advisory board meeting.	✓	✓	C2
----- 3. Documentation of presentation to community groups (minutes, letter of thanks from organization, etc.) OR... A copy of the survey and summary of the results as they relate to the proposed project. (Support letters are not acceptable for points)	✓	✓	C3

<i>Application Item - Required</i>	<i>Development Project</i>	<i>Acquisition Project</i>	<i>Tab as Exhibit</i>
D. Documentation of ability to support programming and maintenance of project site. Provide a copy of an agency organizational chart AND an explanation of ability to provide development, programming and maintenance.	✓	✓	D
E. Copy of cooperative agreement between applicant and a private or public nonprofit entity with the applicant holding the lead managing responsibility.	✓	✓	E
F. Excerpts of the Recreation/Open Space element of the local comprehensive plan identifying needed acreage. Please provide and highlight excerpt which indicates needed number of acres and provide how much acreage local government already controls.		✓	F
G. Conceptual site plan for development of the project area: Submit a conceptual site plan displaying the areas and facilities to be developed as proposed in the scope of the application. The site plan must correlate with the project area identified in the project boundary map and cost estimate. The site plan must CLEARLY DELINEATE between facilities/opportunities currently existing, facilities proposed for funding in this application and facilities planned for future development. Please color code your site plan to indicate facilities that are existing, proposed for funding and planned for future development (not in this project). Also identify FRDAP & LWCF phases.	✓ Please identify different funding phases	✓ Use only if requesting trail connectivity points.	G
H. Excerpts of the Connecting Florida's Communities with Greenways and Trails.	✓ Trails Only		H
I. Letter from the Office of Greenways & Trails documenting project is located on or connects with a designated State of Florida Greenway or Trail.	✓ Trails Only		I
J. Copy of Regional or Local Governmental adopted Greenway Plan	✓ Trails Only		J

<i>Application Item - Required</i>	<i>Development Projects</i>	<i>Acquisition Projects</i>	<i>Tab as Exhibit</i>
<i>K. Boundary map of the project area: Submit a boundary map of the project area. The map must provide a description and sketch of the project area boundaries, display known easements and be legally sufficient to identify the project area. Plat maps may be accepted if the above criteria are identified. Aerial photographs are accepted as boundary maps, as long as the boundaries are identified.</i>	✓	✓	K
<i>L. Photographs of the project area: Submit color, on-site photographs sufficient to depict the physical characteristics of the project area. Provide color photographs for all three copies of your application. Aerial photographs are requested, but not required. Please mark an approximate boundary of the project site and note major roads and/or landmarks on the aerial photo. (note this is not the boundary map).</i>	✓	✓	L
<i>M. Location map and directions: Submit a detailed street, road or highway map precisely locating the project site. Also, provide clear and concise written driving instructions from the nearest federal or state highway. NOTE: Please confirm that street names listed in the written directions are the same as those posted on street signs in the area. Please do not use Map Quest or any other computer mapping program for this.</i>	✓	✓	M
<i>N. Site Control (e.g. , deed, lease): 1) Submit a copy of the site control documents (e.g., deed, lease, etc) 2) If only have a Quit Claim Deed, please submit the deed and also a 30 year title search by the grantee's attorney proving the grantee owns the property. <u>Site control must be effective by the close of the submission period (September 15, 2006)</u></i>	✓ ✓		N
<i>O. Request for Match Waiver/REDI Form: If eligible for the Rural Economic Development Initiative Match Waiver, submit Request for Match Waiver.</i>	✓	✓	O

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF RECREATION AND PARKS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM**

COMBINED APPLICANT PRIORITY

FISCAL YEAR 2009-2010

FUNDS AVAILABLE \$11,545,000

LARGE PROJECTS FUND - ACQUISITION - \$350,567

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
1	City of Center Hill	Sumter	Erwin Bryan Park	92	0	\$200,000	\$200,000	\$200,000
2	Town of Campbellton	Jackson	Acquisition Project	88	0	\$200,000	\$150,567	\$350,567
3	City of Deerfield Beach	Broward	Boinis/Melrose Property	86	0	\$200,000	\$0	
4	Gadsden County	Gadsden	St. Hebron Park, Ph. I	71	0	\$200,000	\$0	
5	Town of Inglis	Levy	Inglis Landing Park	57	0	\$200,000	\$0	
Total						\$1,000,000	\$350,567	

SMALL PROJECTS FUND - DEVELOPMENT - \$368,096

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
1	City of Satellite Beach	Brevard	Gemini Park	102	0	\$50,000	\$50,000	\$50,000
2	City of Key Colony Beach	Monroe	8th Street Park	90	1	\$50,000	\$50,000	\$100,000
3	Town of Southwest Ranches	Broward	Rolling Oaks Park	90	2	\$50,000	\$50,000	\$150,000
4	Madison County	Madison	R.W. Washington Park	86	0	\$50,000	\$50,000	\$200,000
5	City of Key Colony Beach	Monroe	Eastside Park	83	0	\$50,000	\$50,000	\$250,000
6	City of Cocoa Beach	Brevard	Maritime Hammock Preserve	80	0	\$50,000	\$50,000	\$300,000
7	City of Fort Myers	Lee	Shady Oaks Park	78	0	\$50,000	\$50,000	\$350,000
8	City of Lake Wales	Polk	Kiwanis Park, Ph. II	76	0	\$50,000	\$18,096	\$368,096
9	Village of Golf	Palm Beach	Pine Lake Park	75	1	\$50,000	\$0	
10	Village of Golf	Palm Beach	Country Road Park	75	2	\$50,000	\$0	
11	City of Inverness	Citrus	Wallace Brooks Park	71	0	\$50,000	\$0	
12	City of Largo	Pinellas	Southwest Tennis Center	69	0	\$50,000	\$0	
13	City of Dania Beach	Broward	Linear Park, Ph. II	66	1	\$50,000	\$0	
14	Baker County	Baker	Taylor Rural Community Park	66	2	\$50,000	\$0	
15	City of Tarpon Springs	Pinellas	Sunset Park, Ph. II	65	0	\$50,000	\$0	
16	City of West Park	Broward	Mary Saunders Park	64	0	\$50,000	\$0	
17	Town of Hypoluxo	Palm Beach	Shore Park, Ph. II	59	0	\$50,000	\$0	
18	Town of Lake Clarke Shores	Palm Beach	Pine Tree Park, Ph. III	56		0	\$50,000	\$0

SMALL PROJECTS FUND - DEVELOPMENT - \$368,096

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
19	Santa Rosa County	Santa Rosa	Cypress Tree Park	53	1	\$50,000	\$0	\$368,096
20	Town of Lady Lake	Lake	Rolling Acres Playground	53	2	\$50,000	\$0	
21	City of Leesburg	Lake	Leesburg Recreational Complex	53	3	\$50,000	\$0	
Total						\$1,050,000	\$368,096	

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
1	Village of Royal Palm Beach	Palm Beach	Village Commons Park, Ph. I	111	0	\$200,000	\$200,000	\$200,000
2	Pasco County	Pasco	Upper Pithlachascotee River Preserve	109	0	\$200,000	\$200,000	\$400,000
3	City of Palm Coast	Flagler	Waterfront Park	107	0	\$200,000	\$200,000	\$600,000
4	City of Sanford	Seminole	Coastline Park	106	0	\$200,000	\$200,000	\$800,000
5	City of Mount Dora	Lake	Recreation & Nature Park	105	0	\$200,000	\$200,000	\$1,000,000
6	Marion County	Marion	Brick City Park	104	0	\$200,000	\$200,000	\$1,200,000
7	City of Clearwater	Pinellas	McMullen Tennis Complex	103	0	\$200,000	\$200,000	\$1,400,000
8	Port LaBelle CDD	Hendry	Birchwood Park	101	1	\$200,000	\$200,000	\$1,600,000
9	Port LaBelle CDD	Hendry	Collingswood Park	101	2	\$200,000	\$200,000	\$1,800,000
10	City of Pompano Beach	Broward	Mitchell/Moore Park Upgrades	101	3	\$200,000	\$200,000	\$2,000,000
11	City of Homestead	Dade	Mayor Roscoe Warren Municipal Park Ph. I	101	4	\$200,000	\$200,000	\$2,200,000
12	City of Homestead	Dade	Mayor Roscoe Warren Municipal Park Ph. II	101	5	\$200,000	\$200,000	\$2,400,000
13	City of Miramar	Broward	Vizcaya Park Facilities	101	6	\$200,000	\$200,000	\$2,600,000
14	Hardee County	Hardee	Hardee County Complex, Ph. II	101	7	\$200,000	\$200,000	\$2,800,000
15	City of Marianna	Jackson	Wynn Street Park	101	8	\$200,000	\$200,000	\$3,000,000
16	City of Miramar	Broward	Vizcaya Park	100	0	\$200,000	\$200,000	\$3,200,000
17	Marion County	Marion	Horseshoe Lake Park & Retreat	99	1	\$200,000	\$200,000	\$3,400,000
18	City of Tamarac	Broward	Aquatic Center Annex/Skate Park	99	2	\$200,000	\$200,000	\$3,600,000
19	Village of Royal Palm Beach	Palm Beach	Village Commons Park, Ph. II	99	3	\$200,000	\$200,000	\$3,800,000
20	Liberty County	Liberty	Hosford/Telogia Sports Complex, Ph. II	99	4	\$200,000	\$200,000	\$4,000,000
21	City of Stuart	Martin	Memorial Park, Ph. II	98	0	\$200,000	\$200,000	\$4,200,000
22	City of Orange City	Volusia	Veterans Memorial Park	97	1	\$112,500	\$112,500	\$4,312,500
23	City of Stuart	Martin	Memorial Park, Ph. I	97	2	\$200,000	\$200,000	\$4,512,500
24	City of Palm Beach Gardens	Palm Beach	City Park, Ph. III	97	3	\$200,000	\$200,000	\$4,712,500

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
25	Dade County	Dade	Gwen Cherry Park Improvements	96	1	\$200,000	\$200,000	\$4,912,500
26	Town of Miami Lakes	Dade	Sevilla Estates Park	96	2	\$100,000	\$100,000	\$5,012,500
27	City of Lake Wales	Polk	Kiwanis Park, Ph. I	96	3	\$200,000	\$200,000	\$5,212,500
28	Calhoun County	Calhoun	Sam Atkins Park, Ph. V	96	4	\$200,000	\$200,000	\$5,412,500
29	City of Wildwood	Sumter	Millennium Park Ballfields, Ph. III	96	5	\$200,000	\$200,000	\$5,612,500
30	Town of Century	Escambia	Anthony Pleasant Sports Complex	95	1	\$200,000	\$200,000	\$5,812,500
31	City of Midway	Gadsden	Midway City Park	95	2	\$200,000	\$200,000	\$6,012,500
32	City of Pembroke Pines	Broward	Tanglewood Park	94	1	\$112,500	\$112,500	\$6,125,000
33	City of Weston	Broward	Tequesta Trace Park	94	2	\$200,000	\$200,000	\$6,325,000
34	Town of Jupiter	Palm Beach	Jupiter Community Park, Ph. I	94	3	\$200,000	\$200,000	\$6,525,000
35	Town of Jupiter	Palm Beach	Jupiter Community Park, Ph. II	94	4	\$112,500	\$112,500	\$6,637,500
36	City of Parkland	Broward	Terramar Park	94	5	\$200,000	\$200,000	\$6,837,500
37	City of Mount Dora	Lake	Palm Island Park	93	1	\$200,000	\$200,000	\$7,037,500
38	Town of Bascom	Jackson	Community Park, Ph. II	93	2	\$200,000	\$200,000	\$7,237,500
39	City of Hialeah	Dade	Bucky Dent Park Facilities	92	0	\$200,000	\$200,000	\$7,437,500
40	Brevard County	Brevard	Marina Park	91	1	\$200,000	\$200,000	\$7,637,500
41	City of Tampa	Hillsborough	Robles Park	91	2	\$200,000	\$200,000	\$7,837,500
42	Sumter County	Sumter	Lake Panasoffkee Park, Ph. II	91	3	\$125,000	\$125,000	\$7,962,500
43	City of Pensacola	Escambia	Roger Scott Municipal Pool	91	4	\$200,000	\$200,000	\$8,162,500
44	City of Delray Beach	Palm Beach	Miller Park, Ph. II	91	5	\$200,000	\$200,000	\$8,362,500
45	City of Wildwood	Sumter	Martin Luther King Park Ballfields	91	6	\$200,000	\$200,000	\$8,562,500
46	City of Port St. Joe	Gulf	James "Benny" Roberts Sports Park	91	7	\$200,000	\$200,000	\$8,762,500
47	City of Palm Coast	Flagler	Longs Landing Estuary	90	1	\$200,000	\$200,000	\$8,962,500
48	Hendry County	Hendry	Pioneer Off Highway Vehicle Park	90	2	\$200,000	\$200,000	\$9,162,500
49	City of Orange City	Volusia	Fieser Property	89	1	\$112,500	\$112,500	\$9,275,000
50	City of Melbourne	Brevard	Pineapple Park	89	2	\$200,000	\$200,000	\$9,475,000
51	Sun N Lake Improvement District	Highlands	Community Center Complex, Ph. III	88	0	\$200,000	\$200,000	\$9,675,000
52	City of Weston	Broward	Gator Run Park	87	1	\$112,500	\$112,500	\$9,787,500
53	City of Cottondale	Jackson	Downtown Park	87	2	\$200,000	\$200,000	\$9,987,500
54	City of Plant City	Hillsborough	Ellis-Methvin Park, Ph. IV	86	0	\$200,000	\$200,000	\$10,187,500
55	City of Dunnellon	Marion	Blue Run Park	85	0	\$200,000	\$200,000	\$10,387,500
56	City of Ocala	Marion	Tusawilla Park	84	1	\$200,000	\$200,000	\$10,587,500
57	City of Hollywood	Broward	Henry Graham Park	84	2	\$150,000	\$85,464	\$10,672,964

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
58	Putnam County	Putnam	Florahome Community Park, Ph. I	84	3	\$200,000	\$0	\$10,672,964
59	Putnam County	Putnam	San Mateo Community Park, Ph. I	84	4	\$200,000	\$0	
60	City of Lakeland	Polk	Cypress Youth Sports Complex, Ph. II	84	5	\$200,000	\$0	
61	Taylor County	Taylor	Taylor County Sports Complex Ph. IV	84	6	\$200,000	\$0	
62	St. Johns County	St Johns	Canopy Shores Park, Ph. I	83	1	\$200,000	\$0	
63	Sumter County	Sumter	Lake Okahumpka Park, Ph. III	83	2	\$200,000	\$0	
64	City of Jacksonville Beach	Duval	Carver Center	83	3	\$150,000	\$0	
65	Town of Bay Harbor Islands	Dade	98th Street Neighborhood Park	83	4	\$112,500	\$0	
66	Town of Century	Escambia	Fischer Landing Project	82	1	\$200,000	\$0	
67	City of West Melbourne	Brevard	Crossroads/Bryant Park	82	2	\$112,500	\$0	
68	Lake Region Lakes Management District	Polk	Lake Ned Park	82	3	\$80,250	\$0	
69	City of Panama City	Bay	Watson Bayou Waterfront Park	82	4	\$200,000	\$0	
70	City of Winter Haven	Polk	Polk Community College Soccer Complex	82	5	\$200,000	\$0	
71	Town of Wausau	Washington	George L. Rodgers Complex, Ph. III	82	6	\$200,000	\$0	
72	Dade County	Dade	Deering Estate Improvements	81	1	\$200,000	\$0	
73	City of Freeport	Walton	Freeport Park, Ph. IV	81	2	\$200,000	\$0	
74	Town of Greenwood	Jackson	Community Park, Ph. IV	80	0	\$200,000	\$0	
75	Pasco County	Pasco	Land O' Lakes Community Center	79	1	\$200,000	\$0	
76	City of Lake City	Columbia	Lake DeSoto, Ph. I	79	2	\$200,000	\$0	
77	City of Marathon	Monroe	Oceanfront Park	79	3	\$60,000	\$0	
78	City of Williston	Levy	East Williston Park, Ph. II	79	4	\$200,000	\$0	
79	Leon County	Leon	Tower Road Park	78	1	\$200,000	\$0	
80	City of Lauderdale	Broward	Broward Estates Garden Park	78	2	\$200,000	\$0	
81	City of Lynn Haven	Bay	Porter Park, Ph. I	78	3	\$112,500	\$0	
82	Village of Palmetto Bay	Dade	Palmetto Bay Park Improvements	78	4	\$100,000	\$0	
83	City of Macclenny	Baker	Macclenny Heritage Park, Ph. III	78	5	\$200,000	\$0	
84	Town of Grand Ridge	Jackson	Town Park, Ph. II	78	6	\$200,000	\$0	
85	Polk County	Polk	Lake Blue Park	77	1	\$170,000	\$0	
86	Suwannee County	Suwannee	Soccer Complex, Ph. II	77	2	\$200,000	\$0	
87	Lafayette County	Lafayette	Edward Perry Sports Complex	77	3	\$200,000	\$0	
88	Town of Davie	Broward	Driftwood Estates Park	76	1	\$112,500	\$0	

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
89	City of Newberry	Alachua	Newberry Sports & Archery Complex Ph. II	76	2	\$200,000	\$0	\$10,672,964
90	City of Flagler Beach	Flagler	Pal and Irma Parker Preserve Park	76	3	\$200,000	\$0	
91	Town of Altha	Calhoun	Altha Park, Ph. V	76	4	\$200,000	\$0	
92	City of Palm Bay	Brevard	Wake Forest Park	75	1	\$200,000	\$0	
93	Village of Wellington	Palm Beach	Community Center, Barrier-Free Park	75	2	\$200,000	\$0	
94	Franklin County	Franklin	Indian Creek Park	75	3	\$100,000	\$0	
95	City of Madison	Madison	MLK Jr. Neighborhood Park	75	4	\$200,000	\$0	
96	Town of Grand Ridge	Jackson	Johnson Recreational Complex, Ph. V	75	5	\$200,000	\$0	
97	Central County Water Control District	Hendry	Montura Sports Park Complex	74	1	\$200,000	\$0	
98	Collier County	Collier	Vineyards Community Park	74	2	\$200,000	\$0	
99	City of Lauderdale Lakes	Broward	Vincent Torres Park, Ph. I	74	3	\$200,000	\$0	
100	Gilchrist County	Gilchrist	Hart Springs Park	74	4	\$200,000	\$0	
101	Town of Inglis	Levy	Inglis Central Park, Ph. II	74	5	\$200,000	\$0	
102	City of Vero Beach	Indian River	Humiston Beach Park	73	1	\$200,000	\$0	
103	City of Palatka	Putnam	Edgemoor & Husson Community Park	73	2	\$200,000	\$0	
104	City of Lake Butler	Union	Lakeside Park Splash Playground	73	3	\$186,000	\$0	
105	Hernando County	Hernando	Kennedy Park	72	1	\$200,000	\$0	
106	City of Lauderdale Lakes	Broward	Vincent Torres Park, Ph. II	72	2	\$200,000	\$0	
107	City of Crescent City	Putnam	Fletcher Park	72	3	\$200,000	\$0	
108	City of Ocala	Marion	Ft. King Tennis Center	71	1	\$112,500	\$0	
109	City of Jacksonville Beach	Duval	Huguenot Tennis Courts	71	2	\$112,500	\$0	
110	City of Madison	Madison	Lake Francis Park North	71	3	\$200,000	\$0	
111	City of Freeport	Walton	Freeport Park, Ph. III	71	4	\$200,000	\$0	
112	Town of Zolfo Springs	Hardee	Carmen Vasquez Park	70	1	\$200,000	\$0	
113	City of Milton	Santa Rosa	Sanders Street Park	70	2	\$112,500	\$0	
114	Town of Bell	Gilchrist	Bell Park, Ph. II	70	3	\$200,000	\$0	
115	Town of Ebro	Washington	Obie t. Morrell Park, Ph. III	70	4	\$200,000	\$0	
116	Volusia County	Volusia	Mariners Cove Playground	69	1	\$112,500	\$0	
117	City of Blountstown	Calhoun	Lake Hilda Park, Ph. I	69	2	\$200,000	\$0	
118	Town of Yankeetown	Levy	Fisherman's Park	69	3	\$200,000	\$0	
119	Town of Yankeetown	Levy	Wilderness Addition	69	4	\$200,000	\$0	
120	Spring Lake Improvement District	Highlands	Pine Breeze Park, Ph. I	68	1	\$200,000	\$0	
121	Spring Lake Improvement District	Highlands	Pine Breeze Park, Ph. II	68	2	\$200,000	\$0	

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
122	Flagler County	Flagler	Wadsworth Park Playground	68	3	\$150,000	\$0	\$10,672,964
123	Town of Altha	Calhoun	Altha Park, Ph. IV	68	4	\$200,000	\$0	
124	City of Carrabelle	Franklin	Highway 98 Boat Ramp Park	68	5	\$200,000	\$0	
125	City of Miami Springs	Dade	Canal Street Linear Park	67	1	\$200,000	\$0	
126	Baker County	Baker	Steel Bridge Road Boat Ramp	67	2	\$75,000	\$0	
127	Gulf County	Gulf	Honeyville Community Park, Ph. III	67	3	\$200,000	\$0	
128	City of Crescent City	Putnam	Eva Lyons Park	67	4	\$200,000	\$0	
129	City of St. Marks	Wakulla	Wakulla River Park, Ph. III	67	5	\$200,000	\$0	
130	City of Archer	Alachua	Archer Community Center Park	66	1	\$200,000	\$0	
131	Town of Zolfo Springs	Hardee	City Park	66	2	\$200,000	\$0	
132	Town of Lake Clarke Shores		Palm BeachLCS Community Park, Ph. IV	66	3	\$112,500	\$0	
133	City of Sopchoppy	Wakulla	Sopchoppy Tennis Park, Ph. II	66	4	\$200,000	\$0	
134	City of Bushnell	Sumter	Kenny Dixon/ Splash Park	66	5	\$200,000	\$0	
135	Town of Lake Placid	Highlands	Lake June Park, Ph. VIII	66	6	\$200,000	\$0	
136	City of Webster	Sumter	Annex Park	66	7	\$200,000	\$0	
137	Village of Wellington	Palm Beach	Community Park	65	1	\$200,000	\$0	
138	City of Panama City Beach	Bay	Aaron Bessant Park	65	2	\$112,500	\$0	
139	City of Blountstown	Calhoun	Franklin Road Trailhead	65	3	\$200,000	\$0	
140	Town of Lawtey	Bradford	Community Park, Ph. I	64	1	\$200,000	\$0	
141	Manatee County	Manatee	Coquina Beach, Ph. II	64	2	\$177,600	\$0	
142	City of Lake Butler	Union	Lake Butler Skate Park	64	3	\$196,000	\$0	
143	Town of Lawtey	Bradford	Tatum Brothers Park	63	1	\$200,000	\$0	
144	City of St. Pete Beach	Pinellas	Community Skate Park	63	2	\$75,000	\$0	
145	Town of Ponce de Leon	Holmes	Danny Bird Ballfields, Ph. V	62	0	\$200,000	\$0	
146	City of North Bay Village	Dade	West Drive Community Park	61	1	\$200,000	\$0	
147	Town of Jay	Santa Rosa	Bray-Hendricks Park	61	2	\$200,000	\$0	
148	Jackson County	Jackson	Blue Springs Recreational Area, Ph. II	61	3	\$200,000	\$0	
149	City of Bartow	Polk	Bartow Civic Center	61	4	\$112,500	\$0	
150	City of Palatka	Putnam	Hank Bryan Park - East	61	5	\$200,000	\$0	
151	City of St. Marks	Wakulla	Cemetery Park	61	6	\$200,000	\$0	
152	Town of Ponce de Leon	Holmes	Danny Bird Ballfields, Ph. IV	60	0	\$200,000	\$0	
153	City of Port Orange	Volusia	Coraci Athletic Improvements, Ph. II	59	1	\$200,000	\$0	
154	City of Miami Beach	Dade	Flamingo Park Tennis Renovation Ph. III	59	2	\$200,000	\$0	

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
155	City of Winter Garden	Orange	Southside Park, Ph. II	59	3	\$200,000	\$0	\$10,672,964
156	City of Coleman	Sumter	Shady Brook Park, Ph. I	59	4	\$200,000	\$0	
157	City of Clermont	Lake	West Park Renovations	57	1	\$200,000	\$0	
158	Jefferson County	Jefferson	Mamie Scott Drive Recreational Park	57	2	\$200,000	\$0	
159	City of Bartow	Polk	Mary Holland Park	56	0	\$112,500	\$0	
160	City of Coleman	Sumter	J.L. Rowe Memorial Ballpark, Ph. III	55	0	\$200,000	\$0	
161	City of Fernandina Beach	Nassau	Main Beach Boardwalk	54	0	\$200,000	\$0	
162	City of Deltona	Volusia	All Inclusive Playground	53	1	\$200,000	\$0	
163	City of Tavares	Lake	Woodlea Sports Complex	53	2	\$200,000	\$0	
164	City of Niceville	Okaloosa	Turkey Creek Walk North/South	53	3	\$112,500	\$0	
165	City of Flagler Beach	Flagler	Ocean Walk Preserve Park	53	4	\$200,000	\$0	
166	City of Mexico Beach	Bay	Canal Park	53	5	\$125,000	\$0	
Total						\$30,444,850	\$10,672,964	

LARGE PROJECTS FUND - TRAIL - \$153,373

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
1	City of Tampa	Hillsborough	New Tampa Nature Park	77	0	\$200,000	\$153,373	\$153,373
2	City of Sanibel	Lee	Tarpon Bay Shared Use Path	58	0	\$125,000	\$0	
3	City of Panama City Beach	Bay	Trieste West Greenways & Trails, Ph. IV	57	0	\$112,500	\$0	
Total						\$437,500	\$153,373	
Grand Total						\$32,932,350	\$11,545,000	\$11,545,000
Total Applications						195		



VILLAGE OF BISCAYNE PARK
Office of the Village Manager
Frank R. Spence

TO: Mayor Hornbuckle and
Commission Members

FROM: Frank R. Spence
Village Manager

DATE: February 25, 2009

SUBJECT: RECYLING PROPOSALS

As previously mentioned, the current contract with the Village of Miami Shores to handle our recycling program expires in April of this year. Per Commission's direction we solicited other proposals. The following are the proposals to be considered and hopefully selected:

1. The Village of Miami Shores. Will renew contract on same terms, to wit: three (3) year contract; Flat fee of \$35,000 per year for each of the three years.
2. Miami-Dade County. The County contracts with Waste Management to do the actual pickup. Their rate is \$2.47 per month per household, times 1,305 households, equals \$38,680 a year.
3. City of North Miami. They pickup in their city five days a week so they have no free day available. Since they do not pick up Village garbage they would not be interested in providing pickup services to the Village. Plus they use all-in-one 96 gallon containers that we or the resident would have to buy.
4. GREEN TEAM RECYCLING. They charge \$25.00 per 96 gallon container. This could be located and charged at each residence or at a central collection point like a drop off area. With the Village paying.

RECOMMENDATION: Renew 3 year contract with Miami Shores.

10G

MEMORANDUM OF UNDERSTANDING

Between

MIAMI SHORES VILLAGE

And

VILLAGE OF BISCAYNE PARK

For

HOUSEHOLD RECYCLING PICKUP

MEMORANDUM OF UNDERSTANDING

Between

MIAMI SHORES VILLAGE

And

VILLAGE OF BISCAYNE PARK

For

HOUSEHOLD RECYCLING PICKUP

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and between MIAMI SHORES VILLAGE, FLORIDA, a municipal corporation of the State of Florida (“MIAMI SHORES”), and VILLAGE OF BISCAYNE PARK, a municipal corporation of the State of Florida (“BISCAYNE PARK”), collectively referred to as the “Parties.”

WHEREAS, the parties are desirous of putting their understanding in writing; NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants set forth, the Parties agree as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. Term. This MOU shall be effective upon execution by both parties for a period of three (3) years. However, either party may terminate this Agreement by providing six (6) month's written notice.
3. Purpose: The parties acknowledge and agree that this MOU is for the purpose of household recycling pickup for the Village of Biscayne Park residents.
4. Responsibilities.
 - A. MIAMI SHORES shall:

- (1) Provide one (1) bin per household to the residents of BISCAYNE PARK within two (2) months of execution of this Agreement; and
- (2) Provide recycling pickup one (1) time per week on a day to be agreed upon by the Parties.

B. BISCAYNE PARK shall pay MIAMI SHORES the sum of Thirty Five Thousand and xx/100 Dollars (\$35,000.00) each year for the first three (3) years of this MOU. Payments shall be made quarterly in equal installments of Eight Thousand Seven Hundred Fifty and xx/100 Dollars (\$8,750.00).

C. BISCAYNE PARK shall be responsible to distribute to the residents thereof such information concerning the recycling program and services as MIAMI SHORES may reasonably request, including but not limited to, advising the residents of the contact information for the MIAMI SHORES office to which questions and complaints should be directed, advising residents that MIAMI SHORES will be entitled to collect reasonable charges for providing replacement bins (consistent with policies applicable to MIAMI SHORES residents) as well as information encouraging full participation in the recycling program.

5. Amendment. No modification, amendment, or alteration in the terms or conditions shall be effective unless contained in a written document prepared with the same or similar formality as this MOU and executed by the Parties, as provided for herein.

6. Liability. The Parties are state agencies or political subdivisions of the state of Florida and each agrees to be fully responsible for the acts and omissions of its agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by any of the Parties to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this MOU or any other contract. Additionally, the Parties shall each individually defend any action or proceeding brought against their respective agency and shall be individually responsible for all its own costs, attorneys fees, expenses and liabilities incurred as a result of any such claims, demands, suits, actions, damages and causes of action, including the investigation or the defense thereof, and from and against any orders, judgments or decrees which may be entered as a result thereof; except such claims, demands, suits, actions, damages and causes of action caused by negligent acts or omissions of a party, its officers, agents, servants, and employees.

7. Insurance. The Parties shall each individually maintain throughout the term of this MOU any and all applicable insurance coverage required by Florida law for municipalities.

8. Subcontracting. The obligations to perform household recycling pickup shall not be subcontracted out by MIAMI SHORES without written approval by BISCAYNE PARK's Commission.

9. Miscellaneous:

A. Notice. Whenever either of the Parties desires to give notice to the other, such notice must be in writing, sent by certified United States Mail, postage prepaid, return receipt requested, or by hand delivery with a request for a written receipt of acknowledgment of delivery, addressed to the of the Parties for whom it is intended at the place last specified. The place for giving notice shall remain the same as set forth herein until changed in writing in the manner provided in this section. For the present, the Parties designate the following:

MIAMI SHORES: Village Manager
10050 NE 2 Avenue
Miami Shores, Florida 33138

BISCAYNE PARK: Village Mayor
640 NE 114 Street
Biscayne Park, Florida 33161

B. Assignment. Neither this MOU nor any interest herein shall be assigned, transferred, or encumbered by either of the Parties.

C. Materiality. The Parties agree that each requirement, duty, and obligation set forth in this MOU is substantial and important to its formation and, therefore, is a material term.

D. Waiver. The failure of the Parties to enforce any provision of this MOU shall not be deemed a waiver of such provision or modification of this MOU. A waiver of any breach of a provision of this MOU shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this MOU.

E. Severability. In the event a portion of this MOU is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless either of the Parties elects to terminate this MOU. An election to terminate this MOU based upon this provision shall be made in writing after the finding by the court becomes final.

F. Joint Preparation. The Parties acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this MOU has been their joint effort. The language agreed to expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

G. Governing Law and Venue. This MOU shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this MOU and any action involving the enforcement or interpretation of any rights under this MOU shall be submitted to the jurisdiction of the State courts of the Eleventh Judicial Circuit of Dade County, Florida, and shall be governed by the laws of the state of Florida. To encourage prompt and equitable resolution of any litigation that may arise, each party waives any rights it may have to a trial by jury of any such litigation related to or arising out of this MOU.

H. Merger. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained and the Parties agree that there are no commitments, agreements or understandings concerning the subject matter of this MOU that are not contained in this document. Accordingly, the Parties agree that no deviation from the terms shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that no modification, amendment or alteration in the terms or conditions shall be effective unless set forth in writing in accordance with this MOU.

I. Independent Contractors. MIAMI SHORES is an independent contractor under this MOU. Services provided by MIAMI SHORES pursuant to this MOU shall be subject to the supervision of MIAMI SHORES. In providing such services, neither MIAMI SHORES nor its agents shall act as officers, employees, or agents of BISCAYNE PARK. No partnership, joint venture, or other joint relationship is created hereby. Other than by the express terms of this Agreement, BISCAYNE PARK does not extend to MIAMI SHORES or MIAMI SHORES' agents any authority of any kind to bind BISCAYNE PARK in any respect whatsoever.

J. Incorporation by Reference. The truth and accuracy of each "Whereas" clause set forth above is acknowledged by the Parties and incorporated herein as if set forth in full hereunder.

K. Multiple Originals. This MOU may be fully executed in multiple copies by all parties, each of which, bearing original signatures, shall have the force and effect of an original document.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Memorandum of Understanding between the Miami Shores Village and the Village of Biscayne Park for Household Recycling Pickup in the Village of Biscayne Park.

ATTEST:

MIAMI SHORES VILLAGE, FLORIDA

Barbara Estep
Village Clerk

Ta Ah
Mayor Manager

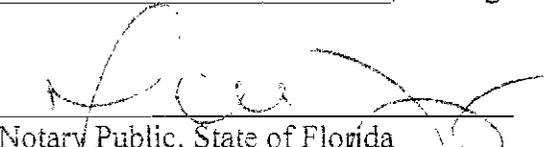
APPROVED AS TO FORM:

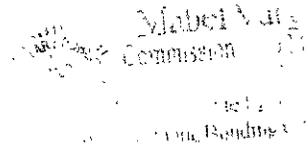
Richard Sarafa
Village Attorney

State of Florida
County of Dade

The foregoing instrument was acknowledged before me, the undersigned notary public in and for the State of Florida, on this the 26 day of April, 2006, by

Tom Benton and Barbara Estep, Village Clerk and Mayor, respectively.
Manager

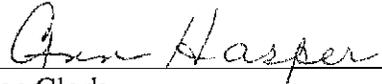

Notary Public, State of Florida

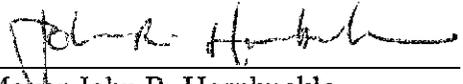


Mabel Vargas
Printed, Typed or Stamped Name of
Notary Public Exactly as Commissioned
Individuals Who Signed Are:
Personally Known, No Identification Produced

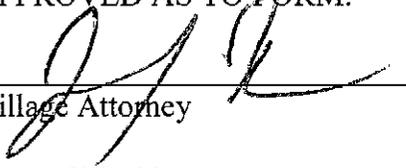
ATTEST:

VILLAGE OF BISCAYNE PARK,
FLORIDA


Village Clerk


Mayor John R. Hornbuckle

APPROVED AS TO FORM:


Village Attorney

State of Florida
County of Dade

The foregoing instrument was acknowledged before me, the undersigned notary public in and for the State of Florida, on this the 10th day of April, 2006, by Ann Harper and John R. Hornbuckle, Village Clerk and Mayor, respectively.


Notary Public, State of Florida
Arlene Alicia Silvera
Commission # DD447607
Expires: MAR. 04, 2008

Printed, Typed or Stamped Name of
Notary Public Exactly as Commissioned
Individuals Who Signed Are:
Personally Known, No Identification Produced

**INTERLOCAL AGREEMENT FOR
INCLUSION IN THE MIAMI-DADE COUNTY
CURBSIDE RECYCLING PROGRAM**

MUNICIPALITY: _____

This Interlocal Agreement ("Agreement") is made and entered into this ____ day of _____, _____, by and between Miami-Dade County ("County") and _____ ("Municipality") in order that the Municipality may be included as a portion of the COUNTY SERVICE AREA to be provided with curbside collection of recyclable materials under the terms and conditions agreed to between the County and any Contractors that the County enters into contracts with for the provision of Recycling Collection Services, Recycling Processing Services, Recycling Container Manufacturing and Delivery Services, or other Recycling Services as necessary.

Section I: Definitions

In all instances, terms used in this Agreement shall have the definitions as contained in any Contracts that the County enters into for the provision of Recycling Collection Services, Recycling Processing Services, Recycling Container Manufacturing and Delivery Services, or other Recycling Services as necessary ("Contracts").

Section II: County Services Area – Municipality's Portion

The Municipality's portion of the entire County Services Area is designated on the attached map (Exhibit "A"), incorporated herein by reference).

Section III: Agreement Governs: Entire Agreement

This Agreement supersedes any previous agreements that the County and the Municipality may have previously had for recycling services.

Section IV: Recycling Service

Residents of single-family housing within the Municipality will be provided with curbside collection service of recyclable materials in the manner provided for in the Contracts. All residents included in the program will be responsible for preparation and placement of materials in the manner specified pursuant to the Contracts. All participating residents of the Municipality will be eligible to call the County's 3-1-1 Answer Center to receive assistance and information regarding recycling services provided to them.

Collection of materials will take place on a schedule consistent with the hours and days provided for the unincorporated area. Days or hours differing from the unincorporated area collection service but coinciding with regular garbage or trash service within the Municipality (e.g., Wednesday and Saturdays) may be provided subject to negotiation and agreement with Contractor and approval by the County.

Section V: Authorization/Responsibilities

The Municipality hereby authorizes the County to act on its behalf in the administration of the contract for this recycling service in the areas of municipal jurisdiction. However, the Municipality will be responsible for monitoring all aspects (collection days, hours, equipment, personnel etc.) of any Contractor's performance within its jurisdiction and reporting any problems or violations to the County in order to initiate corrective action in accord with the Contracts.

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**INTERLOCAL AGREEMENT FOR
INCLUSION IN THE MIAMI-DADE COUNTY
CURBSIDE RECYCLING PROGRAM**

The Municipality agrees to abide by all those terms and conditions that the County agrees to meet as contained in the Contracts except as modified herein.

The Municipality agrees to provide the County with an update of additions and deletions to this list each month in a format to be specified by the County. This update shall be delivered to the County on the first day of the month. Any discrepancies between the Municipality's monthly house count and the Contractor's monthly billing allocated to the Municipality shall be reconciled through a field inspection to be performed by the County within 60 days, with any corrections to be reflected in the subsequent month's billing to the Municipality.

Section VI: Payments

In compensation for provision of this recycling collection service on a regular basis, the Municipality will make monthly payments to the County in an amount equal to the Monthly Fee or such other fee, as negotiated subject to approval by the County and the Municipality, times the average number of Residential Properties serviced during that month within the Municipality's portion of the entire County Service Area. This payment will not be dependent upon the number of households participating in the program, but will be a flat rate for each household. The County will charge the Municipality consisting with the costs to the residents within the unincorporated area of the County.

During the first fiscal year (between October 1, 2008 and September 30, 2009) of this Interlocal Agreement, the monthly fee will be \$2.47 per household per month. This fee is consistent with the cost that residents of the unincorporated area are paying for the same period.

During the second fiscal year (between October 1, 2009 and September 30, 2010) of this Interlocal Agreement and annually thereafter through the final year of Agreement, the monthly fee paid by the Municipality to the County for the services to be provided will be adjusted by the percent change in the Consumer Price Index (CPI), All Urban Consumers, South Urban, All items, annual average during the previous Service Year, not to exceed three percent (3%) based on the change in such Index from October 1 through September 30 of the previous year. The source of the consumer price indices applied in the annual adjustment to the Collection Payment shall be the U. S. Bureau of Labor Statistics. Each adjustment shall be in effect for the following 12-month period. The Amount paid per Household shall be extended to all Households served based on the Household counts provided by the County in accordance with provisions of this Agreement.

The Municipality shall be responsible for delivering payment for recycling collection services to the County within twenty (30) days of the date of an invoice from the County. The County shall be responsible for making the total Monthly Payment for the entire Service Area, including the Municipality's portion, to the Contractor in accord with all the Contracts.

Section VII: Containers

The County shall be responsible for purchase of a sufficient number of containers to provide a container to each Residential Property in the program. All containers delivered within the incorporated area shall be the property of the Miami-Dade County Recycling Program and will be printed with the County's information, not the municipality's. These containers are for the permanent use of the household to which they are delivered for the specific purpose of participation in the curbside recycling program. The containers are intended to remain with each property through the life of any contracts and/or any subsequent extensions. In the event that a unit's residents vacate the property, the containers shall remain at that location for use by

**INTERLOCAL AGREEMENT FOR
INCLUSION IN THE MIAMI-DADE COUNTY
CURBSIDE RECYCLING PROGRAM**

the subsequent residents. The Municipality shall not mark or label the containers in any fashion.

Additional or "new" containers shall be placed at newly constructed and occupied Residential Properties added into the program by the County at no cost to the resident or the Municipality.

Lost or stolen containers will be reported to the County and will be replaced by the County within a timeframe consistent with the timeframes provided to residents of the unincorporated area.

In the event that the Municipality withdraws from this Interlocal Agreement prior to the final debt payment for recycling containers, the Municipality will pay the remaining amortized cost of those containers in the Municipality within one year of withdrawal.

Section VIII: Reporting

The County shall send the Municipality correspondence in a manner and on a schedule mutually agreed upon by the Municipality and the County. The Municipality shall also be sent a copy of any Annual Reports required by the contracts.

Staff of the Municipality will also be notified of all, and may attend any, regular meetings held with the Contractor to review performance.

Section IX: Enforcement

The Municipality agrees to take such steps as may reasonably be necessary to protect the County's ownership of all recyclable materials placed at curbside for collection under the terms of the Contracts, including the preparation and submission of an anti-scavenging ordinance for the Municipality. The staff of the Municipality shall propose anti-scavenging laws as agreed upon between the Municipality and the County.

Unless provided otherwise by County ordinance, the Municipality shall be responsible for enforcement of this recycling program in that portion of the service area within its incorporated limits.

Section X: Program Revisions

Minor program adjustments affecting the entire Service Area may be made from time to time as agreed to by the County and the Contractors. Such minor adjustments could include, but would not be limited to, such items as variations in the required preparation of materials by the resident or hours of collection. In the event that such changes will require notice to the residents, the County and the Contractors shall jointly take full responsibility for providing adequate notice to all of the residents.

Any major program changes having a material impact on the financial relationship among the parties or resulting in substantial variation in the amount and type of Recyclables collected shall be subject to review by the Municipality.

Section XI: Liquidated Damages

In the event that the Contractor fails to perform in accord with the Contract, liquidated damages will be imposed by the County as provided for in the Contracts.

**INTERLOCAL AGREEMENT FOR
INCLUSION IN THE MIAMI-DADE COUNTY
CURBSIDE RECYCLING PROGRAM**

Section XI: Service Initiation Schedule

Contractor will initiate delivery of containers and pickup of Recyclable Materials to the Municipality within 60 days of execution of this Agreement. Service will commence within two weeks of receipt of each household's receipt of a container.

Section XIII: Other Recycling Program Options

The Municipality and the County may negotiate any other recycling options at a cost and scope agreeable to both parties.

Section XIV: Default/Termination

Failure of the Municipality to make payment to the County in accord with the provisions of Section VI of this Agreement shall constitute default. In the event that such default occurs, the County shall provide written notice to the Municipality concerning the nature of this default. The Municipality shall have thirty (30) days from the date of the notice in which to resolve the default, the County shall have option to terminate this agreement and/or withhold local revenue that the County distributes to the Municipality in an amount sufficient to pay for all recycling services provided to date for which the Municipality has failed to make payment.

Either party may terminate this Agreement without cause by communicating the desire to do so in writing 30 days prior to the termination date.

Section XV: Grant Funds

The Municipality may choose to utilize any grant funding available to pay all or part of the monthly payments due to the County.

Section XVI: Amendment to Agreement

Except as otherwise provided for herein, this Agreement may be modified, altered or amended only by a written amendment duly executed by the parties hereto. Any oral representations or modifications concerning this Agreement shall be of no force or effect.

Section XVII: Headings

Captions and headings in this Agreement are for ease of reference only and do not constitute a part of this Agreement and shall not affect the meaning or interpretation of any provisions herein.

Section XVIII: Approvals

Whenever approval of a Party is required by this Agreement, such approval shall not be unreasonably withheld.

Section XIX: Performance by Parties

Except as otherwise provided in this Agreement, in the event of any dispute arising over the provisions of this Agreement, the parties shall proceed with the timely performance of their obligations during the pendency of any legal or other similar proceedings to resolve such dispute.

Section XX: Rights of Others

Nothing in the Agreement express or implied is intended to confer upon any person other than the parties hereto any rights or remedies under or by reason of this Agreement.

**INTERLOCAL AGREEMENT FOR
INCLUSION IN THE MIAMI-DADE COUNTY
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Section XXI: Counterparts

This Agreement may be executed in one or more counterpart(s), each of which shall be deemed an original.

Section XXII: Waiver

There shall be no waiver of any right related to this Agreement unless in writing signed by the party waiving such right. No delay or failure to exercise a right under this Agreement shall impair such right or shall be construed to be a waiver thereof. Any waiver shall be limited to the particular right so waived and shall not be deemed a waiver of the same right at a later time, or of any other right under this Agreement.

Section XXIII: Time is of Essence

It is mutually agreed that time is of the essence in the performance of all terms and conditions to be kept and performed pursuant of this Agreement.

Section XXIV: Representations of the County

The County represents that

- (1) this Agreement has been duly authorized, executed and delivered by the Board of County Commissioners as the governing body of the County, and
- (2) it has the required power and authority to perform this Agreement.

Section XXV: Representations of the Municipality

The Municipality represents that

- (1) this Agreement has been duly authorized, executed and delivered by the Board of Commissioners as the governing body of the Municipality, and
- (2) it has the required power and authority to perform this Agreement.

Section XXVI: Approvals and Notices

Notices and approvals required or contemplated by this Agreement shall be written and personally served or mailed, registered or certified United States mail, with return receipt requested, addressed to the parties as follows:

To the County:
Miami-Dade County Department of Solid Waste Management
2525 NW 62nd Street, Suite 5100
Miami, Florida 33147
Attn: Department Director
305-514-6628

To the Municipality:

_____, Florida _____
Attn.: _____
____ - ____ - _____

Section XXVII: Term

The initial term of this Agreement shall begin on the date of execution of this Agreement and end within 30 days of either party requesting termination. Upon any and all renewal(s) of the

**INTERLOCAL AGREEMENT FOR
INCLUSION IN THE MIAMI-DADE COUNTY
CURBSIDE RECYCLING PROGRAM**

Contracts in accordance with Article 1 thereof, this Agreement shall automatically be extended without separate written amendment for the term(s) of any and all such renewal period(s).

IN WITNESS WHEREOF, Miami-Dade County, Florida, has caused this Agreement to be executed in its name by the County Manager or this designee, attested by the Clerk of the Board of County Commissioners and has caused the seal of the Board of County Commissioners to be hereto attached; and the Municipality _____, Florida has caused this Agreement to be executed in its name by the Municipal Mayor or designee, attested by the Clerk of the Municipal Council and has caused the seal of the Council to be hereto attached, all on the day and year first written above.

MIAMI-DADE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Attest: Miami-Dade County:

Attest: _____ (municipality)

By: _____
County Clerk

By: _____
Municipal Clerk

By: _____
County Mayor or Designee

By: _____
Municipal Mayor or Designee

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

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8988 N.W. 105 Way
Medley, Florida 33178
(305) 885-7130
(305) 885-7145

February 16, 2009

Dear Cesar,

Thank you for calling us. I am confident that The Green Team can meet your shredding and recycling needs in the **most confidential, cost efficient and convenient manner.**

Objectives of the Service are to provide

- A secure method for disposing confidential material and non-confidential material
- A cost effective service based on volume
- A secure and reliable way for recycling your company's paper products
- An easy to use system

Service Agreement

- No service agreement necessary
- Terms of pricing: **Recycling Only (no certificate of destruction provided) \$25.00 per 96 gallon tank filled or (3) consoles.**
- Pricing may vary depending on number of locations and frequency of pick-ups.
- No additional charges for bins/consoles or bags that are provided for recycling of non-confidential material.
- Free pick-up of flatten cardboard boxes
- **We provide free recycling of non-confidential paper (paper, magazines, catalogs, etc) for our shredding customers. *Shred Team Corp provides Certificate of Destruction.**
- No sorting grades of paper colors, no need to remove staples, clips, etc.
- No fuel or administrative surcharges, price is all inclusive.

If you have any further questions, please call me directly at (305) 885-7130. You may visit our website @ www.greenteamrecycling.com or www.shredteam.com .

Thank You.

Maritza Valle
Green Team Recycling

"Green Team Recycling is a locally owned and operated minority company"



3/3/09 agenda

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309-3421

STEPHANIE C. KOPELOUSOS
SECRETARY

February 18, 2009

Mr. Frank Spence
Village of Biscayne Park, Manager
640 Northeast 114th Street
Biscayne Park, FL 33161

Rec'd 2/23/09
MS

Dear Mr. Frank Spence:

**SUBJECT: Invitation to become a Participating Agency on Phase 2
of the South Florida East Coast Corridor Transit Analysis (SFECCTA)**

The Florida Department of Transportation (FDOT) has initiated Phase 2 of the SFECCTA study. FDOT is continuing the study using the early scoping National Environmental Protection Act (NEPA) process. Phase 2 will produce a detailed environmental screening report addressing the short list of alternatives that evolved from the Phase 1 screening, and will identify one or more proposed actions in the 85-mile study corridor. Phase 3 of the study will then prepare one or more draft environmental impact statements depending on the number of proposed actions defined in Phase 2. We wish to invite your agency to participate in a cooperating agency role for this phase of the study.

The SFECCTA was initiated by FDOT to provide improved passenger transportation service to southeast Florida. The study area extends approximately 85 miles along the Florida East Coast (FEC) Railway corridor from Miami's Central Business District in Miami-Dade County to the Town of Jupiter in Palm Beach County. The proposed project would be designed to provide an interface with other mass transit systems in the area and enhance the existing transportation network. During Phase 1 of the study a broad range of conceptual alternatives were considered, which included various transit technologies, corridor alignments, and station locations. The preliminary screening of these conceptual alternatives during Phase 1 did not identify a complete Locally Preferred Alternative (LPA). However, the study did identify a single generalized alignment (FEC Railway corridor) and five viable technology alternatives including regional rail, rapid rail, light rail, bus rapid transit, and regional bus to be carried into the detailed screening phase to be conducted in Phase 2 of the study.

A discussion of the alternatives analysis may be found in the Conceptual Alternatives Analysis/Environmental Screening Report (AA/ESR) on the project website at <http://www.sfecstudy.com/>.

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Phase 2 of the SFECCTA will build upon the Phase 1 study to identify one or more LPA(s) within the project corridor. The study will examine modal technologies; bicycle/pedestrian trails (i.e., greenways); station locations and types; grade crossing issues; maintenance facility locations; interconnecting passenger services between the existing South Florida Rail Corridor (that is served by Tri-Rail Commuter Services and the FEC Railway corridor); costs; funding; ridership; economic development; land use; engineering feasibility; and environmental factors. To satisfy FTA'S New Starts (49 USC 5309) requirements, FDOT will also evaluate options for transportation improvements in the study area that do not involve significant capital investment including Transportation System Management (TSM) improvements and the implications of taking no action (i.e., the "no build" alternative). The environmental screening and AA conducted during Phase 2 will be documented in various technical memorandums and a Detailed AA/ESR.

The FDOT has been identified your agency as an agency that may have an interest in the above-mentioned project. As such, FDOT is extending your agency an invitation to become a participating agency in the SFECCTA study. Pursuant to Section 6002 of Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), participating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. The following list outlines the minimum responsibilities of a participating agency as defined by SAFETEA-LU:

- Provide meaningful and early input on refining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the AA.
- Participate in coordination meetings, conference calls, and joint field reviews as appropriate.
- Timely review and comment on the pre-draft or pre-final environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Phase 2 of the SFECCTA will continue to follow the FDOT ETDM process and your agency is encouraged to engage in the ETDM system in an effort to improve decision-making and reduce the time, effort, and cost of project development, permitting, and design. The ETDM project number for the SFECCTA is **7519**.

A primary responsibility of a cooperating/participating agency is to provide meaningful and early input on refining the purpose and need and the range of alternatives. As part of this invitation packet, we have included the project's coordination plan for agency and public involvement, purpose and need, goals and objectives, and range of alternatives for your review and comments. Your comments on these collaboration items are highly encouraged and welcome.

Phase 2 of the SFECCTA has gotten underway with a series of public and agency kick-off meetings for which you should have received an invitation. Your attendance is welcomed at any or all of the remaining meetings. Please refer to the meeting schedule included with this letter or you may view a schedule of the kick-off meetings on the project website.

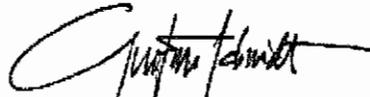
Please acknowledge this invitation to become a participating agency by completing the attached designation form. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Mr. Frank Spence
February 18, 2009
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Should you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the Detailed AA/ESR, please contact Mr. Scott Seeburger at (954) 777-4632.

Thank you for your cooperation and interest in this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Gustavo Schmidt". The signature is stylized with a large initial "G" and a long horizontal stroke at the end.

Gustavo Schmidt, P.E.
District Planning and Environmental Engineer

GS:sc

Attachments:

Participating Agency Designation Form
SFECCTA Phase 2 Kick-Off Meeting Schedule
Phase 2 Coordination Plan for Agency and Public Involvement

cc: James Garland, FTA
Scott Seeburger, FDOT

SOUTH FLORIDA EAST COAST CORRIDOR TRANSIT ANALYSIS STUDY

PHASE 2 PARTICIPATING AGENCY DESIGNATION FORM

Yes - _____ [Agency Name] wishes to be designated a participating agency for the proposed South Florida East Coast Corridor Transit Analysis Study.

No - _____ [Agency Name] does not wish to be designated a participating agency for the proposed South Florida East Coast Corridor Transit Analysis Study*.

Federal agency has no jurisdiction or authority with respect to the project

Federal agency has no expertise or information relevant to the project

Federal agency does not intend to submit comments on the project

_____ (Sign - Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return by March 30, 2009 to:

Name: Scott Seeburger

Address: Florida Department of transportation
District IV Planning and Environmental Management
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309-3421

Fax: (954) 777-4671

E-mail: scott.seeburger@dot.state.fl.us

* Please note that if a Federal agency does not state its position in these terms, it will be treated as a participating agency.

February 26, 2009

Frank R. Spence
Village Manager
Village of Biscayne Park
640 NE 114 St.
Biscayne Park, FL 33161

Re: Blue Cross Blue Shield
Change in Anniversary Date

Dear Frank,

I have communicated with Blue Cross Blue Shield about the possibility of changing the anniversary date of the Village's program from June 1 to October 1. This is definitely a possibility, however it is a several step process.

Initially, the Village will need to renew their coverage with Blue Cross on June 1 (we have not received Blue Cross' renewal at this point, however we expect it by mid-April). After processing the renewal we will request an October 1, 2009 anniversary date change. Blue Cross won't have their October premium rates available at that point, but we should anticipate receiving their updated premium figures in August. This premium change should be less than the June renewal, since it is merely updating their premiums from June to October. The new rates will then be good for 12 months from October 1, and the anniversary date change will be established.

Hopefully this doesn't sound too complicated. It is quite easy, just requiring two premium adjustments within a 4-5 month period.

Thank you for the opportunity to be of service to you. Should you have questions or require additional information, please don't hesitate to contact me.

Sincerely,



Robert J. Shafer, Jr., CEBS



11C

VILLAGE OF BISCAYNE PARK
2008 AD HOC CODE REVIEW COMMITTEE
REVISED 2/19/09

Code Enforcement Board

Al Childress - Chairman of Code Enforcement Board and Code Review Committee

Harvey Bilt

Dale Blanton

Lilly Harper - resigned 2/18/09

Janey Anderson - Secretary

Planning & Zoning Board

Gage Hartung - Chairman of P & Z and Vice-Chairman of Code Review Committee

Fred Jonas

Andrew Olis

Mario Rumiano - resigned 8/25/08

Appointed by Commission

Dan Keys

Lisa Peterson - resigned 9/24/08

Chuck Ross

Judi Hamelburg

Maria Camara

NOTE: Motion was made and seconded at Special Commission Meeting 7/15/08 that the Committee be composed of 13 members with no alternate members, and members with three unexcused absences will be removed from the Committee. Motion carried 5/0.

11D