



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, May 5, 2015 at 7:00pm



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

3 Pledge of Allegiance

4 Presentations

- 4.a Employee Health Insurance - Graeme Pentland from EBS Advisors *(Refer to item 8.c under the Consent Agenda)*



- 4.b Community Signage - Adriana Savino, Savino Miller Design

- 4.c Biscayne Park Foundation - Beer & wine at Village events

- 4.d Storm Water and Road Repair/Improvements Assessments - Heidi Siegel,
Village Manager

5 Additions, Deletions or Withdrawals to the Agenda

At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.

6 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

7 Information / Updates



- 7.a FY 2014-15 Monthly Financials ending 03/31/2015

8 Consent Agenda

Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.



- 8.a Approval of Minutes
- ◆ April 7, 2015 Regular Commission Meeting



- 8.b Acceptance of Board Minutes
- ◆ Ecology Board - March 16, 2015
 - ◆ Biscayne Park Foundation - March 11, 2015
 - ◆ Planning & Zoning - April 6, 2015
 - ◆ Planning & Zoning - April 20, 2015
 - ◆ Joint Parks & Parkway and Public Art Advisory Board - April 2, 2015
 - ◆ Code Compliance - April 13, 2015
 - ◆ Public Art Advisory Board - April 8, 2015
 - ◆ Code Compliance Special Meeting - April 27, 2015
 - ◆ Recreation Advisory Board - March 24, 2015
 - ◆ Recreation Advisory Board - April 28, 2015



- 8.c **Resolution 2015-25**
- A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE TO PROVIDE EMPLOYEE HEALTH BENEFITS FOR THE PERIOD OF JUNE 1, 2015, THROUGH MAY 31, 2016;** AND PROVIDING FOR AN EFFECTIVE DATE.



- 8.d **Resolution 2015-26**
- A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE LAW ENFORCEMENT MUTUAL AID AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF BISCAYNE PARK;** PROVIDING FOR AN EFFECTIVE DATE



- 8.e **Resolution 2015-27**
- A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **DECLARING VILLAGE EQUIPMENT AND/OR PROPERTY AS SURPLUS PROPERTY AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS;** PROVIDING FOR AN EFFECTIVE DATE



- 8.f **Resolution 2015-28**
- A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **TERMINATING THE PROFESSIONAL SERVICES AGREEMENT WITH THE NON-PROFIT ASSISTANCE CENTER, INC.,** DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE NON-PROFIT ASSISTANCE CENTER, INC. AS NOTICE OF TERMINATION OF THE PROFESSIONAL SERVICES AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.



8.g **Resolution 2015-29**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ATHORIZING THE VILLAGE MANAGER TO EXECUTE THE SUBMITTER LICENSE AGREEMENT WITH SIMPLIFILE L.C., FOR E-RECORDING SERVICES**; PROVIDING FOR AN EFFECTIVE DATE.



8.h **Resolution 2015-30**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE AMENDED LEGAL DESCRIPTION OF THE PROPOSED ANNEXATION AREA** TO BE INCORPORATED IN THE ANNEXATION APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.



8.i **Resolution 2015-33**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE CHANGE ORDER TO THE CONTRACT BETWEEN BEJAR CONSTRUCTION, INC., AND THE VILLAGE OF BISCAYNE PARK IN THE AMOUNT OF \$41,120.64**; PROVIDING FOR AN EFFECTIVE DATE

< End of Consent >

9 Ordinances

First Reading

< None >

Second Reading



9.a **Ordinance 2015-02**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 17 OF THE CODE ENTITLED "FEES, BONDS AND CHARGES" TO **AUTHORIZE THE IMPOSITION OF A STORM WATER REPAIR/IMPROVEMENTS ASSESSMENT FEE** TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; FURTHER **AUTHORIZING THE IMPOSITION OF A ROAD REPAIR/IMPROVEMENTS ASSESSMENT FEE** TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; **REVISING SECTION 17.4 OF THE CODE ENTITLED "IMPOSITION OF SOLID WASTE MANAGEMENT FEE ASSESSMENT"**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE



9.b **Ordinance 2015-03**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING** CHAPTER 13 OF THE LAND DEVELOPMENT CODE ENTITLED “**PLANNING BOARD AND LOCAL PLANNING AGENCY**”; AMENDING CHAPTER 14 OF THE LAND DEVELOPMENT CODE ENTITLED “**CODE COMPLIANCE BOARD**”; AMENDING CHAPTER 15 ENTITLED “**ENFORCEMENT**”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

10 Resolutions



10.a **Resolution 2015-22**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE ANNUAL WASTE FEE ASSESSMENT FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA** FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.



10.b **Resolution 2015-23**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE STORMWATER REPAIR ASSESSMENT FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA** FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.



10.c **Resolution 2015-24**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE ROAD REPAIR ASSESSMENT FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA** FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.



10.d **Resolution 2015-31**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION, APPOINTMENT AND TERM OF OFFICE OF THE BOARD MEMBERS TO THE PLANNING & ZONING BOARD**; PROVIDING FOR AN EFFECTIVE DATE



10.e **Resolution 2015-32**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION, APPOINTMENT AND TERM OF OFFICE OF THE BOARD MEMBERS TO THE CODE COMPLIANCE BOARD;** PROVIDING FOR AN EFFECTIVE DATE

11 **Old Business**

These items are generally discussion items that have been previously discussed by the Commission and new information or updates are available by either a member of the Commission or the Administration.



11.a Chapter 5 Proposed Code Changes

12 **New Business**

These items are generally discussion items that have been requested by members of the Commission or the Administration.



12.a Records Retention - as requested by Commissioner Anderson

13 **Request for placement of items on next meeting agenda**

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

14 **Reports**

14.a Village Manager

- ◆ Annexation update
- ◆ Village Hall log cabin restoration & annex building update

14.b Village Attorney

14.c Board / Committee Reports:

- ◆ Biscayne Park Foundation
- ◆ Code Review Board
- ◆ Ecology Board
- ◆ Parks & Parkway Advisory Board
- ◆ Public Art Advisory Board
- ◆ Recreation Advisory Board

14.d Commissioner Comments

- ◆ Vice Mayor Jonas
- ◆ Commissioner Anderson
- ◆ Commissioner Ross

- ◆ Commissioner Watts
- ◆ Mayor Coviello

15 Announcements

Saturday, May 9th - Movie Night in the Park at 7:00pm
Monday, May 11th - Code Compliance Board at 7:00pm
Monday, May 11th - Biscayne Park Foundation at 7:00pm
Tuesday, May 12th - Special Commission Meeting at 6:30pm
Wednesday, May 13th - Public Art Advisory Board at 6:00pm
Saturday, May 16th - Art in the Park / Music Festival from 3:00pm to 8:00pm
Monday, May 18th - Planning & Zoning at 6:30pm
Monday, May 18th - Ecology Board at 6:30pm
Tuesday, May 19th - Crime Watch Meeting at 7:00pm
Wednesday, May 20th - Parks & Parkway Advisory Board at 6:00pm
Monday, May 25th - All Village Departments are Closed for Memorial Day
Tuesday, May 28th - Recreation Advisory Board at 7:00pm
Monday, June 1st - Planning & Zoning Board at 6:30pm

Our next regular Commission meeting is Tuesday, June 2 2015, at 7:00pm

16 Adjournment

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 four (4) days prior to the proceeding for assistance.

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. 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.

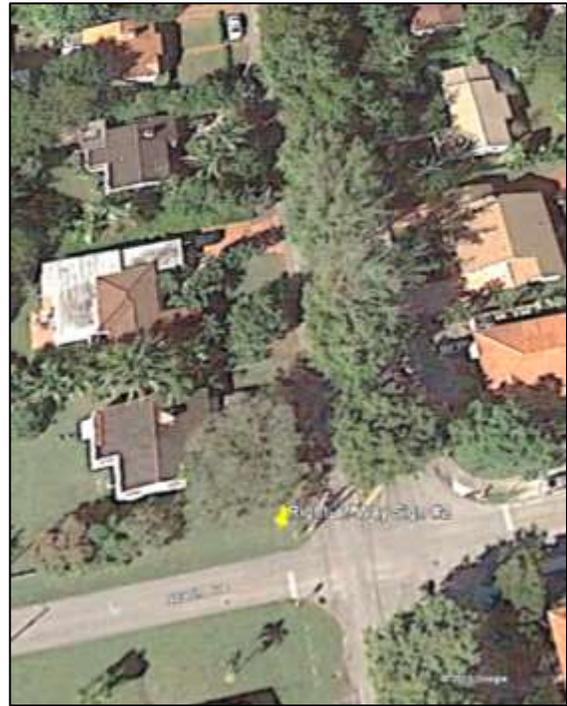
5. CONCEPTUAL SKETCH



Right-of-Way Sign #1
Northwest Corner of NE 9th Ave. and NE 107 St.



Right-of-Way Sign #2
Southwest Corner of NE 7 Ave. and NE 121 St.



Right-of-Way Sign #3
Southwest Corner of NE 9 Ave. and NE 121 St.



Right-of-Way Sign #4
Southwest Corner of NE 11 Place and NE 121 St.



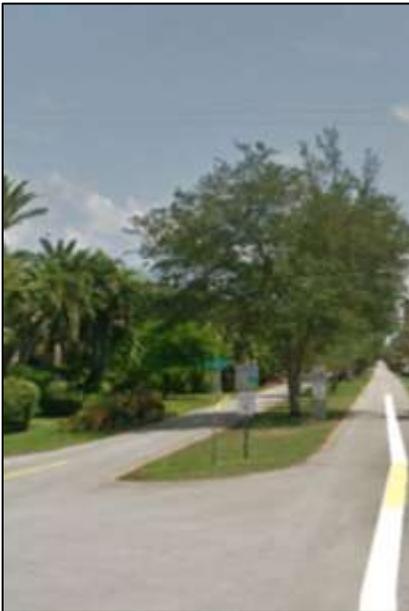
Median Location #1
Griffing Blvd and NE 121 Street (Southside)



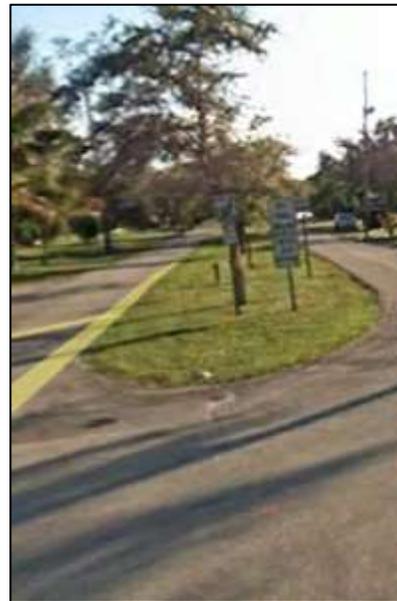
Median Location #2
NE 6 Avenue and NE 121 Street (Southside)



Median Location #3
NE 8 Avenue and NE 121 Street (Southside)



Median Location #4
NE 10 Avenue and NE 121 Street (Southside)





Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Monthly Financials ending 03/31/2015

Prepared By: Heidi Siegel, Village Manager

Below is a summary of the Village's financial position ending March 31, 2015 based on the approved Fiscal Year 2014/2015 budget. In summary, at 50% of the fiscal year, the Village expenditures are 44.88% and revenues are 69.97%. The Village has received 90% of its ad valorem tax revenue.

The Village Manager met with all department heads to review the mid-year budget and identify areas of savings and areas for potential increased revenues. The Building Department presents itself as "over-budget"; however, this is due to the higher than expected building permit revenues which are a cost-share (expense) with the building inspectors. Additionally, facility rentals at the Recreation Center exceed the annual projected revenue.

Department	2014-15 BUDGET	YTD BALANCE 03/31/2015	% BDGT USED
Village Commission	23,718.00	9,831.96	41.45
Administration	206,082.00	97,304.36	47.22
Finance	147,327.00	71,885.01	48.79
Planning & Zoning	42,000.00	21,000.00	50.00
General Government	430,781.00	193,585.33	44.94
Police	1,081,851.00	471,690.61	43.60
Building Department	109,256.00	63,090.22	57.75
Code Enforcement	61,987.00	29,285.99	47.25
Public Works	187,626.00	87,404.98	46.58
Parks and Recreation	167,483.00	73,849.94	44.09
Total Expenditures	2,458,111.00	1,118,928.40	45.51
Transfer Out	35,000.00	0.00	
Total Expenditures	2,493,111.00	1,118,928.40	44.88

May 5, 2015

Commission Agenda Report

Monthly Financials Ending 03/31/2015

	2014-15 BUDGET	YTD BALANCE 03/31/2015	% BDGT USED
Total Revenues	2,493,111.00	1,736,985.47	69.67
Of Special Note: Building Department Revenues are higher than expected. These will offset the Building Department Expenses to the Building Inspectors			
Building Permits	55,000.00	34,935.56	63.52
Electric Permits	9,000.00	6,102.00	67.80
Plumbing Permits	11,000.00	7,102.76	64.57
A/C Mechanical Permits	4,000.00	5,018.00	125.45
Garage Sale Permits	750.00	437.00	58.27
Plan Review	13,000.00	25,820.00	198.62
Permit Admin/Application Fees	7,500.00	7,785.00	103.80
Contractor Registration	6,000.00	5,360.00	89.33
Recreation Facility Rentals are higher than expected.			
Program Fees	14,000.00	7,264.88	51.89
Facility Rental	5,000.00	5,126.00	102.52



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Approval of Minutes

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

The Minutes as listed below are being provided for the Commission's review and approval.

Fiscal/Budget Impact

None.

Staff Recommendation

Approval

Attachments

- April 7, 2015 Regular Commission Meeting



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, April 7, 2015 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:00pm.

2 Roll Call

Mayor David Coviello - present
Vice Mayor Fred Jonas - present
Commissioner Bob Anderson - present
Commissioner Roxanna Ross - present
Commissioner Barbara Watts - absent (*Arrived at 7:06pm*)

Present from staff were:

Village Manager Heidi Siegel
Village Clerk Maria C. Camara
Village Attorney John Hearn
Public Services Manager Krishan Manners
Police Chief Cornelius McKenna
Finance Director Irwin Williams
Parks & Recreation Manager Shelecia Bartley
Assistant Public Works Manager Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

4.a Swearing in of Police Officers:

Corporal Nicholas Wollschlager
Officer Alfred Munoz

4.b Proclamation - April 2015 is Volunteer Month

4.c Proclamation - National Service Recognition Day

4.d Jenny Johnson-Sardella, Chair of the Charter Review Advisory Board presented the final findings of the Board to the Commission. No changes to the Charter were recommended.

- 4.e Jeff Cazeau from Becker & Poliakoff provided an update on the Annexation application:
- > Application is complete.
 - > The required number of 56 votes were obtained. Total votes collected was over 100.
 - > The County has to review the application with all their departments and then will schedule a hearing most likely in May or June.
 - > North Miami application will be heard on same day as the County wants both heard at the same time.
 - > In regards to recent Miami Herald article, it was incomplete. Have met with North Miami multiple times with multiple members of their administration and the Mayor. There were several meetings canceled by North Miami at the last minute. Last meeting was in February.
 - > Never the intent to get into a situation to object their applications, but had no recourse as there was no opportunity given to speak at the North Miami Council meeting. Strictly a procedural action and not adversary.
 - > Next step in the process is that our application will be decided on by the County Planning Advisory Board.
 - > We will speak on behalf of ours and North Miami will speak on theirs. Most likely the Planning Advisory Board will not approve either and both placed on hold.
 - > Resume discussions with North Miami to come to an agreement.
 - > Village Manager will continue to try to meet with North Miami City Manager to strategize.

5 Additions, Deletions or Withdrawals to the Agenda

Manager Siegel: Edits to the March 13th meeting minutes provided to the Commission at the dais.

6 Public Comments Related to Agenda Items / Good & Welfare

Tracy Truppman: On the explanation of the annexation process, understands the reasoning. Support item 12.b Park & Recreation ideas. Support having different activities and options for the residents. Support item 12.d on 911. On 9.a suggest you wait on the comprehensive plan until you take a look at the situation with the water pipes. These pipes are owned by North Miami and we have had six to seven breaks within the last 6 months. Believe these pipes are 50% done. We have a long road ahead in finding the finance to deal with our water issues and North Miami is not cooperating. The study on roads has to take the water issue into consideration. Not opposed to doing the assessment, but it must be comprehensive to include the water issue. Don't want to see the roads fixed, just to have them dug up to fix the water pipe problems. You were able to save us approximately \$300 in outsourcing sanitation, and I have no problem in putting that towards the assessment, but again, make it comprehensive to include the water pipes.

Peter Strowbridge: Resident for year and a half. Love the area. On All Aboard Train project, will be adding 32 more trains and all that goes with it. They are also looking at adding Tri Rail along with it. It is my back garden, all the vibration and pollution. A lot of shady dealings going on. More of a trojan horse. Will just add more freight traffic. Will reduce quality of life in Biscayne Park.

Barbara Kuhl: On different uses for the basketball court, don't know where this is coming from. A survey was done of approximately 75 persons and 23 were residents. The basketball courts are the most used facility in the park. Don't see young kids on the court. Staff needs to look for ways for others to use the court, not just 15-25 year olds that always use it. When my sons wanted to use it, they used to be locked up because we did not know how to run it. Was advised that the worst thing we could do is to add a tennis court. Need something that will allow young men to utilize and keep them off the streets. Need a good hard look at the Recreation Department. We are renting fields seven days a week. Being run to the ground. Not salvageable. Want to see the numbers for field rentals. You need to look at this before budget season. Keep seeing the budget escalating even though we are outsourcing most of the programs. As a resident I want to do things that are good and wanted by the people that live here.

Janey Anderson: Thanks the commission for taking their time on chapter 5 and looking at it carefully piece by piece. In the case of the ordinance on boats, still today after two years there are boats parked on grass who got their administrative variance because that part of the code was not taken into consideration. Take a little longer on chapter 5 to make sure everything is tied together. The backup material on the basketball courts issue was fantastic. It is not about us being non-inclusive because we are inclusive. It is about determining what we feel is the best use for the facility. Look at better scheduling for the courts and listen to the feedback that you get. Great ideas on the newsletter. But don't agree on outsourcing it. Don't see how we can garner enough advertising revenue to offset the cost. Would like to see us try an e-newsletter at least on a trial basis.

Chester Morris: We have wooden poles down 119th street that still exist after the concrete poles were added. Do what is necessary to get them removed. What is cost for annexation? We are David and North Miami is Goliath. What are we paying for the lobbyists? Invite anyone interested in becoming a Rotarian. Rotary Club donated \$1000 to the Village. We give millions from the International organization. On April 22nd, the Rotary Club has invited Manager Heidi Siegel to speak at our meeting.

Harvey Bilt: Saturday trash pick up does not make sense. Just do it on Tuesday and let them put out twice the amount. Also an idea to let residents put trash out on Sunday for Tuesday pick up. On chapter 5, seems easy, but written very complicated. Many areas do not make sense. Many things need to be looked at. What was discussed at the meetings, those changes never made it in the draft.

Chuck Ross: At Crime Watch meeting, 21 residents attended. Carmen Caldwell, Executive Director of the Miami-Dade County Crime Watch also attended. Next meeting is in May. In regards to having our own dispatch, completely on board as to why we do not have our own.

Shelecia Bartley, Parks & Recreation Manager: Upcoming events are: Community Garage Sale on April 11th; Movie Night featuring "Frozen" sing a long on May 9th; Earth Day on April 18th, along with free cat spay/neuter event; and Business Expo on May 2nd.

7 Information / Updates

7.a Month end financials for fiscal year 2013-14 as of February 28, 2015, provided by Finance Director Williams.

7.b Susan Weiss, Public Art Advisory Board member presented the Photo Contest sponsored by the Board. Will be on website and sent via e-mail blast. Winner to be selected at the Art in the Park event in May.

8 Consent Agenda

8.a Approval of Minutes
March 3, 2015 Regular Commission Meeting

8.b Acceptance of Board Minutes
Biscayne Park Foundation - February 9, 2015
Planning & Zoning Board - March 2, 2015
Planning & Zoning Board - March 16, 2015
Code Compliance - March 10, 2015
Charter Review Advisory Board - March 12, 2015
Charter Review Advisory Board - March 26, 2015
Public Art Advisory Board - March 11, 2015
Recreation Advisory Board - March 24, 2015

8.c Resolution 2015-01

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN GOLDEN GATES TUTORING AND ATHLETICS LLC. AND THE VILLAGE OF BISCAYNE PARK FOR THE PROVISION OF AN AFTER SCHOOL CARE AND SUMMER CAMP PROGRAM** AT THE ED BURKE RECREATION CENTER; PROVIDING FOR AN EFFECTIVE DATE.

8.d Resolution 2015-21

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE BAL HARBOUR VILLAGE AND THE VILLAGE OF BISCAYNE PARK;** PROVIDING FOR AN EFFECTIVE DATE

Commissioner Anderson makes a motion to approved the consent agenda and it is seconded by Vice Mayor Jonas.

All in favor: Mayor Coviello, Vice Mayor Jonas, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

9 Ordinances

9.a Ordinance 2015-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 17 OF THE CODE ENTITLED "FEES, BONDS AND CHARGES" TO **AUTHORIZE THE IMPOSITION OF A STORM WATER REPAIR/IMPROVEMENTS ASSESSMENT FEE** TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; **FURTHER AUTHORIZING THE IMPOSITION OF A ROAD REPAIR/IMPROVEMENTS ASSESSMENT FEE** TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; **REVISING SECTION 17.4 OF THE CODE ENTITLED "IMPOSITION OF SOLID WASTE MANAGEMENT FEE ASSESSMENT"**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

Attorney Hearn read the title.

Manager Siegel proved the background.

Mayor Coviello opened the meeting for public comment.

Barbara Kuhl: Not enough in the ordinance to explain what you will be voting on. Don't understand what this means. Who will prove the parameters for the numbers? Feels the back up material tells you nothing. Feels a survey costing \$150,000 will be a waste. Why will the fees be at a special meeting? Who is giving the guidelines of what type of numbers we want, or how comprehensive? Not right to set the assessments at a special meeting as fewer will participate.

Attorney Hearn explains that this ordinance is to follow the provisions of our Charter. This sets the intent of the assessment. At the next meeting the assessment fee will be discussed.

Janey Anderson: Philosophically, no issue with going forward on this. But if you want buy in to change, don't make it more difficult. Make it at a regular meeting when Comcast is here. Change has to be well managed. People will want to see improvements quickly.

Jorge Marinoni: Road improvements are very important. No problem having a special assessment for that. Everyone has a different tax due to exemptions. Having a special assessment for road improvements that we really need is a good thing. More fair and everyone will pay evenly.

Commissioner Anderson: We have the sanitation assessment for many years. Understand the need to have Special Commission meeting for the award of the contract for the log cabin project. But the new assessments should be set at a regular commission meeting.

Mayor Coviello confirms we can change the setting of the new assessments for the May regular commission meeting.

Manager Siegel explains that the assessments will be tied directly to real costs with a budget for each fund.

Commissioner Anderson makes a motion to approve Ordinance 2015-02 at first reading and it is seconded by Commissioner Ross.

Commissioner Watts: Yes

Commissioner Ross: Yes

Vice Mayor Jonas: Yes

Commissioner Anderson: Yes

Mayor Coviello: Yes

Motion carries: 5/0

9.b Ordinance 2015-03

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING** CHAPTER 13 OF THE LAND DEVELOPMENT CODE ENTITLED **"PLANNING BOARD AND LOCAL PLANNING AGENCY"**; AMENDING CHAPTER 14 OF THE LAND DEVELOPMENT CODE ENTITLED **"CODE COMPLIANCE BOARD"**; AMENDING CHAPTER 15 ENTITLED **"ENFORCEMENT"**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

Attorney read the title and provided the background.

Mayor Coviello opened it to public comment:

Gary Kuhl: Attorney provided a draft of the proposed changes. Agrees with the staggering of the terms of the board members. Additionally:

1. Board suggest that on certain violations, change the process to get a courtesy notice, then citation: trash/garbage out on wrong day, storage of waste containers, parking on lawns, overgrown lawns and shrubs, shrubs blocking traffic.

Attorney Hearn explains that if it is a repeat violation and easily correctable, there is a citation process in other cities. Can propose language for second reading.

2. On transfer of property, advise seller of any outstanding fines. Make sure we keep up with fines.

On enforcing liens, administration is working on.

3. When a fine reduction is brought to the board, does not want the Code Officer to make any recommendations on the amount of the fine.

Manager Siegel explains that currently a form is being used by the Code Officer that provides the property owner the ability to make their offer which is then brought before the board for their consideration.

4. Board can ask for interest on unpaid fees. Should be a part of the ordinance.

Attorney Hearn states that interest rate can be added.

Commissioner Ross: Add explanation of 'LDC' in the ordinance; on 13.1.1, confirm the correct language.

Commissioner Ross: Ordinance 2012-09 was passed that set certain provisions. This new ordinance makes changes to what was previously passed.

After discussion, there is consensus to have staggered terms for both boards, Planning & Zoning and Code Compliance.

Commissioner Anderson makes a motion to approve Ordinance 2015-03 at first reading and it is seconded by Vice Mayor Jonas with the agreed upon changes.

Commissioner Ross: On 14.1.3, keep the encouragement of having professionals on the board; that board members are property owners and residents; on page 11 of 18, utilize the word "notice" as was originally in the code.

The motion is called to a vote:

Commissioner Anderson: Yes

Vice Mayor Jonas: Yes

Commissioner Ross: Yes

Commissioner Watts: Yes

Mayor Coviello: Yes

Motion carries: 5/0

10 Resolutions

< None >

11 Old Business

11.a Chapter 5 Proposed Code Changes

Mayor Coviello reviewed the points on Attorney Hearn's memorandum.

Commissioner Anderson: On required parking spaces for units, confirms it only applies to new construction.

Harvey Bilt: On existing driveways, the 30' setback should only be for new construction. If criteria cannot be met for existing, make it an administrative variance.

Commissioner Ross: On gravel driveway and the 8" border, change it to a suitable boarder to contain the gravel.

Mayor Coviello: For the next meeting, what can be planted in swales and the liability for removing trees.

12 New Business

12.a Board Member Applications

Ximena Datorre was appointed to the Public Art Advisory Board and Tom Pliske was re-appointed to the Ecology Board.

12.b Discussion on the basketball courts and possible alternative uses - As requested by Mayor Coviello

Manager Siegel provided the background and the survey results conducted during the last three months. Will be conducting a more formal survey soon. Will continue to speak with basketball court users, look at lighting ideas, and exercise equipment.

Mayor Coviello: Go forward with poll, suggest having a community workshop.

There is consensus to honor the commitment with the Soccer Camp group until the end of the school year. Immediately suspend the use of the field by groups of 12 or more indefinitely until field is restored. Provide signage to advise visitors.

12.c Consider the format and content of the Village Newsletter - As requested by Commissioner Ross

Commissioner Ross provided background and suggested changes.

Clerk Camara provided cost of printing and mailing the newsletter through outside printing company utilized by the County.

Consensus to move forward with print and mailing for next edition and to incorporate more departmental information.

Vice Mayor Jonas leaves meeting at 10:16pm.

12.d Emergency (9-1-1) and non-emergency (305-4-POLICE) contact numbers for Biscayne Park Police calls and Miami-Dade County Dispatch network - As requested by Commissioner Ross

Chief Cornelius had a short video presentation, but consensus was to defer the presentation to the May meeting and place it at the beginning of the meeting.

13 Request for Placement of Items on Next Meeting Agenda

< None >

14 Reports

14.a Village Manager:

> Will continue to work with North Miami City Manager on annexation issue and continue to move forward.

> On log cabin restoration, currently out to bid and will attend County Historic preservation board.

> A change order will be required on the civil plans on site drainage. Working on the most cost effective proposal. Any change order over \$10,000 will have to be brought forward to the Commission.

14.b Attorney Hearn:

Provided an update on the case regarding former FHP Officer Donna Watts.

14.c Board / Committee Reports

< None >

15 Announcements

Wednesday, April 8th - Public Art Advisory Board at 6:00pm

Wednesday, April 8th - Parks & Parkway Advisory Board at 6:00pm

Saturday, April 11th - Community Garage Sale from 8:00am to 12:00pm

Monday, April 13th - Code Compliance Board at 7:00pm

Monday, April 13th - Biscayne Park Foundation at 7:00pm

Friday, April 17th - Volunteer Appreciation Breakfast at 8:00am

Saturday, April 18th - FREE Cat Spay/Neuter Event from 7:30am to 12:00pm

Saturday, April 18th - Earth Day from 9:00am to 11:30am

Monday, April 20th - Ecology Board at 6:30pm

Monday, April 20th - Planning & Zoning Board at 6:30pm

Tuesday, April 28th - Recreation Advisory Board at 7:00pm

Saturday, May 2nd - Business Expo at 10:00am

Monday, May 4th - Planning & Zoning Board at 6:30pm

The next regular commission meeting is Tuesday, June 2, 2015, at 7:00pm.

15 Adjournment

The meeting was adjourned at 10:39pm.

Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Acceptance of Board Minutes

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

The Board Minutes as listed below are being provided for the Commission's review and acceptance. If the minutes provided have not yet been approved by the Board, they are noted as DRAFT.

Staff Recommendation: Acceptance at Consent

Attachments

- Ecology Board - March 16, 2015 DRAFT
- Biscayne Park Foundation - March 11, 2015 DRAFT
- Planning & Zoning Board - April 6, 2015
- Planning & Zoning Board - April 20, 2015 DRAFT
- Joint Parks & Parkway and Public Art Advisory Board - April 2, 2015
- Code Compliance Board - April 13, 2015 DRAFT
- Public Art Advisory Board - April 8, 2015 DRAFT
- Code Compliance Board Special Meeting - April 27, 2015 DRAFT
- Recreation Advisory Board - March 24, 2015
- Recreation Advisory Board - April 28, 2015 DRAFT



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161
Tel: 305 899 8000
Fax: 305 891 7241

Board Members

Carmen DeBernardi
Chair

Luca Bronzi
Tom Ferstle
Tom Pliske
Richie Strassberg

MINUTES Ecology Board Ed Burke Recreation Center 11400 NE 9th Court, Biscayne Park, FL

March 16, 2015

- 1. Call to Order** - The meeting was called to order at 6:32 p.m.
- 2. Roll Call** - Tom Pliske, Tom Ferstle, Richie Strassberg, Luca Bronzi.
- 3. Additions, deletions and withdrawals** - None.
- 4. Approval of Minutes** - The minutes of the previous meeting were read and approved.
- 5. New Business** - Tom Ferstle was introduced as the Board's new member. The selection of Chair and Vice Chair was postponed to the next meeting. The Board discussed potential Earth Hour and Earth Day events with Shelecia Bartley, Parks & Recreation Manager, including the steps necessary to replanting and maintaining the Village's butterfly garden.
- 6. Old Business** - The Board discussed alternate sources for plants for the Native Plant Sale, including Urban Habitat.

The Board discussed the logistics of the Canal Cleanup Event and of possibly holding the event during Earth Day.
- 7. Public Comments** - None.
- 8. Announcements** - The next meeting will take place on Monday April 20, at 6:30 p.m. at the recreation center.
- 9. Adjournment** - The meeting was adjourned at: 7:08

Minutes taken by Luca Bronzi

Minutes approved by: _____

On this _____ day of _____, 2015.



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

www.biscayneparkfl.gov
www.BiscayneparkFoundation.org

BISCAYNE PARK FOUNDATION MINUTES

Monday, March 11, 2015 at 7:00PM
Ed Burke Recreation Center
11400 NE 9th Court Biscayne Park, FL 33161

Board Members

President
Supreme Dorvil

Vice president
Jorge Marinoni

Treasurer
Joe Chao

Secretary
Marie Smith

Dorvil called the meeting to order 7:14p.m.

Roll Call: Board members: Supreme Dorvil, Joe Chao, Jorge Marinoni, Marie Smith present. In attendance, Krishan Manners and RAB member Dan Samaria.

Additions/deletions: Sylvia Linke resignation.

Approval of Minutes: Feb 9, 2015: Motion by George Marinoni, seconded by Marie Smith. Motion passed.

Treasurer's Report: RAB representative requested a check for \$400 from the Foundation account for two bathroom vanities. Balance left in RAB account after deduction is \$306.00. The Foundation donated \$50 Rec center for basketball netting. Two \$150 checks were written and donated to the two recipients of the BP employee of the year award. **Approval of Treasurer's Report:** Motion by Jorge Marinoni and seconded by Marie Smith. Motion passed.

Old Business:

Car/motorcycle show: March 7, 2015. Operated at a loss of \$160.

Food & Tunes: St. Patrick's Day Celebration: Sat, March 7th event was cancelled due to weather. Entertainment had a secure deposit of \$100 and event is rescheduled for April 4th. Jorge Marinoni was reimbursed \$188.31 for purchase of wine, beer, and cups for the event.

May 2, Cinco de Mayo Celebration: Joe Chao to research the entertainment and to report at the next meeting.

Lighting of Rec center: Krishan Manners plan to have an estimate for the Foundation by next meeting.

Sylvia Linke Resignation: Letter was submitted to the Foundation by Sylvia announcing her resignation from the BPF.

Next meeting: Monday, April 13th, 2015 @ 7:00 p.m.
Meeting Adjourned at 8:30p.m.

Minutes approved by the Board on _____.

Supreme Dorvil, President

Marie Smith, Secretary



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

MINUTES
PLANNING & ZONING BOARD MEETING
Ed Burke Recreation Center
11400 NE 9th Court – Biscayne Park, FL
Monday, April 6th, 2015 at 6:30pm

**PLANNING &
ZONING BOARD**

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Elizabeth Hornbuckle
Doug Tannehill

Alternate
Mario Rumiano

1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung – Chair Member – present
Andrew Olis – Vice Chair – present
Doug Tannehill – Board Member – present
Elizabeth Hornbuckle – Board Member – absent
Shanesa Mykoo, Krishan Manners and Sal Annese – staff attendance - present

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

4. APPROVAL OF MINUTES

March 16th, 2015

Motion by D. Tannehill, seconded by A. Olis and approved 3-0

5. PAINT PERMITS

- a. Rousselot – 11660 NE 8th Ave
Motion by A. Olis, seconded by D. Tannehill and approved 3-0
b. Del Valle – 12002 NE 8th Ave
Motion by A. Olis, seconded by D. Tannehill and approved 3-0

6. BUILDING PERMITS

- a. B & L Reality – 1055 NE 120th St – Replace garage door
Motion by D. Tannehill, seconded by A. Olis and approved 3-0
b. Camara – 820 NE 115th St – Window and garage door replacement
Motion by D. Tannehill, seconded A. Olis and approved 3-0
c. Mullen – 528 NE 121st – Remodel driveway
Motion by D. Tannehill, seconded by A. Olis and approved 3-0
d. Barchan – 971 NE 111th St – New fence
Motion by D. Tannehill, seconded by A. Olis and approved 3-0
* Approved as amended
e. Castiglia – 11660 NE 8th Ave – Driveway
Motion by A. Olis, seconded by D. Tannehill and approved 3-0
e.a. Castiglia – 11660 NE 8th Ave – Fence installation
Motion by A. Olis, seconded by D. Tannehill and approved 3-0
f. Eskenazi – 11215 NE 8th Ave - Concrete driveway
Motion by A. Olis, seconded by D. Tannehill and denied 3-0
*Not within setback
g. Datorre – 11600 NE 11th PI – Wood fence
Motion by A. Olis, seconded by D. Tannehill and approved 3-0
h. Prendes – 12005 NE 12th Ct – Reroof
Motion by A. Olis, seconded by D. Tannehill and approved 3-0
i. Scotese – 921 NE 108th St – Window replacement
Tabled – Bathroom window needs to be changed to a casement window
j. Massarelli – 10917 NE 9th Ave – Replace windows
Motion by D. Tannehill, seconded by A. Olis and approved 3-0
k. Flint – 12055 NE 9th Ave – Install shed
Motion by D. Tannehill, seconded by A. Olis and approved 3-0
*approved as amended



The Village of Biscayne Park

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- I. Pena – 760 NE 116th St – Replace windows
Motion by D. Tannehill, seconded by A. Olis and approved 3-0
- m.Parris -846 NE 116th St – Replace windows
Tabled – Need clarification on windows
- n.Yiannakov – 930 NE 109th St – Replace windows
Motion by A. Olis, seconded by D. Tannehill and approved 3-0

7. Administrative Variance

None

The next meetings of the Planning & Zoning Board are Monday, April 20th, 2015 and Monday, May 4th, 2015.

8. ADJOURNMENT

This meeting was adjourned at 7:25 p.m.

Minutes approved on: _____

(Date)

By: _____

Gage Hartung, Chair Planning & Zoning Board



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

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PLANNING & ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Elizabeth Hornbuckle
Doug Tannehill

Alternate
Mario Rumiano

MINUTES PLANNING & ZONING BOARD MEETING Ed Burke Recreation Center 11400 NE 9th Court – Biscayne Park, FL Monday, April 20th, 2015 at 6:30pm

1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung – Chair Member – present
Andrew Olis – Vice Chair – present
Doug Tannehill – Board Member – present
Elizabeth Hornbuckle – Board Member – present
Shanesa Mykoo, Krishan Manners and Sal Annese – staff attendance - present

3. ADDITIONS, DELETIONS OR DISCUSSIONS TO ORDER OF BUSINESS

a. Tunnell – 733 NE 118th St

4. APPROVAL OF MINUTES

April 6th, 2015

Motion by A. Olis, seconded by D. Tannehill and approved 4-0

5. PAINT PERMITS

a. Coble – 11709 NE 11th Ave

Motion by A. Olis, seconded by E. Hornbuckle and denied 4-0

b. Andino – 903-905 NE 111th St

Motion by A. Olis, seconded by D. Tannehill and denied 4-0

6. BUILDING PERMITS

a. Larkee – 1010 NE 118th St – Install back door

Motion by E. Hornbuckle, seconded by A. Olis and approved 4-0

a.a. Larkee – 1010 NE 118th St – Shed with cement foundation

Motion by E. Hornbuckle, seconded by D. Tannehill and approved 4-0

b. Minkin – 1050 NE 121st St – According shutters

Motion by E. Hornbuckle, seconded by A. Olis and approved 4-0

c. Arias – 831 NE 109th St – Remodel driveway

Motion by A. Olis, seconded by D. Tannehill and approved 4-0

c.a. Arias – 831 NE 109th St – Replace windows and doors

Motion by D. Tannehill, seconded by E. Hornbuckle and approved 4-0

d. Guzman – 11414 NE 9th Ave - Reroof

Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0

e. McNeil – 11935 NE 12th Ct -Reroof

Motion by E. Hornbuckle, seconded by A. Olis and approved 4-0

f. Singer – 11724 NE 11th Pl – Replace windows

Motion by D. Tannehill, seconded by A. Olis and approved 4-0

g. Coetzee – 859 NE 115th St – Deck remodel and aluminum panels
(after the fact)

Motion by D. Tannehill, seconded by A. Olis and approved 4-0

h. Green Shutters LLC – 941-943 NE 107th St – Reroof

Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0

i. Scotese – 921 NE 108th St – Replace windows

Motion by D. Tannehill, seconded by E. Hornbuckle and approved 4-0

j. Tannehill – 750 NE 112th St – Replace windows

Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0

- D. Tannehill recues



The Village of Biscayne Park

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7. Administrative Variance

None

The next meetings of the Planning & Zoning Board are Monday, May 4th, 2015 and Monday, May 18th, 2015.

8. ADJOURNMENT

This meeting was adjourned at 6:57 p.m.

Minutes approved on: _____
(Date)

By: _____
Gage Hartung, Chair Planning & Zoning Board



PARKS &
PARKWAY
ADVISORY BOARD

Dan Keys
Barbara Kuhl
Kimberlee Misek
Robert Silverman
Randy Wagoner

PUBLIC ART
ADVISORY BOARD

Veronica Fascie
Karen Marinoni
Susan Weiss

**MINUTES
JOINT MEETING OF THE
PARKS & PARKWAY ADVISORY BOARD
and
PUBLIC ART ADVISORY BOARD**

**Ed Burke Recreation Center, 11400 NE 9th Ct., Biscayne Park, FL
Thursday, April 2, 2015 at 6:30PM**

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 6:30pm. Present were board members Dan Keys, Barbara Kuhl, Robert Silverman, Randy Wagoner, Karen Marinoni, and Susan. Present from Staff were Heidi Siegel, Village Manager, Krishan Manners, Public Services Manager, and Maria Camara, Village Clerk.

Barbara Kuhl makes a motion to appoint Dan Keys as the Chair and it is seconded by Randy Wagoner. Motion passes 6/0.

2. AGENDA ADDITIONS AND DELETIONS – None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) – None

Prior to comments from the Public, Manager Siegel provided the background on the project. Financing of \$50,000 obtained through Miami Dade County, who look to have the project completed by end of July. Funding can only be used for signage and landscaping. RFQ 2015-02 was issued on Jan. 28, 2015 and two (2) bids were received, which were then presented to the Review Committee consisting of Heidi Siegel, Krishan Manners and Dan Keys. The contract was awarded to Savino Miller ** Design.

Adriana Savino and Barry Miller from Savino & Miller Design Studio were in attendance at the meeting.

Janey Anderson: Likes the sign. How true to the color as represented in the sketch?

Adriana Savino explained they are looking for a rustic color.

Gary Kuhl: Concerned that the birds would invite vandalism.



Jorge Marinoni: Concerned with sharp edges.

Andrew Olis: Better to have a break-away sign

Commissioner Barbara Watts: Was any other font considered?

Susan Weiss: Likes the design and interchanging of birds. Perhaps consider a squirrel.

Junior Fuenmayor: Concerned with plant suggestions and durability.

4. NEW BUSINESS

a. Community Signage and Landscape Project

Dan Keys: As discussed at the Parks & Parkway Advisory Board –

- Concern if lettering will read which is dependent of plant materials behind it.
- On sign material, where it goes into the base, steel has certain durability and what is durability when it meets the concrete.
- Were any other materials considered with better durability.
- Is curbing considered as necessary.
- Will base be flush with the ground.
- What are other site locations that have the corten steel.
- Is the provision of a curb a requirement.

Barry Miller: Strongly suggests curb for protection of sign and landscaping. Will look into a break-away sign for liability purposes.

- Does the front of the sign need to be lit.
- Was there consideration to have a sign taller than 5'.

Manager Siegel confirms that Village code will dictate the size, but will look at County Code as well.

Commissioner Watts confirms that all sizes will be the same size.

Barry Miller will do a mock-up of the sign to gauge the visibility of landscaping behind it.

Junior Fuenmayor: Will it change the look if you just improve the lettering?

Adriana Savino: By adding another material, or improve lettering, it will add cost and create problems.

Dan Keys: Suggests a location for a sign at Village entrance on southern border on golf course side.



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

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Dan Keys: Due to required landscaping maintenance, suggest a paving material, ie, slabs, to open up view to the base of the sign.

Dan Keys: On idea of birds, how do you see it as a critical element?

Adriana Savino: Thought process is that it is an important part of the sign to represent the Village and to give character and whimsy.

Barbara Kuhl: Likes the sign a lot and the birds. Gives it character. Asks that the birds used are those found in Biscayne Park and native to South Florida. On curb, it will clean up the end and set off the sign. Rather do a good job with a good curb.

Dan Keys: Consider a scale of plant material to the sign. Do not put a restriction on Savino & Miller to only choose native planting. Consider irrigation requirements. Would like plant material to be what we can duplicate thematically on other portions of medians. Will plant material schemes all be the same.

Adriana Savino: Could consider doing different on certain streets. Sun, shade, visibility also a consideration.

Gary Kuhl: Started with a theme of native plants in the Village and should continue that theme.

Commissioner Anderson: Would like to see lighting in back to lighten up the lettering.

Manager Siegel: The time frame is for Savino & Miller to go back and work on design. Then bring final design for Commission approval at the May 5th meeting.

5. ADJOURNMENT – Meeting was adjourned at 7:31pm.

These are the minutes of the FINAL meeting of the Joint Parks & Parkway Advisory Board and Public Art Advisory Board. No subsequent meeting was scheduled to allow for the formal approval of the minutes.



**CODE
COMPLIANCE
BOARD**

**Gary Kuhl
Chairman**

**Harvey Bilt
Dale Blanton
Linda Dillon
Jenny Johnson-
Sardella**

The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161
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**MINUTES
CODE COMPLIANCE BOARD
Ed Burke Recreation Center
11400 NE 9th Court – Biscayne Park, FL
Monday, April 13th, 2015 at 7:00pm**

1. CALL TO ORDER

This meeting was called to order at 7:00 p.m.

2. ROLL CALL

Gary Kuhl – Chair – present
Harvey Bilt – Vice Chair – present
Dale Blanton – present
Linda Dillon – present
Jenny Johnson – Sardella – present
Staff attendance - Reginald White, Shanesa Mykoo and Krishan Manners

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

- Addition of item 6.a.

4. APPROVAL OF MINUTES

March 10th, 2015

Motion by D. Blanton, seconded by H. Bilt and approved 5-0

5. NEW BUSINESS

- a. Jo Beth Thomas – 665 NE 116th St – Non – approved pointed pyramid shaped dome markers: Case# 15-0191
- Motion by L. Dillon, seconded by J. Sardella and approved 5-0
- In compliance, case closed.
- b. Joan C Thompson – 750 NE 116th St – Dirty roof and discolored exterior surfaces of the house. Case# 15-0183
- Motion by D. Blanton, seconded by L. Dillon and approved 5-0
- Not in compliance and postponed 3 months to be in compliance with code.
- c. Carolyn Jobson & H. Anthony Wisdom – 11000 NE 9th Ave - Dirty and molded roof: Case# 15-0123
- Motion by D. Blanton, seconded by H. Bilt and approved 5-0
- Not in compliance, fine of \$50 and daily fine of \$10 effective April 14th, 2015.
- d. Rene Alvarez & W. Rosalba – 981 NE 113th St - Dilapidated and dirty fence: Case# 15-0078
- Motion by L. Dillon, seconded by H. Bilt and approved 5-0
- Not in compliance, postponed until May 11th, 2015.
- e. Ludwig Nicholas Ladas II – 713 NE 119th St – Dirty roof and chimney, foliage is overgrown on the house: Case# 14-0312
- Motion by D. Blanton, seconded by J. Sardella and approved 5-0
- Case closed.
- f. Juan Casuso – 11921 NE 8th Ave – Dirty roofline and chimney: Case# 15-0130
- Motion by D. Blanton, seconded by L. Dillon and approved 5-0
- In compliance, Case closed.
- g. Michael Watson & W Maria Del Pilar - 11433 NE 6th Ave– Dirty roof: Case# 15-0201
- Motion by J. Sardella, seconded by H. Bilt and approved 5-0
- In compliance, case closed.
- h. Nationstar Mortgage LLC – 1016 NE 117th St – Dirty and discolored exterior surfaces of the house and surfaces of the house and chimney: Case# 15-0108
- Motion by D. Blanton, seconded by J. Sardella and approved 5-0
- Not in Compliance, \$50 fine and daily \$10 fine effective April 14th, 2015.



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6. OLD BUSINESS:

- a. 11770 Griffing Blvd – Arthur Whitelaw Neitlich – Overgrowth of vines on the white lattice: Case# 15-0052
-Motion by D. Blanton, seconded by J. Sardella and approved 5-0
-In compliance, case closed.
- b. 1002 NE 116th ST – Linda Domin – Front yard needs maintenance – Case# 14-0350
-Motion by L. Dillon, seconded by J. Sardella and approved 5-0
- Postponed until May 11th, 2015.

7. FINE REDUCTION

- a. Miguel G Negrete – 11601 NE 10th Ave – Electrical work done without a permit in regards to the accessory structure: Case# 14-0409
-Motion by H. Bilt, seconded by J. Sardella and approved 4-1 (G. Kuhl opposed vote)
-In compliance, resident needs to pay \$375.00 within 30 days on or by May 14th, 2015.

8. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING

The next meeting of the Code Compliance Board is Monday, May 11th, 2015.

9. ADJOURNMENT

This meeting was adjourned at 7:40 p.m.

Minutes approved on _____

By: _____
Gary Kuhl, Chair



PUBLIC ART
ADVISORY BOARD

Ximena Datorre
Karen Marinoni
Susan Weiss

MINUTES
PUBLIC ART ADVISORY BOARD
Ed Burke Recreation Center, 11400 NE 9th Ct., Biscayne Park, FL
Wednesday, April 8, 2015 at 6:00PM

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 6:07pm. Present were board members Karen Marinoni, Susan Weiss and Ximena Datorre. Also present was Village Clerk Maria.

The Board welcomed new member, Ximena Datorre.

2. AGENDA ADDITIONS AND DELETIONS – None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) – None
4. APPROVAL OF MINUTES – Karen Marinoni makes a motion to approve the minutes of March 11, 2015, and it was seconded by Susan Weiss. All in favor. Motion carries 3-0.
5. OLD BUSINESS –
 - a. Status of sculpture for pet waste station locations: Since prior board members who were working on this project no longer on the board, the current board will begin the search again on who can fabricate and the cost. To be added at next month's meeting agenda.
 - b. Call to Artists: This project has been tabled for now until there is a full board.
 - c. Photo Contest: Board member Susan Weiss presented the idea at the April 7th Commission meeting and it was accepted. Clerk Camara to post on website and send an e-mail blast to begin the contest. It was agreed that board members and Village employees can enter the contest since winners will be selected by public voting.
6. NEW BUSINESS – <None>



The Village of Biscayne Park

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7. NEXT MEETING DATE – Wednesday, May 13, 2015, at 6:00pm.
 8. ADJOURNMENT – Meeting was adjourned at 6:30pm.
-

Minutes approved on _____.



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

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CODE
COMPLIANCE
BOARD

Gary Kuhl
Chairman

Harvey Bilt
Dale Blanton
Linda Dillon
Jenny Johnson-
Sardella

MINUTES

Special Meeting

CODE COMPLIANCE BOARD

Ed Burke Recreation Center

11400 NE 9th Court – Biscayne Park, FL

Monday, April 27th, 2015 at 7:00pm

1. CALL TO ORDER

This meeting was called to order at 7:45 p.m.

2. ROLL CALL

Gary Kuhl – Chair – present
Harvey Bilt – Vice Chair – absent
Dale Blanton – present
Linda Dillon – present
Jenny Johnson –Sardella – absent

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

4. APPROVAL OF MINUTES

5. NEW BUSINESS

6. OLD BUSINESS:

7. FINE REDUCTION

- a. Lucita Compere – 11251 NE 11th PL: Case# 02-355, 03-192, 03-195, 03-196, 03-197, 05-191.
-Motion by D. Blanton, seconded by L. Dillon and approved 3-0
Fine reduced to \$20,000, seller has 60 days to pay fine regardless if property is closed.
Effective April 27th, 2015.

8. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING

The next Code Compliance Board meeting is Monday, May 11th, 2015.

9. ADJOURNMENT

This meeting was adjourned at 8:15 p.m.

Minutes approved on _____

By: _____

Gary Kuhl, Chair



RECREATION
ADVISORY BOARD

Dan Samaria
Chairman

Ivette Cordero
Elizabeth Goldman
Andrew Hahn
Rosemary Wais

MINUTES

RECREATION ADVISORY BOARD

Ed Burke Recreation Center, 11400 NE 9th Ct., Biscayne Park, FL
Tuesday, March 24, 2015 at 7:00PM

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 7:10pm. Present were board members Dan Samaria, Andrew Hahn, Elizabeth Goldman, Ivette Corredero and Rosemary Wais. Also present was Parks and Recreation Manager Shelecia Bartley.
2. AGENDA ADDITIONS AND DELETIONS - None
3. APPROVAL OF MINUTES –No minutes were approved.
4. NEW BUSINESS –
 - a. At the beginning of the meeting all of the board members introduced themselves to the public. Dan Samaria was re-elected Chairman of the board. Motion was made by Elizabeth Goldman. Seconded by Ivette Corredero. All in favor 5/0. Elizabeth Goldman was elected Vice Chair. Motion made by Chairman Samaria, seconded by Ivette Corredero. Motion carried 5/0. Manager Bartley was elected to take the minutes. Motion made by Rosemary Wais, seconded by Andrew Hahn. Motion carried 4/1. Chairman Samaria voted no. A change was noted by Ivette Corredero that her name was misspelled and need to be corrected.
 - b. Board Discussed what has been done in the past for Earth Hour. Motion made by Chairman Samaria to take over the event next year. Motion was seconded by Elizabeth Goldman. All in favor 5/0.
 - c. Board discussed the upcoming community yard sale. Manager Bartley gave information (date, time, cost) to participate in the event. Board suggested asking fellow residents to donate items to the recreation board so they can sell it and donate the proceeds to the recreation center. Manager Bartley also informed the board about the Villages Earth Day event on April 18th from 9am-noon. Board decided to have a kids' corner (Arts and Crafts center) and would provide a banner for the youth to decorate.
 - d. Board members asked the Chairman Samaria: What is the purpose of the board? What is their function? What is expected of them?



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

What do they do? The board determined that each member would go home and next meeting report what the purpose of the board is. Board also requested that the Park Manager create a wish list of items that the recreation center needs.

5. OLD BUSINESS –

- a. Egg Hunt- Board discussed their role in the egg hunt. They will have a table at the egg hunt event and have an egg guessing contest. Manager Bartley also provided an update on the event.

- b. Chairman Samaria provided the board with an update on the popcorn machine and informed board that the acrylic door was replaced and the bottom door on the machine was replaced for free by the company.

6. NEXT MEETING DATE – Tuesday, April 28th, 2015, at 7:00pm

7. PUBLIC COMMENT- Jared Susi: inquired about the park getting a tennis court and exercise equipment. The board members also agreed that exercise equipment might be a way to draw more residents to the park.

8. ADJOURNMENT – Meeting was adjourned at 8:20pm.

Minutes approved on _____ 4/28/15 _____.



RECREATION
ADVISORY BOARD

Dan Samaria
Chairman

Ivette Cordero
Elizabeth Goldman
Andrew Hahn
Rosemary Wais

MINUTES
RECREATION ADVISORY BOARD
Ed Burke Recreation Center, 11400 NE 9th Ct., Biscayne Park, FL
Tuesday, April 28, 2015 at 7:00PM

1. CALL TO ORDER- The meeting was called to order at 7:05pm.
2. ROLL CALL – Present were board members Dan Samaria, Andrew Hahn, Elizabeth Goldman and Rosemary Wais. Ivette Corredero was absent.
3. AGENDA ADDITIONS AND DELETIONS –Additions: 5B. Movie Night Discussion, 5C. Meet with other boards to discuss fund raising, 6D. Purpose of Board Discussion Results
4. APPROVAL OF MINUTES –Motion was made by Chairman Samaria to accept the Minutes from the March 24th meeting with the following corrections to be made: Introduction of board members, that each board member is to state what they feel the purpose of the board is, the correct spelling of Ivette Corredero's last name as well as the change of the start time of meeting to 7:10pm. Second by Elizabeth Goldman. All in Favor 4-0.
5. NEW BUSINESS –
 - a. Dan Samaria brings up the discussion of having the BP Foundation to sell Beer/Wine at RAB sponsored Events. Reads an email from BP Foundation Treasurer Joe Chao. Chairman Samaria makes a motion to allow the BP Foundation to selling Beer/Wine at RAB sponsored events as long as it's not events involves children. Seconded by Andrew Hahn. All in Favor 4-0.
 - b. Board Discussed Movie Night event and having a table. Rosemary Wais makes a motion to have a table at the Movie Night on May 9th. Andrew Hahn Seconds the motion. All in Favor 4-0.
6. OLD BUSINESS –
 - a. Egg Hunt- Board discussed their role in the Egg Hunt. Chairman Samaria informed the board that his personal business Creepy Critters collected \$102 and Commissioner Heyman donated \$20. The monies collected will be donated and a check will be written out



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to the Village. It was also discussed for the prize counting that should be moved to earlier in the event to accommodate the children.

- b. Rosemary Wais introduces a procedure to donate money to the Village on behalf of the Recreation Board and this policy was mentioned that it can be used by any organization that wants to donate money can use this procedure. There was consensus to have Chairman Samaria discuss the proposed procedure with the Village Clerk.
- c. Rosemary Wais introduces the Annual Biscayne Park Bike Race. Board discussed all of the materials (helmets, flags), staff (officers, photographer), and things (numbers, prizes, etc.) needed to have the bike event. Chairman Samaria made a motion to make the entry fee \$2. No one seconded the motion. Motion fails for lack of second. Chairman Samaria stated that his company will donate the water and snack for the participants. A new motion was proposed by Chairman Samaria for a \$5 entry fee. It was seconded by Andrew Hahn and all in favor 4-0. Chairman Samaria makes a motion that Rosemary Wais will delegate tasks/assignments for the bike race event. Seconded by no one. Motion fails for lack of second. Chairman Samaria makes a motion to give out medals instead of trophies. Seconded by Elizabeth Goldman. All in favor 4-0.
- d. Expectations of the board:

Rosemary Wais: Make sure that everyone works to better the atmosphere of the recreation center, promote and participate in events.

Elizabeth Goldman: Assist the Village in growing the recreation center, sports, events, etc. Recognize the needs of the park, and create ideas and help get ideas implemented.

Andrew Hahn: Highlight the RAB involvement in the community, become a Q & A resource to the community. Also get a profile page on the website for the RAB to relay information as well as to get feedback from families in the community as to why they moved to the Village and what would entice them to come to events at the park. It was observed that the board could use Commissioner Ross as a resource to get RAB information out to the community.

Chairman Samaria wants to get the agenda out a week before the meeting. Chairman Samaria wants the board to give advice and suggestions to the commission to make recreation better. He also



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will be going in front of the various boards to speak to them about group fundraising.

7. PUBLIC COMMENT- No Public Comment
8. NEXT MEETING DATE – Tuesday, May 26th, 2015, at 7:00pm
9. ADJOURNMENT – Motion made by Rosemary Wais. Second by Elizabeth Goldman. All in Favor 4-0 .

Meeting was adjourned at 8:15pm.

Minutes approved on _____.



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Resolution 2015-25

Prepared By: Heidi Siegel, Village Manager

Sponsored By: Staff

Background

The Village's current employee health benefit plan with Coventry Health Care of Florida, American Fidelity Assurance Group, and Unum Life Insurance will expire on May 31, 2015. Renewal is due effective June 1, 2015.

The current policy with Coventry Health Care of Florida provides medical benefits along with a basic dental and vision plan all combined under one plan. The cost of the monthly premium for employees of both the health and "gap" plan are paid 100% by the Village. Any spousal, domestic partner or dependent coverage is paid 100% by the employee. Twenty-four employees are currently provided medical insurance by the Village. The current monthly premium for employees is \$457.24. This plan has a deductible of \$5,000. Due to the high deductible under the Coventry Plan, the Village also provides a "gap" plan with American Fidelity Assurance Group which would reimburse out of pocket expenses such as in the case of the deductible. The monthly rate for employees is \$34.32, \$54.90 or \$93.14 based on the employee's age.

Frequent feedback from employees regarding the Village's benefits is the quality of our healthcare program. The high deductible, limited network, complicated "gap" plan program and plan limitations discourages employees from using the plan.

May 5, 2015

Commission Agenda Report

Resolution 2015-25

The Village Manager began the process of reviewing quotes with Employee Health Benefits (EBS), our Benefits Consultants, by setting the following parameters: a better plan, cost efficiencies for the Village and lower deductible. These parameters were set with the goal of a proactive healthy workforce and to address the frustration that many employees do not use this expensive budgeted benefit due to its limitations.

The Village administration reviewed nine potential plans with EBS, including a quote from the Florida League of Cities Florida Municipal Insurance Trust (FMIT). Upon narrowing the selection down to four plans, a roundtable was held with a sampling of employees from all areas of Village employment. After a review of the plans, the two Aetna plans were selected.

Under this proposal, two plans will be offered to employees: \$1,000 deductible with 80% (high plan) coverage and \$2,000 deductible with 100% coverage (low plan). The low plan will be the basic plan provided by the Village. Employees will have an option to upgrade to the high plan by paying the difference in the plans.

In the recent past the Village has paid 100% of the premium of the basic plan for all Village employees. Due to the fact that there was no employee contribution to the basic plan, Village employees were not allowed to opt out of the insurance program; hence, the paid for the employee's premium even if they had insurance through spouse or domestic partner, through a previous employer, etc.

The following program changes are proposed by the Village Manager for the upcoming renewal:

- Selection of Aetna as the Village's insurance provider.
- Designate the low plan as the basic plan.
- Require an employee contribution of \$10 per pay period by all general employees for the basic plan. Currently, employees under collective bargaining (police and public works) will have the basic plan provided at no cost to the employee per their collective bargaining agreements. Including the employee

May 5, 2015

Commission Agenda Report

Resolution 2015-25

contribution will allow the employees to opt-out of coverage and reduce the Village's premium.

- Employees who wish to upgrade to the high plan will contribute regardless whether they are a general employee or collective bargaining unit employee.
- The "gap" plan will be eliminated. Village employees can still participate at their own cost in Aflac.
- Allow all employees to "opt-out" of the Village insurance program.
 - Provide employees who opt-out a \$1,500 coverage year incentive that can be applied towards their non-Village health coverage.

The current \$15,000 life insurance policy is with Unum Life Insurance. The monthly rate for employees is \$5.85. There is no increase in this rate.

A "buy up" plan for dental and vision is also available through Solstice and the employee is responsible for the entire cost of those plans if they choose to select them.

Based on the program outlined about this will be a 10.18% increase to the Village for annual premium with a better plan offering for employees, as opposed to a 16.25% increase last year with no plan design changes. During the Fiscal Year 2014-2015 budget preparations a 15% increase was included for the months of June - September. Additionally, the cost of the gap plan to the Village will be eliminated.

Fiscal/Budget Impact

Based on the current census of 24 employees, and continuing to pay for 100% of the premium cost with no employee contribution, the projected annual cost increase to the Village is \$1,215 per month, or \$14,582 for the year.

Recommendation: Approval.

Attachments: Resolution 2015-25 and quotes for Aetna and Solstice Dental

1
2
3 **RESOLUTION NO. 2015-25**
4

5 **A RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF BISCAYNE**
7 **PARK, FLORIDA, AUTHORIZING THE**
8 **VILLAGE TO PROVIDE EMPLOYEE HEALTH**
9 **BENEFITS FOR THE PERIOD OF JUNE 1, 2015,**
10 **THROUGH MAY 31, 2016; PROVIDING FOR AN**
11 **EFFECTIVE DATE.**
12

13
14 WHEREAS, the Village utilizes the professional services of Employee Benefits
15 Solutions (“EBS”) to obtain quotes for the renewal of the employee health benefits; and
16

17 WHEREAS, in March and April 2015, Village administration and EBS evaluated
18 quotes from multiple carriers for the renewal of the coverage period of June 1, 2015, through
19 May 31, 2016, and carefully reviewed all options quoted to obtain the best possible plan that
20 would benefit both the Village and the employees; and
21

22 WHEREAS, the policy selected will be through Aetna Health Insurance which will
23 allow employees the option to select from two plan options that provide lower deductibles and
24 cost efficiencies for the Village; and
25

26 WHEREAS, the Village will implement an employee contribution towards the cost of
27 the premium in the amount of \$10 per pay period for all employees that are not a part of
28 collective bargaining unit; and
29

30 WHEREAS, the Village will implement a policy to allow all employees to “opt-out” of
31 the Village insurance program if they are eligible for and provide proof of health insurance
32 through an alternate source, with a \$1,500 annual incentive, further reducing the Village’s
33 annual cost for employee health benefit insurance.
34

35 NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE
36 VILLAGE OF BISCAYNE PARK, FLORIDA:
37

38
39 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
40 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.
41

42 **Section 2.** The Village Manager is authorized to engage the services of the selected
43 insurance provider for the amount indicated, and to obtain enrollment in said health insurance
44 plan prior to June 1, 2015. The health insurance proposal, in substantial form, is attached and
45 incorporated by reference into this resolution as exhibit 1.
46

47 **Section 3.** The Insurance provider and policy selected is Aetna Health Insurance,
48 FL Aetna Silver HNOOnly 2000-100 Plan and FL Aetna Gold HNOOnly 1000 80 Plan.

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Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2015.

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

David Coviello, Mayor

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



	Staff		Police	
	1k-80%	\$2k-100%	1k-80%	\$2k-100%
E	90.59%	96.09%	94.27%	0.00%
E/SP	45.29%	45.49%	47.14%	51.18%
E/CH	49.00%	49.18%	50.99%	51.18%
Family	31.79%	-31.92%	33.08%	33.22%

Village of Biscayne Park
June 1, 2015-May 31, 2016-

2015 Aetna Rates										EMPLOYER/EMPLOYEE ANNUAL COST			
Type	Coverage	Monthly Premium	Employer Contribution	Employee Monthly Contribution	2015 Employee Bi Weekly Contribution	2014 Employee Bi Weekly Contribution	Life Insurance	GAP Insurance	TOTAL Employer Subsidy	Current Emp Count	Employer Health, Life Cost	Employee Health, Life Cost	Total Health, Life
\$1k-80%													
POS	E	\$ 587.58	\$ 532.26	\$ 55.32	\$ 25.53	\$ 9.12	\$ 5.85		\$ 538.11	0	\$ -	\$ -	\$ -
POS	ES	\$ 1,175.16	\$ 532.26	\$ 642.90	\$ 296.72	\$ 220.38	\$ 5.85		\$ 538.11	0	\$ -	\$ -	\$ -
POS	ECH	\$ 1,086.26	\$ 532.26	\$ 554.00	\$ 255.69	\$ 259.44	\$ 5.85		\$ 538.11	0	\$ -	\$ -	\$ -
POS	F	\$ 1,674.44	\$ 532.26	\$ 1,142.18	\$ 527.16	\$ 492.72	\$ 5.85		\$ 538.11	0	\$ -	\$ -	\$ -
\$2k-100%													
POS	E	\$ 553.93	\$ 532.26	\$ 21.67	\$ 10.00	\$ -	\$ 5.85		\$ 538.11	13	\$ 83,945.68	\$ 3,380.00	\$ 87,325.68
POS	ES	\$ 1,170.00	\$ 532.26	\$ 637.74	\$ 294.34	\$ 203.05	\$ 5.85		\$ 538.11	0	\$ -	\$ -	\$ -
POS	ECH	\$ 1,082.25	\$ 532.26	\$ 549.99	\$ 253.84	\$ 240.28	\$ 5.85		\$ 538.11	0	\$ -	\$ -	\$ -
POS	F	\$ 1,667.25	\$ 532.26	\$ 1,134.99	\$ 523.84	\$ 464.44	\$ 5.85		\$ 538.11	0	\$ -	\$ -	\$ -

Union Members													
Type	Coverage	Monthly Premium	Employer Contribution	Employee Monthly Contribution	2015 Employee Bi Weekly Contribution	2014 Employee Bi Weekly Contribution	Life Insurance	GAP Insurance	TOTAL Employer Subsidy	Current Emp Count	Employer Health, Life Cost	Employee Health, Life Cost	Total Health, Life
\$1k-80%													
POS	E	\$ 587.58	\$ 553.93	\$ 33.65	\$ 15.53	\$ 9.12	\$ 5.85		\$ 559.78	4	\$ 26,869.44	\$ 1,615.20	\$ 28,484.64
POS	ES	\$ 1,175.16	\$ 553.93	\$ 621.23	\$ 286.72	\$ 220.38	\$ 5.85		\$ 559.78	0	\$ -	\$ -	\$ -
POS	ECH	\$ 1,086.26	\$ 553.93	\$ 532.33	\$ 245.69	\$ 259.44	\$ 5.85		\$ 559.78	0	\$ -	\$ -	\$ -
POS	F	\$ 1,674.44	\$ 553.93	\$ 1,120.51	\$ 517.16	\$ 492.72	\$ 5.85		\$ 559.78	1	\$ 6,717.36	\$ 13,446.12	\$ 20,163.48
\$2k-100%													
POS	E	\$ 553.93	\$ 553.93	\$ -	\$ -	\$ -	\$ 5.85		\$ 559.78	6	\$ 40,304.16	\$ -	\$ 40,304.16
POS	ES	\$ 1,170.00	\$ 553.93	\$ 616.07	\$ 284.34	\$ 203.05	\$ 5.85		\$ 559.78	0	\$ -	\$ -	\$ -
POS	ECH	\$ 1,082.25	\$ 553.93	\$ 528.32	\$ 243.84	\$ 240.28	\$ 5.85		\$ 559.78	0	\$ -	\$ -	\$ -
POS	F	\$ 1,667.25	\$ 553.93	\$ 1,113.32	\$ 513.84	\$ 464.44	\$ 5.85		\$ 559.78	0	\$ -	\$ -	\$ -

- (1) Total Health Insurance Premium, Life
- (2) Health Insurance excludes Life Insurance Premium

	Employer Portion	Employee Portion	(1) Total
2015	157,836.64	18,441.32	176,277.96
2014	143,254.08	13,759.80	157,013.88
\$	14,582.56	4,681.52	19,264.08
%	10.18%	34.02%	12.27%
(2) Total Health			
2015	(2) Health Insurance Premium		\$ 174,593.16
2014	(2) Health Insurance Premium		\$ 144,891.96
			\$ 29,701.20
			20.50%

Plan Year 2015/16	Coventry		Aetna	
	POS Premier Choice 800/5000 (Low)		HN Only 2000-100% (Low)	
	Network	Non-Network	Network	Non-Network
Calendar Year Deductible	\$5,000/\$10,000	\$7,500/\$15,000	\$2,000/\$4,000	N/A
Coinsurance	80/20%	60/40%	100%	
Per Admission Inpatient Copay	N/A	N/A	N/A	
Max. Out of Pocket	\$7,000/\$14,000	\$10,000/\$20,000	\$5,000/\$10,000	
Individual Life Time Max.	Unlimited	Unlimited	Unlimited	

Outpatient Care:

PCP Office Visits	\$25 copay	40% after Deductible	\$30 copay	
Specialist Services	\$50 copay	40% after Deductible	\$60 copay	
Advanced Radiology: (MRI,PET,CT, MRA scans) Hospital	20% after Deductible	40% after Deductible	\$300 copay	
Outpatient Surgery-Hospital	20% after Deductible	40% after Deductible	\$200 copay after Deductible	
Outpatient Surgery-Ambulatory Facility	\$250 copay	40% after Deductible	\$100 copay	
Physical/Speech/Occupational/ Therapy, 60 visits/Calendar	20% after Deductible	40% after Deductible	\$60 copay	
Chiropractic Care, 20 visits/ Calendar	\$50 copay	40% after Deductible	\$60 copay	
Durable Medical Equipment,	20% after Deductible	40% after Deductible	0% after Deductible	

Wellness:

Well Child Care	\$0 copay	Not Covered	\$0 copay	
Physical Exams	\$0 copay	Not Covered	\$0 copay	
Well Woman Care	\$0 copay	Not Covered	\$0 copay	
Urgent Care	\$50 copay	40% after Deductible	\$75 copay	
Mammogram	\$0 copay	40% after Deductible	\$0 copay	
Ob prenatal /post natal	\$50 copay, 1st visit	40% after Deductible	\$0/100% Deductible	
Infertility Services	Not Covered	Not Covered	Not Covered	
Vision for Children	\$0 copay Refractive eye exam	Not Covered	\$0 copay Refractive eye exam	

Hospital:

Inpatient Hospital	20% after Deductible	40% after Deductible	\$300 copay after Deductible	
Transplant Benefits	20% after Deductible	40% after Deductible	\$300 copay after Deductible	
Emergency Room	\$250 copay		\$400 copay	
Ambulance Services	20% after Deductible		100% after Deductible	

Alternative Care:

Skilled Nursing, 30 visit per Calendar	20% after Deductible	40% after Deductible	\$300 copay after Deductible	
Hospice, 210 days per Calendar	20% after Deductible	40% after Deductible	\$300 copay after Deductible	
Home Health Care, 60 visits/Calendar	20% after Deductible	40% after Deductible	\$60 copay	

RX:

Prescription Drugs, 30 day supply	\$3/\$20/\$45/\$70	Not Covered	\$3,\$15/\$60/\$85	
Specialty Drugs	20%	Not Covered	30% to \$300, 50% to \$500	
Mail Order Prescription, 90 day supply	\$3/\$20/\$90/\$210	Not Covered	\$6,\$30/\$120/\$170	

Mental Health/Substance Abuse

Mental Health Outpatient	\$50 copay	40% after Deductible	\$60 copay	
Mental Health Inpatient	20% after Deductible	40% after Deductible	\$300 copay after Deductible	
Substance Abuse Outpatient	\$50 copay	40% after Deductible	\$60 copay	
Substance Abuse Inpatient	20% after Deductible	40% after Deductible	\$300 copay after Deductible	

Please Note: This summary is not intended to supersede insurance contract or any other agreement. Where discrepancies may exist, your official contract controls -

Plan Year 2015/16	Coventry		Aetna	
	POS Premier Choice 100/5000 (High)		HN Only 1000-80% (High)	
	Network	Non-Network	Network	Non-Network
Calendar Year Deductible	\$5,000/\$10,000	\$7,500/\$15,000	\$1,000/\$2,000	N/A
Coinsurance	100%	60/40%	80%	
Per Admission Inpatient Copay	N/A	N/A	N/A	
Max. Out of Pocket	\$6,000/\$12,000	\$10,000/\$20,000	\$3,500/\$7,000	
Individual Life Time Max.	Unlimited	Unlimited	Unlimited	

Outpatient Care:

PCP Office Visits	\$25 copay	40% after Deductible	\$25 copay	
Specialist Services	\$50 copay	40% after Deductible	\$50 copay	
Advanced Radiology: (MRI,PET,CT, MRA scans) Hospital	0% after Deductible	40% after Deductible	\$300 copay	
Outpatient Surgery-Hospital	0% after Deductible	40% after Deductible	\$500 copay after Deductible	
Outpatient Surgery-Ambulatory Facility	\$250 copay	40% after Deductible	\$300 copay	
Physical/Speech/Occupational/ Therapy, 60 visits/Calendar	0% after Deductible, 60 visits per CY	40% after Deductible	20% after Deductible	
Chiropractic Care, 20 visits/ Calendar	\$50 copay, 20 visits CY	40% after Deductible	20% after Deductible	
Durable Medical Equipment,	0% after Deductible	40% after Deductible	20% coinsurance	

Wellness:

Well Child Care	\$0 copay	Not Covered	\$0 copay	
Physical Exams	\$0 copay	Not Covered	\$0 copay	
Well Woman Care	\$0 copay	Not Covered	\$0 copay	
Urgent Care	\$50 copay	40% after Deductible	\$75 copay	
Mammogram	\$0 copay	40% after Deductible	\$0 copay	
Ob prenatal /post natal	\$50 copay, 1st visit	40% after Deductible	\$0 copay/20% after Deductible	
Infertility Services	Not Covered	Not Covered	Not Covered	
Vision for Children	\$0 copay Refractive eye exam	Not Covered	\$0 copay Refractive eye exam	

Hospital:

Inpatient Hospital	0% after Deductible	40% after Deductible	20% after Deductible	
Transplant Benefits	0% after Deductible	40% after Deductible	20% after Deductible	
Emergency Room	\$250 copay		\$300 copay	
Ambulance Services	Deductible + 0%		20% after Deductible	

Alternative Care:

Skilled Nursing, 30 visit per Calendar	0% after Deductible, 30 visits per CY	40% after Deductible	20% after Deductible	
Hospice, 210 days per Calendar	0% after Deductible, 210 days per CY	40% after Deductible	20% coinsurance	
Home Health Care, 60 visits/Calendar	0% after Deductible, 60 visits per CY	40% after Deductible	\$50 copay	

RX:

Prescription Drugs, 30 day supply	\$3/20/45/70	Not Covered	\$3,\$10/\$50/\$75	
Specialty Drugs	20%		30% to \$300, 50% to \$500	
Mail Order Prescription, 90 day supply	\$3/20/90/210	Not Covered	\$6,\$20/\$100/\$150	

Mental Health/Substance Abuse

Mental Health Outpatient	\$50 copay	40% after Deductible	\$50 copay	
Mental Health Inpatient	0% after Deductible	40% after Deductible	20% after Deductible	
Substance Abuse Outpatient	\$50 copay	40% after Deductible	\$50 copay	
Substance Abuse Inpatient	0% after Deductible	40% after Deductible	20% after Deductible	

Please Note: This summary is not intended to supersede insurance contract or any other agreement. Where discrepancies may exist, your official contract controls -



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Resolution 2015-26

Prepared By: Chief Cornelius F. McKenna

Sponsored By: Staff

Background

The Miami-Dade County Police Department and the Village of Biscayne Park Police Department interact and assist each other on a regular basis. This cooperation and assistance is vital to meeting the ever increasing needs and demands of the respective jurisdictions. A new Mutual Aid Agreement is needed to continue this mutually beneficial level of service and assistance to each other.

Fiscal / Budget Impact: N/A

Recommendation: Approval of Resolution 2015-26.

Attachments

- Resolution 2015-26
- Mutual Aid Agreement

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

David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

**LAW ENFORCEMENT MUTUAL AID AGREEMENT
BETWEEN MIAMI-DADE COUNTY AND
THE VILLAGE OF BISCAYNE PARK
FOR VOLUNTARY COOPERATION AND
OPERATIONAL ASSISTANCE**

WHEREAS, it is the responsibility of the government of Miami-Dade County, Florida, and the subscribing municipality to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, there is an existing and continuing possibility of the occurrence of natural or manmade disasters or emergencies and other major law enforcement problems, including those that cross jurisdictional lines, that will require coordinated law enforcement efforts to ensure that preparations of this County will be adequate to deal with such activity, protect the public peace and safety, and preserve the lives and property of the people of the County; and

WHEREAS, in order to ensure that law enforcement agencies are prepared to competently address any and all conditions as they arise to protect the public peace and safety of Miami-Dade County citizens, it is in the best interests of the community and law enforcement for police agencies to engage in mutual aid; and

WHEREAS, the subscribing law enforcement agencies have the authority under Florida Statutes Chapter 23, Part I, *Florida Mutual Aid Act*, and under Florida Statutes Section 316.640, *Enforcement*, to enter into a Mutual Aid Agreement,

NOW, THEREFORE, BE IT KNOWN that Miami-Dade County, a political subdivision of the State of Florida, and the undersigned municipality, in consideration

for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

SECTION I. PURPOSE AND TERMS

A. Short title: Mutual Aid Agreement

B. Description: Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Part I, Florida Statutes.

C. Definitions:

1. Chief Executive Official: Either the Mayor of Miami-Dade County, or the Chief Executive Official of the participating municipality, who has the authority to contractually bind the agency and has executed this Agreement, upon the approval of the governing body of each entity.
2. Agency Head: Either the Director of the Miami-Dade Police Department, or the Director's designee; and the Chief of Police of the municipal law enforcement agency, or the Chief's designee.
3. Participating law enforcement agency: The police department of any law enforcement agency in Miami-Dade County, Florida, that has approved and executed this Agreement.
4. Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

SECTION II. PROCEDURES

A. Operations:

1. In the event that a party to this Agreement is in need of assistance as specified herein, an authorized representative of the police department requiring assistance shall notify the agency from which such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and the available resources, and will respond in a manner deemed appropriate.
2. Each party to this Agreement agrees to furnish necessary personnel, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which necessitated the request; provided, however, that no party shall be required to deplete unreasonably its own personnel, equipment, facilities, and other resources and services in rendering such assistance.
3. The Agency Heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel, equipment, facilities, and other resources and services provided pursuant to this Agreement to the providing agency.

B. Powers, Privileges, Immunities, and Costs:

1. All employees of the participating law enforcement agency, including certified law enforcement employees, during such time that said employees are

actually providing aid outside of the jurisdictional limits of their employing agency pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of this Mutual Aid Agreement, have the same powers, duties, rights, privileges, and immunities as if they were performing duties in the jurisdiction in which they are normally employed.

2. The political subdivision having financial responsibility for the participating law enforcement agency providing personnel, equipment, facilities, and other resources and services pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.
3. The political subdivision having financial responsibility for the participating law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to the Agreement during the time of the rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
4. All exemption from ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such

agency when performing their respective functions within the territorial limits of their respective agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extra territorially under the provisions of this Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.

- C. Indemnification: Each party engaging in any mutual cooperation and assistance pursuant to this Agreement agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating herein and pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable. "Assume Responsibility" shall mean incurring any and all costs associated with any suit, action, or claim for damages arising from the performance of this Agreement.
- D. Forfeitures: It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Section 932.701 et. seq., Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency, less the costs associated with the forfeiture action. Any participating law enforcement agency must request sharing, in writing, before the entry of a Final Order of Forfeiture, or they will be barred from claiming any portion of the property forfeited. The agency pursuing the forfeiture action shall have the exclusive right to control and the responsibility to maintain the property,

including, but not limited to, the complete discretion to bring the action, or to dismiss the action, or to settle, pursuant to the provisions of the Florida Contraband Forfeiture Act.

- E. Conflicts: Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Part I, Florida Statutes.

SECTION III. COMMAND AND SUPERVISORY RESPONSIBILITY

- A. Command: The personnel, equipment, facilities, and other resources and services that are assigned by the assisting entity shall be under the immediate command and direct supervision of a supervising officer designated by the assisting Director or Chief of Police, or his/her designee.
- B. Conflicts: Whenever an officer is rendering assistance pursuant to this Agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his or her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure of the assisting agency shall control, and shall supersede the direct order.
- C. Complaints: Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Agreement, the Director or Chief of Police, or his/her designee, of the agency employing the officer who is the subject of the complaint, shall be responsible for the investigation of the complaint.

The Director or Chief of Police or designee of the requesting agency should ascertain at a minimum:

1. The identity of the complainant;
2. An address where the complaining party can be contacted;
3. The specific allegation, and;
4. The identity of the employee accused.

If it is determined during the investigation of a complaint that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the assisting agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

SECTION IV. PROVISIONS FOR VOLUNTARY AND OPERATIONAL ASSISTANCE

- A. A deputy sheriff or police officer of either participating law enforcement agency shall be considered to be operating under the provisions of this Mutual Aid Agreement when participating in law enforcement activities that are preplanned and approved by each respective agency head, or appropriately dispatched in response to a request for assistance from the other law enforcement agency.
- B. In compliance with and under the authority of this Mutual Aid Agreement, entered into by Miami-Dade County and the participating municipality, it is hereby declared that the following list comprises the nature of assistance, and the circumstances and conditions under which mutual aid may be requested and

rendered regarding police operations pursuant to the Agreement. The list includes, but is not necessarily limited to, dealing with the following:

1. Voluntary:

- a. Joint multi-jurisdictional criminal investigations.
- b. Major events; e.g., sporting events, concerts, parades, fairs, festivals and conventions.
- c. Joint training in areas of mutual need.
- d. Off-duty special events.
- e. Joint multi-jurisdictional marine interdiction operations.
- f. Security and escort duties for dignitaries.

2. Operational:

- a. Hostage and barricaded subject situations, and aircraft piracy.
- b. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
- c. Enemy attack.
- d. Transportation of evidence requiring security.
- e. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes, and strikes.
- f. Any natural, technological, or manmade disaster. Emergency situations in which one agency cannot perform its functional objective.
- g. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bicycle, mounted, Special

Response Teams, bomb, crime scene, marine patrol, and police information.

- h. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
- i. Terrorist activities including, but not limited to, acts of sabotage.
- j. Escapes from or disturbances within detention facilities.

SECTION V. PROCEDURES FOR REQUESTING MUTUAL AID

The following procedures will apply to situations requiring operational assistance:

- A. Mutual aid requested or rendered will be approved by the Director or the Chief of Police, or their designees.
- B. Specific reporting instructions for personnel rendering mutual aid should be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene.
- C. Communications instructions will be included in each request for mutual aid. The Miami-Dade Police Department Communications Bureau will maintain radio contact with the involved agencies until the mutual aid situation has ended.
- D. Incidents requiring mass processing of arrestees, transporting prisoners and operating temporary detention facilities will be handled per established procedures.

SECTION VI. CONCURRENT JURISDICTION

It is to the mutual benefit of the participating law enforcement agency and the Miami-Dade Police Department, through voluntary cooperation, to exercise concurrent jurisdiction over the areas described in subparagraphs A. and B. below, in that officers, while in another jurisdiction, are often present at events where immediate action is necessary, or are able to expeditiously conclude an investigation by identifying and arresting an offender.

A. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the participating municipalities located in Miami-Dade County and in unincorporated Miami-Dade County for arrests made pursuant to the laws of arrest, for felonies and misdemeanors, including arrestable traffic offenses, which spontaneously take place in the presence of the arresting officer, at such times as the arresting officer is traveling from place to place on official business outside of his or her jurisdiction; for example, to or from court, provided that, in the context of this Agreement, "official business outside of his or her jurisdiction" shall not include routine patrol activities. This Agreement excludes those areas within the territorial limits of any municipality not participating in Mutual Aid with Miami-Dade County, and in any areas in which the Miami-Dade Police Department does not have law enforcement jurisdiction.

B. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the participating municipalities located in Miami-Dade County and in unincorporated Miami-Dade County, for arrests made pursuant to the laws of arrest of persons identified as a result of investigations of any offense

constituting a felony or any act of domestic violence as defined in Section 741.28, Florida Statutes, when such offense occurred in the jurisdiction of the agency employing the arresting officer. However, absent a search warrant, concurrent jurisdiction under this subparagraph does not include authority to make nonconsensual or forcible entries into private dwellings, residences, living spaces or business spaces which are not open to the public. Authority derived pursuant to this subparagraph may be exercised only when in places open to the public or private places into which the arresting officer has entered with the consent of an occupant entitled to give consent. When operating under mutual aid, participating agency officers may execute search warrants outside the jurisdiction of their employing municipality for offenses which occurred in their jurisdiction. Participating agency officers may execute the search warrant, impound all property, make arrests, and file the Return and Inventory. This concurrent jurisdiction excludes those areas within the territorial limits of any municipality not participating in mutual aid with Miami-Dade County, and in any areas in which the Miami-Dade Police Department does not have law enforcement jurisdiction.

- C. Prior to any officer taking enforcement action pursuant to either paragraph A. or B. above, the officer shall notify the designated officer of the jurisdiction in which the action will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable. Furthermore, all arrests made pursuant to paragraph A. above shall be processed and coded pursuant to directions of the Clerk of the Court, in such

manner as to ensure that any revenues or surcharges generated as a result of said arrests shall be directed to the jurisdiction in which the arrest was made.

D. General Requirements:

1. Officers shall not utilize unmarked vehicles to make traffic stops or to engage in vehicle pursuits.
2. Concurrent law enforcement jurisdiction pursuant to this Agreement does include preplanned operations, undercover investigations, stings, or sweeps.
3. Officers shall not conduct routine patrol activities outside of their jurisdiction.
4. Reports of any action taken pursuant to this Agreement shall be faxed to the agency head of the agency within whose jurisdiction the action was taken, as soon as possible after the action.
5. Any conflicts regarding jurisdiction will be resolved by allowing the agency within whose jurisdiction the action took place to take custody of any arrestees and/or crime scenes.
6. All concurrent jurisdiction stationary surveillance activities shall require notification of the agency within whose jurisdiction the surveillance takes place. The notification shall include the general location of the surveillance, and a description of the vehicles involved. Mobile surveillance shall not require notification unless concurrent jurisdiction enforcement activities take place.

SECTION VII. EFFECTIVE DATE AND TERM OF AGREEMENT

This Mutual Aid Agreement shall become effective on the date of execution by all parties and, unless terminated or cancelled on an earlier date, will expire on January 1,

2025. This Mutual Aid Agreement may be renewed in writing by the Agency Head and their respective Chief Executive Officials, in the case of Miami-Dade County, the Police Director and County Mayor or the Mayor's designee are authorized to extend this Agreement. This Agreement may be formally renewed for a maximum of three (3) additional successive ten (10) year terms. This Agreement may not be amended or modified except in writing signed and duly executed by the parties. Any modifications or amendments to this Agreement require County Commission approval via the County's legislative process.

SECTION VIII. CANCELLATION

This Agreement may be cancelled by either party upon providing thirty (30) days written notice to the other participating law enforcement agency. Cancellation will be at the discretion of the Agency Heads and their respective Chief Executive Officials, in the case of Miami-Dade County, the Police Director and County Mayor or the Mayor's designee are authorized to cancel this Agreement.

AGREED TO AND ACKNOWLEDGED this 26 day of March, 2015,

MIAMI-DADE COUNTY

for


Carlos A. Gimenez, Mayor



J.D. Patterson, Director
Miami-Dade Police Department

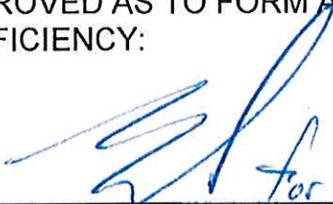
ATTEST:



Harvey Ruvlin, County Clerk
Miami-Dade County, Florida



APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:



R. A. Cuevas, Jr., County Attorney
Miami-Dade County, Florida

AGREED TO AND ACKNOWLEDGED this _____ day of _____, 2015,

VILLAGE OF BISCAYNE PARK

Heidi Shafran, Village Manager Date

Cornelius "Rusty" McKenna, Chief Date
Biscayne Park Police Department



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Resolution 2015-27 - Surplus Property
and Equipment

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

Staff has begun the process of preparing for the move out of the Village Hall log cabin. In doing so, various equipment and property have been identified as being no longer needed, useable our outdated. An example is the modular workstations in Village Hall which were specifically designed to fit the log cabin. Other equipment and property include storage and file cabinets that are aged and no longer needed. Approval is requested to declare equipment and property as surplus and to grant the Manager the authority to sell it.

Fiscal/Budget Impact: Added revenue to the Village for the sale of the equipment and property.

Staff Recommendation: Approval

Attachments:

- Resolution 2015-27

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3 **RESOLUTION NO. 2015-27**
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5 **A RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF**
7 **BISCAYNE PARK, FLORIDA DECLARING**
8 **CERTAIN VILLAGE EQUIPMENT AND/OR**
9 **PROPERTY AS SURPLUS PROPERTY AND**
10 **GRANTING THE VILLAGE MANAGER**
11 **AUTHORIZATION TO SELL SAID**
12 **SURPLUS; PROVIDING FOR AN**
13 **EFFECTIVE DATE**
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16 WHEREAS, the Village of Biscayne Park owns equipment and property that has been
17 utilized for several years during its daily operation; and,
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19 WHEREAS, during the course of moving to the new location in the Public Safety &
20 Administration Annex, Village Administration has determined that equipment and property are
21 no longer used within the Village or in the course of daily operations; and,
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23 WHEREAS, the equipment or property is considered surplus and will be sold through
24 the best source in order to obtain a favorable amount for the Village.
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26 NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE
27 VILLAGE OF BISCAYNE PARK, FLORIDA:
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30 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
31 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.
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33 **Section 2.** During the course of moving to its new location in the Public Safety &
34 Administration Annex, Village Administration has determined that certain equipment and
35 property, which is anticipated to consist of such property as office modular workstations and
36 aged equipment, that are no longer used within the Village or in the course of daily operations
37 and is considered surplus.
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39 **Section 3.** The Village Manager is authorized to sell the surplus equipment and
40 property through the best source in order to obtain a favorable amount for the Village.
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42 **Section 4.** This Resolution shall become effective upon adoption.
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45 PASSED AND ADOPTED this ___ day of _____, 2015.

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

David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Resolution 2015—28 Terminating the Professional Services Agreement with the Non-Profit Assistance Center, Inc.

Prepared By: Heidi Siegel, AICP, Village Manager

Sponsored By: Staff

BACKGROUND

On January 9, 2013 the Village Commission approved Resolution 2013-03 and entered into a Professional Services Agreement with the Non-Profit Assistance Center, Inc., (NPAC) for accounting and finance services which served the role as "Finance Director". On September 10, 2013 the Village Commission adopted Resolution 2013-34 which extended the Agreement with NPAC for two (2) additional one (1) year terms. Within the agreement a termination clause states that the Agreement shall be terminable by the Village upon thirty (30) days written notice without cause.

Due to current circumstances, the Village administration finds it necessary to terminate the agreement with NPAC without cause effective June 4, 2015. There are many outstanding and upcoming Finance issues that are currently unattended to and need to be supported by a finance professional including the on-going fiscal year 2014 audit, the establishment of the construction loan accounts, the upcoming budget process and the day-to-day oversight of our finance function.

In order to serve the day-to-day needs of the Village better, the in-house Finance Clerk position will be converted into a higher functioning Finance Manager who will provide day-to-day support for all Village financial transactions. Upon evaluation of the operations, a part-time bookkeeper will be considered to support the day-to-day operations. Additionally, the Village Manager will seek an accounting firm that will provide quarterly review and monitoring of the in-house Finance Department. With salary and benefits, these changes will save the Village approximately \$5,000 - \$10,000 for the remainder of this fiscal year and approximately \$20,000 next fiscal year. These savings may increase once the new in-house Finance employee fully assesses the needs of the Village. This staffing model will serve the financial needs of the Village more efficiently by having the necessary level of expertise overseeing the day-to-day operations and providing professional support to all Village departments and the clerical position serving as support when needed. All of these changes will be accomplished within the established budget.

FISCAL/BUDGET IMPACT

The proposed changes will be an annual cost savings to the Village and provide a more efficient work model.

May 5, 2015

Commission Agenda Report

Resolution 2015–28 Terminating the Professional Services Agreement with the Non-Profit Assistance Center, Inc.

STAFF RECOMMENDATION

Staff recommends approval on of Resolution No. 2015-28.

ATTACHMENTS

- Resolution 2015-28

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RESOLUTION NO. 2015-28

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, TERMINATING THE PROFESSIONAL SERVICES AGREEMENT WITH THE NON-PROFIT ASSISTANCE CENTER, INC., DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE NON-PROFIT ASSISTANCE CENTER, INC. AS NOTICE OF TERMINATION OF THE PROFESSIONAL SERVICES AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Commission of the Village of Biscayne Park adopted Resolution 2013-03 on January 9, 2013, entering into a Professional Services Agreement with the Non-Profit Assistance Center, Inc., (hereinafter referred to as "NPAC") for accounting / finance services; and,

WHEREAS, the Village Commission adopted Resolution 2013-34 on September 10, 2013, that extended the Agreement with NPAC for two (2) additional one (1) year terms; and,

WHEREAS, a termination clause is provided that the Agreement shall be terminable by the Village upon thirty (30) days written notice without cause; and,

WHEREAS, due to current circumstances, the Village administration finds it necessary to terminate the agreement with NPAC effective June 4, 2015.

NOW, THEREFORE, BE IT RESOLVED 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 hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park terminates the Professional Services Agreement with the Non-Profit Assistance Center, Inc., as provided in the terms of the Agreement, effective June 4, 2015, and directs the Village Clerk to transmit this Resolution to the Non-Profit Assistance Center, Inc. as notice of termination of the Professional Services Agreement.

Section 3. This Resolution shall become effective upon adoption.

1 PASSED AND ADOPTED this ____ day of _____, 2015.

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David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

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

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

**Subject: Resolution 2015-29 - E-Recording
Services with Simplifile**

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

The office of the Village Clerk is required to record documents with Miami-Dade County Clerk of Courts - Office of the Recorder. Our current manual process requires:

- Submitting a check request to Finance for the amount of the recording fees
- Prepare a cover letter listing all documents to be recorded and the cost for each
- Mail or deliver in person to the Recorder's Office in downtown Miami the documents to be recorded, payment and a postage paid return envelope(s)
- The Recorder's Office officially records the document(s) and returns it back with the official stamp.

The turnaround time for this process from beginning to end can take up to 30 days and also utilizes the resources of staff.

The Miami-Dade County Recorder's Office now accepts e-Recording of official records through different vendors. Utilizing the third party vendor, the document(s) to be

May 5, 2015

Commission Agenda Report

Resolution 2015-29

recorded are sent electronically to the Recorder's Office. They are then recorded and electronically sent back with the official stamp.

This process takes two (2) to four (4) days.

Fiscal/Budget Impact: The cost for the service through Simplifile is \$2.00 per document. For example, a lien is a two-page document:

- Cost to record page 1 (Recorder's Office): \$10.00
- Cost to record page 2 (Recorder's Office): \$ 8.50
- Simplifile e-recording cost: \$ 2.00

The additional \$2.00 cost is a fraction of the current cost of employee resources and added time to complete the current manual process.

Staff Recommendation: Approval

Attachments:

- Resolution 2015-29
- Simplifile Agreement
- Survey of City Clerks utilizing eRecording

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RESOLUTION NO. 2015-29

**A RESOLUTION OF THE VILLAGE
COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA, AUTHORIZING
THE VILLAGE MANAGER TO EXECUTE THE
SUBMITTER LICENSE AGREEMENT WITH
SIMPLIFILE L.C., FOR E-RECORDING
SERVICES; PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, the recording of documents with the Miami Dade County Clerk's Office is a requirement for liens, variances and other formal actions of the Village; and,

WHEREAS, the current process requires that the documents to be recorded must either be delivered in person to the Miami Dade County Clerk's Office, or sent via US mail, both which take up time and employee resources; and,

WHEREAS, the Miami Dade County Clerk's Office accepts e-recording of official records through approved vendors, providing for the electronic submission of documents to be recorded with a 24-hour turnaround time for completion.

NOW, THEREFORE, BE IT RESOLVED 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 hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park authorizes the Village Manager to execute the Submitter License Agreement with Simplifile, L.C., for e-recording services. The agreement, in substantial form, is attached and incorporated by reference into this resolution as exhibit 1.

Section 3. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2015.

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

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

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David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Submitter License Agreement

THIS SUBMITTER LICENSE AGREEMENT (this "Agreement") is made effective February 2nd, 2015 between SIMPLIFILE LC , a Utah limited liability company, located at 4844 North 300 West, Suite 202, Provo, Utah, 84604 ("Simplifile"), and Village of Biscayne Park located at 640 NE 114th St, Biscayne Park, Florida, 33161 ("Submitter").

RECITALS:

A. Simplifile has developed and is the owner of software and other proprietary technology currently known as the Simplifile Electronic Recording System ("System") that (1) is used in the electronic submission and receipt of documents over the Internet to recipients such as county recorders ("Receivers"), and (2) enables the electronic transfer and payment of fees via electronic funds transfer or Automated Clearing House ("ACH").

B. System can be used by licensed document Submitters to create or scan, package, print, and submit to Receivers, and track the status of submitted documents.

C. Submitter desires to use the System to submit documents electronically to Receivers and has requested that Simplifile grant Submitter the right and license to use the System for that purpose.

D. Simplifile desires to grant to Submitter a non-exclusive right and license to use the System on the terms and conditions set forth in this Agreement.

E. This Agreement contains the Parties' entire agreement concerning all matters addressed herein.

AGREEMENT:

NOW THEREFORE, in consideration of the mutual terms, conditions and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

Section 1. License.

(a) *Grant of License.* Simplifile grants to Submitter, and Submitter accepts, a non-exclusive license to use the System for the sole purpose of submitting documents for recording to Receivers, receiving recorded/rejected documents back from Receivers, and paying the related fees to the appropriate party. The grant of the License and this Agreement shall be effective upon the parties' full execution and delivery of this Agreement and Simplifile's receipt of fees, if any, owed under said Agreement.

(b) *Access to System.* Support Services. Throughout the term of the License, Simplifile will use its best efforts to make the System available to Submitter and will provide access to the System for Submitter's authorized users. Simplifile will also use its best efforts to support Submitter in its use of the System by providing telephone and e-mail support twelve (12) hours each business day from 6:00 a.m. to 6:00 p.m. Mountain Time, excluding holidays and weekends.

(c) *Limitations on License.* Submitter shall not assign, convey or attempt to convey any right to use the System to anyone else. Submitter shall designate who is authorized to use the System on behalf of Submitter, and will assure that System is used only by those authorized users. Authorized users may only be designated employees or agents of the Submitter. Submitter is responsible for all users and agrees to ensure that said users abide by the terms of this agreement at all times. Submitter's use of the System shall be limited to the physical location(s) per this Agreement and authorized users. Submitter has the right to add/delete/change authorized users at any time.

(d) *No Document Storage.* The License does not require Simplifile to permanently store document images. Simplifile does not provide any legally binding storage of document images and may at any time, in its sole discretion and without any notice whatsoever, discontinue access to any documents stored in the System.

Section 2. Initial Term; Renewals. The initial term of this Agreement is one year. Thereafter, this Agreement shall be deemed automatically renewed for successive one-year terms upon Submitter's payment to Simplifile of the Annual License fee Renewal as noted in Section 4 below, or until cancelled in writing. Submitter can cancel the Agreement at any time by notifying Simplifile to close their Submitter account. Upon cancellation, any fees for recordings successfully submitted and recorded, but not yet billed, will be immediately due and payable to Simplifile.

Section 3. Ownership; Intellectual Property Rights. The System is licensed, but not sold. This Agreement gives Submitter only the license to use the System as provided herein, and does not convey to Submitter any ownership rights in the System. Instead, Simplifile alone owns all worldwide rights, title, and interest in and to the System and all worldwide patent rights (including patent applications and disclosures), copyrights, trade secrets, trademarks, and any other intellectual property rights therein. Simplifile's rights in and to the System are protected by copyright, patent and other intellectual property laws and treaties. Simplifile holds the Submitter harmless from any patent or infringement claims by others against Simplifile's System.

Section 4. Fees. Submitter shall pay the following fees under this Agreement:

Services	Description	Fee
Year 1 License and Support (per physical location)	License fee – year 1	\$0 per license
Annual Renewal of a Current License System and Support (per physical location)	License fee Renewal	\$0 per license
Document Submission Fees	Submission fee for each document recorded using the System.	\$2.00 per document
Dishonored charges fees	Processing fee for dishonored ACH charges or other payments.	\$25 per item
Receiver fees, if any. (recording, taxes, non-conforming, e-recording, rejection, etc)	Any/all additional fees charged by others for e-recording processing.	Exact cost only. Simplifile does not control or add to receiver fees, if any.*

* a list of Receivers who charge additional fees can be provided as updated, upon request by Submitter at any time.

Section 5. Payments. Submitter shall immediately pay all fees due through the use of the System. The payment of all fees will be made to Simplifile's account by ACH with no processing charge to Submitter unless other payment arrangements have been approved by Simplifile (non-ACH payment arrangements may incur additional fees).

Section 6. Submitter's Electronic Recording Requirements. Submitter's use of the System shall be subject to the following additional requirements:

(a) *Legal Compliance*. Submitter is responsible for the legality and recordability of all documents submitted through Simplifile. Transaction logs of package submission details will be made available to the Receiver at the time a document is presented for recording and such audit logs will be made available for downloading to both the Receiver and Submitter.

(b) *Original Documents*. Submitter warrants that any document submitted into the System for recording is a true, exact, complete and unaltered copy of the originating paper document or electronic document. Simplifile and the Receivers shall be entitled to rely on such warranty for all purposes. Submitter shall not submit any document for electronic recording through the System that is not an original document.

(c) *Indemnification*. Submitter shall indemnify and hold harmless the Receiver and Simplifile from any claims, actions, causes of action, damages, fees (including attorneys' fees) and costs attributable to Submitter's non-compliance with recording requirements. Receiver and Simplifile do not assure or insure the validity or recordability of any documents submitted. Submitter does not hold Simplifile or Receiver responsible for the accuracy, validity, insurability, or other purpose of any submission. This provision shall continue in effect notwithstanding termination of this Agreement.

Section 7. Warranties.

(a) *Limitation on Damages*. To the maximum extent legally permitted Simplifile provides the System AS IS AND WITH ALL FAULTS. Simplifile disclaims any and all other warranties and conditions, whether express, implied or statutory, including, without limitation, any implied warranties or conditions of merchantability, of fitness for a particular purpose, of lack of viruses, of accuracy or completeness of responses, and of negligence or lack of workmanlike effort all with regard to the System and the provision of or failure to provide Support Services.

(b) *Exclusion of Certain Damages*. In no event shall Simplifile be liable for (and Simplifile hereby disclaims any and all liability for) any special, incidental, indirect, or consequential damages whatsoever arising out of or in any way related to Submitter's License hereunder or Submitter's use of or inability to use the System.

Section 8. Confidentiality In this section "Protected Information" shall refer to information about the System and its application or use; any confidential or proprietary information or trade secrets that one Party discloses to the other Party; and information which is marked by either Party as "proprietary." Parties shall use the Protected Information only for the purposes expressly allowed by this Agreement; and shall not at any time, directly or indirectly, disclose, use or reproduce or authorize anyone else to disclose, use or reproduce, any of the Protected Information. In addition to the foregoing, Simplifile shall be entitled to full protection for Protected Information under the Utah Uniform Trade Secrets Act, unfair competition law, common law or otherwise. Submitter and Simplifile expressly agree to refrain from, and to not undertake in any way, any direct or indirect reverse engineering efforts in connection with each other's System.

Section 9. Termination.

(a) *Default.* Simplifile may terminate this Agreement if Submitter defaults in any payment, requirement, or other obligation under this Agreement and fails to cure such default within ten days after written notice from Simplifile. Submitter may terminate at any time, upon full payment owed, simply by asking Simplifile to close the account. If the account goes unused by Submitter for a period of 1 year, Simplifile may disable the account. Submitter can reinstate said account, if disabled, upon request.

(b) *Unpaid Fees.* Termination of the License, for any cause whatsoever, shall in no manner interfere with, affect or prevent the collection by Simplifile of any and all sums of money due to Simplifile under this Agreement. Simplifile reserves the right to immediately suspend a License due to non-payment of outstanding fees.

Section 10. General Provisions. The following provisions also are integral to this Agreement:

(a) *Binding Agreement.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties hereto.

(b) *Severability.* The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable or invalid provision shall not affect the other provisions of this Agreement. Each section shall survive independent of each other section of this Agreement.

(c) *Amendment.* This Agreement may not be modified except by an instrument in writing signed by the parties.

(d) *Interpretation.* This Agreement shall be interpreted, construed and enforced according to the substantive laws of the state of Utah. Venue of any action or proceeding hereunder shall be in the District Court in and for Utah County, Utah.

(e) *Attorneys' Fees.* In the event any action or proceeding is taken or brought by either party concerning this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees, whether such sums are expended with or without suit, at trial, on appeal or in any bankruptcy or insolvency proceeding.

(f) *Notice.* All notices shall be in writing and delivered by first class mail addressed to the parties at their address above or other address as designated from time to time.

(g) *Relationship.* This Agreement shall not be deemed to create a partnership between Simplifile and Submitter in their respective businesses or otherwise, nor cause them to be considered joint venturers or members of any joint enterprise. Submitter's relationship to Simplifile shall be that of licensee and not that of employee, agent, partner or joint venturer.

Effective the date first written above.

SUBMITTER:

Village of Biscayne Park

By: _____
Name: _____
Office/Capacity: _____
Date: _____

SIMPLIFILE:

SIMPLIFILE LC, a Utah limited liability company

By: _____
Name: _____
Office/Capacity: _____
Date: _____



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Resolution 2015—30 Approving the Amended Legal Description of the Proposed Annexation Area to be Incorporated into the Annexation Application

Prepared By: Heidi Siegel, AICP, Village Manager

Sponsored By: Staff

BACKGROUND

On February 4, 2014 the Village Commission approved Resolution 2014-09 which requested a boundary change to the Village of Biscayne Park to annex property bordered on the west-side by the FEC railway, on north-side by Northeast 121 Street, on the east-side by Biscayne Boulevard, on the south-side by Northeast 119 Street, except that between Northeast 16 Avenue and Biscayne Boulevard the south border shall extend to the point where Northeast 16 Avenue and Biscayne Boulevard intersect Near Northeast 116 Street in Miami-Dade County, Florida. This application was prepared by former Planning Consultants Bell David Planning Group, Inc.

On page thirteen (13) of the application a legal description of the area was provided (Attachment A). Upon recent review of the application by the Miami Dade County Office of Management and Budget Community Redevelopment and Municipal Services Division it was determined that the submitted legal description should be more descriptive. The Miami-Dade County Public Works Department has provided the amended legal description to meet the Community Redevelopment and Municipal Services Division's requirements (Attachment B). ***There are no changes to the physical boundaries of the application approved by Resolution 2014-09.***

FISCAL / BUDGET IMPACT: None. The legal description was provided to the Village at no charge. Typically there is a charge for this service by the County.

STAFF RECOMMENDATION: Staff recommends approval Resolution 2015-30.

ATTACHMENTS

- Resolution 2015-30
- Attachment A -- Original Legal Description
- Attachment B -- Amended Legal Description
- Attachment C -- Map of Proposed Annexation Area

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RESOLUTION NO. 2015-30

**A RESOLUTION OF THE VILLAGE
COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA, APPROVING
THE AMENDED LEGAL DESCRIPTION OF
THE PROPOSED ANNEXATION AREA TO BE
INCORPORATED IN THE ANNEXATION
APPLICATION; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Village Commission of the Village of Biscayne Park adopted Resolution 2014-09 on February 4, 2014, to initiate and request proposed boundary changes to the Village of Biscayne Park in order to annex property; and,

WHEREAS, the Village Administration has been working with representatives from Miami Dade County Office of Management and Budget Community Redevelopment and Municipal Services Division in the preparation of all required documents and applications; and,

WHEREAS, the Village was notified that the legal description of the proposed area needs to be amended and was provided a more detailed description.

NOW, THEREFORE, BE IT RESOLVED 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 hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park approves the amended legal description of the proposed annexation area to be incorporated in the annexation application. The amended legal description is attached and incorporated by reference into this resolution as exhibit 1.

Section 3. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2015.

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

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

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David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

MAP AND LEGAL DESCRIPTION

See Figures 1-3. above for location

Legal Description:

An area bordered on the West-Side by the FEC Railway, on North-Side by Northeast 121 Street, on the East-Side by Biscayne Boulevard, on the South-Side by Northeast 119 Street, except that between Northeast 16 Avenue and Biscayne Boulevard the South border shall extend to the point where Northeast 16 Avenue and Biscayne Boulevard intersect near Northeast 116 Street in Miami-Dade County, Florida.

Total Number of Acres: 43.5

**LEGAL DESCRIPTION
Biscayne Park Annexation
(2015)**

That portion of the South 1/2 of the South 1/2 of the South 1/2 of Section 29, Township 52, South Range 42 East, in Miami-Dade County, Florida which is bordered on the West by the Westerly right-of-way line of the Florida East Coast Railroad; bordered on the North by the City of North Miami along the North Line of said South 1/2 of the South 1/2 of the South 1/2 of said Section 29 (South right-of-way line of Northeast 121 Street); bordered on the East by the Easterly right-of-way line of Biscayne Boulevard; bordered on the South by the South line of said Section 29, Township 52 South, Range 42 East (approximately Northeast 119 Street), EXCLUDING therefrom that portion of the Easterly 17.00 feet of said Biscayne Boulevard lying South of the centerline of Northeast 119 Street within the corporate limits of the City of North Miami.

-AND-

That part of the NW 1/4 of the NE 1/4 of the NE 1/4 of Section 32, Township 52 South, Range 42 East, lying Northwesterly of the Easterly 17.00 feet of Biscayne Boulevard which are within the corporate limits of the City of North Miami.

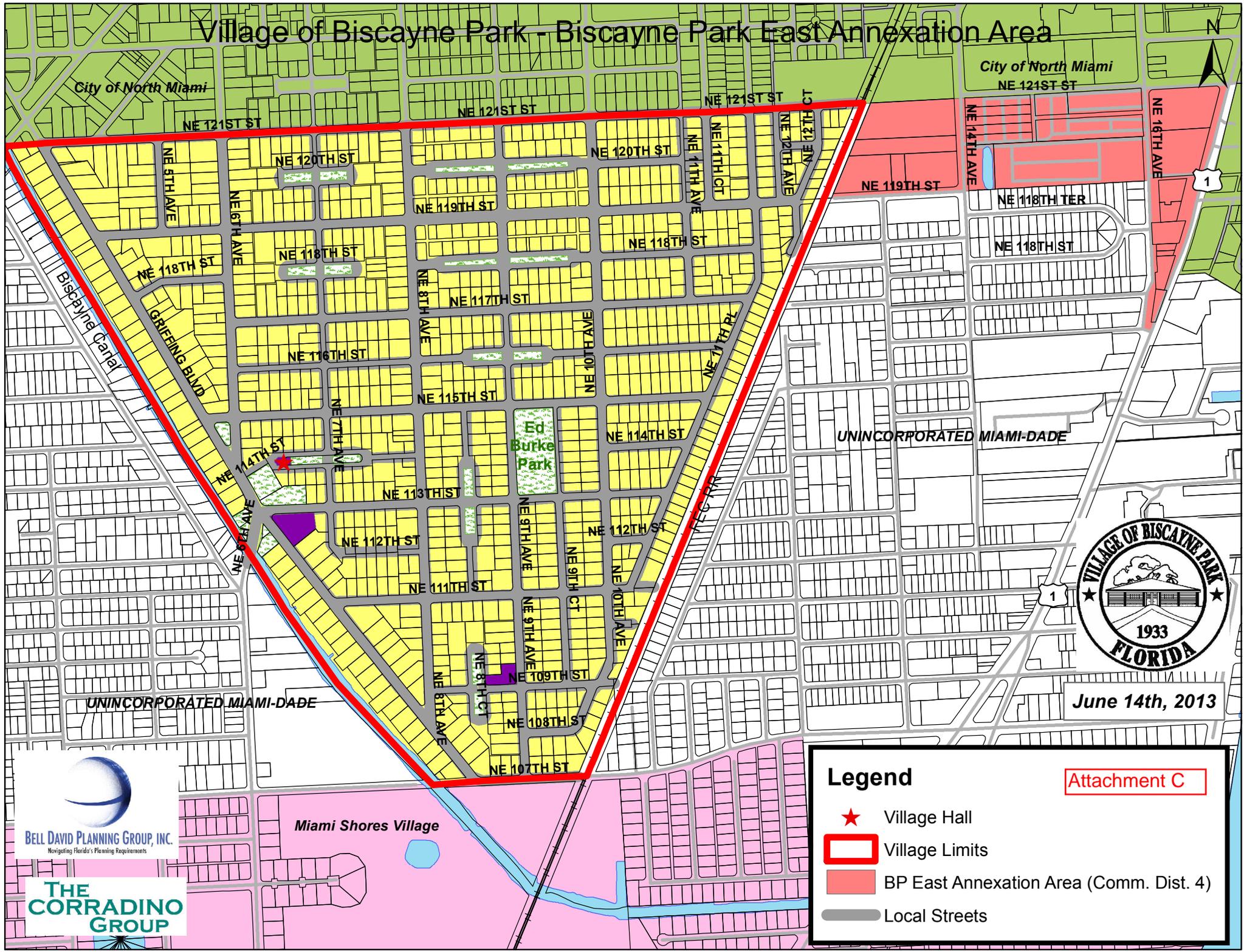
-AND-

The North 125 feet of the SW 1/4 of the NE 1/4 of the NE 1/4 of Section 32, Township 52 South, Range 42 East, lying Northwesterly of the Easterly right-of-way of Biscayne Boulevard, being North of the centerline of Northeast 117 Street.

-AND-

That part of the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 32, Township 52 South, Range 42 East, lying Northwesterly of the Easterly right-of-way of Biscayne Boulevard, being North of the centerline of Northeast 116 Street and Southeasterly of the centerline of NE 16 Ave (East Dixie Highway).

Village of Biscayne Park - Biscayne Park East Annexation Area



June 14th, 2013

Legend

- ★ Village Hall
- ▭ Village Limits
- ▭ BP East Annexation Area (Comm. Dist. 4)
- ▬ Local Streets

Attachment C

BELL DAVID PLANNING GROUP, INC.
Navigating Florida's Planning Requirements

THE CORRADINO GROUP



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date:	May 5, 2015
Subject:	Resolution 2015-33 Change order in amount of \$41,120.64 for site drainage at the Public Safety and Administrative Annex
Prepared By:	Heidi Siegel, AICP, Village Manager
Sponsored By:	Staff

BACKGROUND

On December 9, 2014, the Village Commission approved an agreement with Bejar Construction for the construction of the Public Safety and Administrative Annex. The agreement was based on plans prepared by The Russell Partnership. Due to time constraints with the State of Florida funding for the project, the plans were simultaneously being reviewed by Miami-Dade County during the bid process.

During the plan review process the Miami Dade County Environmental Plan Review Section (DERM) requested changes to the submitted site drainage plan. In order to meet the DERM requirements the Village's design team proposed a solution that included a large retention area that was supported by six drainage structures. These proposed changes, even when taking into consideration credits from the original bid, would require a change order of \$109,840. In addition to the cost of the change order, staff was also concerned that the proposed design imposed on the entire southern portion of the site would restrict future outdoor development of the site.

The design team presented a design change that reduced the imposition of the retention area on the southern portion of the site and only required four drainage structures. This revision would require a change order of \$99,276 and extended the retention area to the small Village owned parcel to the west of the construction site. Due to both cost and design, this option was rejected by Staff.

After an internal meeting with staff and the design and construction team, a meeting was held with DERM professionals to explain the Village's position and concerns with the revisions. At this meeting, DERM professionals agreed to allow the Village to use an alternative design calculation that includes discharge into the Village stormwater drain at NE 114 Street and NE 6 Avenue. This design has reduced the retention area considerably and only requires one drainage structure. Taking into consideration credits from the original bid, the proposed change order cost is \$41,120.64. The proposed change order was reviewed and approved by the project architect.

May 5, 2015

Commission Agenda Report

Resolution 2015-33 Change order in amount of \$41,120.64 for site drainage at the Public Safety and Administrative Annex

The agreement with Bejar Construction requires the Village Commission to approve any change orders over \$10,000.

FISCAL / BUDGET IMPACT

The project budget includes a construction contingency for \$86,347. The change order will be covered by this contingency and allow the project to continue towards completion.

STAFF RECOMMENDATION

Approval of Resolution 2015-33

ATTACHMENTS

- Resolution 2015-33
- Change Order in the amount of \$41,120.64

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RESOLUTION NO. 2015-33

**A RESOLUTION OF THE VILLAGE
COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA, APPROVING
THE CHANGE ORDER TO THE CONTRACT
BETWEEN BEJAR CONSTRUCTION, INC.,
AND THE VILLAGE OF BISCAYNE PARK IN
THE AMOUNT OF \$41,120.64; PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, on December 9, 2014, the Village Commission approved the contract between Bejar Construction, Inc. and the Village of Biscayne Park for construction of the Public Safety and Administration Annex; and,

WHEREAS, during the plan review process the Miami-Dade County Environmental Review Section (hereinafter referred to as "DERM") requested changes to the submitted site drainage plan; and,

WHEREAS, after several meetings and design change proposals, DERM professionals agreed to the proposed alternate design drainage plan, which after taking into consideration credits from the original bid, the proposed change order cost is \$41,120.64; and,

WHEREAS, the proposed cost of the change order will be covered by the construction contingency in the project budget.

NOW, THEREFORE, BE IT RESOLVED 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 hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park approves the change order to the contract between Bejar Construction, Inc., and the Village of Biscayne Park in the amount of \$41,120.64. The estimate summary, in substantial form, is attached and incorporated by reference into this resolution as exhibit 1.

Section 3. This Resolution shall become effective upon adoption.

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PASSED AND ADOPTED this ____ day of _____, 2015.

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

David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

Bejar Construction, Inc.
Summary of Estimate

Project Name: Village Hall Annex

Project No: 05004-02

Location: Village of Biscayne Park

Spec Section	Description Of Work:	Estimate Cost						Subcontractor Cost	Total Estimate
		Materials			Labor				
		Unit	Quantity	U.C.	Amount	Hours	Unit Cost		
	Division 2 - Site Work								
	Add As Per Revision:								
1)	Clear & Grub - Revised Retention	LS	1		\$ -		\$ -	\$ -	\$ 9,323.00
2)	Drainage (75lf Exfiltration and One (1) Drainage Structure with Baffel	LS	1		\$ -		\$ -	\$ -	\$ 14,375.00
3)	Water Service	LS	1		\$ -		\$ -	\$ -	\$ 17,891.00
4)	Paving	LS	1		\$ -		\$ -	\$ -	\$ 19,976.00
5)	Concrete Sidewalks	LS	1		\$ -		\$ -	\$ -	\$ 11,510.00
6)	Striping and Signage	LS	1		\$ -		\$ -	\$ -	\$ 2,600.00
7)	Surveying	LS	1		\$ -		\$ -	\$ -	\$ 3,000.00
8)	Exterior Railings	LS	1		\$ -		\$ -	\$ -	\$ 6,500.00
9)	Concrete Stairs	LS	1		\$ -		\$ -	\$ -	\$ 2,000.00
	Credit As Per Original Scope of Work:								\$ -
1)	Water Service	LS	1						\$ (17,891.00)
2)	Retention Areas	LS	1						\$ (3,800.00)
3)	Paving	LS	1						\$ (17,000.00)
4)	Concrete Sidewalks	LS	1						\$ (11,900.00)
5)	Striping and Signage	LS	1						\$ (2,600.00)
									\$ -

Subtotal	\$ 33,984.00
10% Overhead	\$ 3,398.40
Subtotal	\$ 37,382.40
10% Profit	\$ 3,738.24
Total	\$ 41,120.64



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Ordinance 2015-02 Amending Chapter 17 of the Code to Authorize the Imposition of a Storm Water Repair/Improvements Assessment Fee and a Road Repair/Improvements Assessment Fee

Prepared By: Heidi Shafran, AICP, Village Manager

Sponsored By: Staff

BACKGROUND

Ordinance 2015-02 amends the Code of Ordinances to allow the Village to assess two individual fees for each property in the Village. The fees are for a Storm Water Repair/Improvements Assessment Fee and a Road Repair/Improvements Assessment Fee. At its September 9, 2014 meeting, the Village Commission authorized Staff to follow the procedures set forth in Florida State Statutes 197.3632 regarding the method for the levy, collection and enforcement of non-ad valorem assessments for roadway and storm water improvements. The next and final step in this process will be the determination of the amount of the assessment which will be set by separate resolution at the May regular commission meeting.

FISCAL / BUDGET IMPACT

The creation of the Roads and Stormwater Drainage Assessment will assist the Village in providing funds for short term and long term infrastructure improvements.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2015-02 at second reading.

ATTACHMENTS

Ordinance 2015-02

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 17 OF THE CODE ENTITLED “FEES, BONDS AND CHARGES” TO AUTHORIZE THE IMPOSITION OF A STORM WATER REPAIR/IMPROVEMENTS ASSESSMENT FEE TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; FURTHER AUTHORIZING THE IMPOSITION OF A ROAD REPAIR/IMPROVEMENTS ASSESSMENT FEE TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; REVISING SECTION 17.4 OF THE CODE ENTITLED “IMPOSITION OF SOLID WASTE MANAGEMENT FEE ASSESSMENT”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

WHEREAS, at its December 2, 2014 meeting, the Village Commission of the Village of Biscayne Park, Florida (hereinafter the “Village Commission”) approved Resolution 2014-88 which sets forth the Village’s intent to use the uniform method for the levy and collection of a non-ad valorem special assessment to be levied upon residential properties lying within the municipal boundaries of the Village of Biscayne Park for the imposition of a road repair/improvements assessment fee; and

WHEREAS, at its December 2, 2014 meeting, the Village Commission of the Village of Biscayne Park, Florida (hereinafter the “Village Commission”) approved Resolution 2014-89 which sets forth the Village’s intent to use the uniform method for the levy and collection of a non-ad valorem special assessment to be levied upon residential properties lying within the municipal boundaries of the Village of Biscayne Park for the imposition of a storm water repair/improvements assessment fee; and

WHEREAS, also at its December 2, 2014 meeting, the Village Commission approved Resolutions 2014-93 and 2014-94 which authorized Village officials to execute an Intergovernmental Cooperation Agreement with the Miami-Dade County Office of the Property Appraiser on behalf of the Miami-Dade County Tax Collector to facilitate the collection of non-ad valorem assessments for the provision of storm water repair/improvements and road repair/improvements; and

WHEREAS, in accordance with Section 197.3632, Florida Statutes, the Village advertised its intent to use the uniform method for the collection of non-ad valorem special assessments for storm water repair/improvements and road repair/improvements and held a duly advertised public hearing; and

WHEREAS, the Village Commission, consistent with its previous actions and consistent with the Village Charter, finds it in the best interests of the Village to approve this ordinance,

1 authorizing the imposition of storm water repair/improvements and road repair/improvements
2 assessment; and
3

4 WHEREAS, the Village Commission further finds it in the best interests of the
5 Village to revise Section 17.4 of the Code which addresses a solid waste management fee
6 assessment, to make it consistent with the newly adopted special assessments;
7

8 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**
9 **THE VILLAGE OF BISCAWAYNE PARK, FLORIDA:**
10

11 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as
12 being true and correct and are hereby made a specific part of this Ordinance upon adoption
13 hereof.

14 **Section 2.** **Authority.** This Ordinance is adopted pursuant to the provisions of the
15 Village Charter and Chapter 166 of the Florida Statutes and other applicable provisions involved.

16 **Section 3.** Chapter 17, entitled “Fees, bonds and charges”, of the Village Code is
17 hereby amended to read as follows:

18 **CHAPTER 17. - FEES, BONDS AND CHARGES**
19

20 17.1. - Generally.

21 17.1.1 A listing of all fees and bonds required and charges that may be made by the village are
22 set by resolution and kept on file in the clerk’s office.

23 17.2. - Building permit fees.

24 17.2.1 *Permit fees established.* The village shall charge and collect permit fees for building,
25 plumbing, electrical, mechanical work and for work in the public rights-of-way at the rates
26 listed in the fee schedule on file in the village clerk's office and made a part hereof and no
27 work shall be commenced until the fees have been paid.

28 17.3. - Campaign sign bond.

29 17.3.1 *Cash bond required.* No political campaign signs shall be placed until the candidate has
30 posted a cash bond with the village clerk. The cash bond amount shall be set forth in a
31 separate resolution and kept on file in the clerk’s office. The bond shall be refunded after
32 the election, provided a village inspection verified that all the candidate’s signs have been
33 removed.

34 17.3.2 *Bond not required for certain signs.* The requirement of section 17.3.1 above does not
35 apply to signs as [on] car tops or bumper stickers affixed to or placed in licensed operable
36 motor vehicles.

37 17.4. - Imposition of solid waste management fee assessment.

38 (A) Residential units include all residential properties within the village except for buildings
39 containing six (6) or more contiguous dwelling units are to receive solid waste services from

1 the village. Six (6) or more contiguous dwelling units are to contract with a county approved
2 contractor.

3 (B) The assessed properties are hereby found to be specially benefitted by the provision of the
4 solid waste collection services ~~in the amount of the solid waste management fee assessment~~
5 ~~of five hundred seventy two dollars (\$572.00) per residential unit and are determined to be~~
6 ~~fairly and reasonably apportioned.~~

7 (C) ~~For the fiscal year beginning October 1, 2013, the total solid waste management fee~~
8 ~~assessment throughout the village is estimated to be seven hundred forty two thousand six~~
9 ~~hundred sixty four dollars (\$742,664.00). The amount of the assessment shall be~~
10 ~~determined annually consistent with the requirements of the Miami-Dade County Property~~
11 ~~Appraiser and Florida Law.~~

12 ~~(D) The solid waste management fee assessment for solid waste collection services is hereby~~
13 ~~approved and shall continue to be the current schedule for solid waste collection,~~
14 ~~transportation, separation and disposal service in subsequent years unless and until a new~~
15 ~~management fee assessment is established by separate ordinance.~~

16 ~~(E)~~ (D) The solid waste management fee assessment shall constitute a lien upon the real property,
17 so assessed equal in rank and dignity with the liens of all state, county, district and
18 municipal taxes and other non-ad valorem assessment.

19
20 17.5. – Imposition of storm water repairs/improvements; fee assessment.

21
22 (A) All residential units within the Village are subject to this special assessment.

23 (B) The assessed properties are hereby found to be specially benefitted by the provision of the
24 storm water repair/improvements assessment.

25 (C) The amount of the assessment shall be determined annually consistent with the requirements
26 of the Miami-Dade County Property Appraiser and Florida Law.

27 (D) The storm water repair/improvements assessment shall constitute a lien upon the real
28 property so assessed equal in rate and dignity with the liens of all state, county, district and
29 municipal taxes and other non-ad valorem assessments.

30
31 17.6. – Imposition of roadway repairs/improvements; fee assessment.

32
33 (A) All residential units within the Village are subject to this special assessment.

34 (B) The assessed properties are hereby found to be specially benefitted by the provision of the
35 roadway repair/improvements assessment.

36 (C) The amount of the assessment shall be determined annually consistent with the requirements
37 of the Miami-Dade County Property Appraiser and Florida Law.

38 (D) The roadway repair/improvements assessment shall constitute a lien upon the real property
39 so assessed equal in rate and dignity with the liens of all state, county, district and municipal
40 taxes and other non-ad valorem assessments.

41 ~~17.5~~ 17.7. - Public right-of-way permit fees.

42 ~~17.5.1~~ 17.7.1 Fees. All standards and permit fees regarding public rights-of-way shall be on file
43 in the clerk's office.

44 ~~17.6~~ 17.8. - Planning and zoning fee schedule.

45 The fee schedule for all planning, zoning and public hearing applications of the Miami-Dade
46 County Code as adopted by the Village of Biscayne Park.

- 1 (a) The fee schedule for all planning, zoning and public hearing development order
2 applications pursuant to the village's Land Development Code, and pursuant to F.S. §
3 163.3184, and F.S. § 166.041, (comprehensive plan amendment process) submitted
4 directly to the Village of Biscayne Park shall be in accordance with the fee schedule
5 provided by separate resolution and kept on file in the clerk's office.
6 (b) The fee schedule for all planning, zoning and public hearings shall be submitted directly
7 to the Village of Biscayne Park in accordance with the fee schedule provided by
8 separate resolution and kept on file in the clerk's office.
9 (c) All checks shall be made payable to the "Village of Biscayne Park."
10 (d) All fee schedules established by the village's building department and all other fees
11 other than those described in the resolution kept on file in the clerk's office shall remain
12 in effect in the village until specifically repealed.

13 ~~17.6.1~~ 17.8.1 *Zoning applications.*

- 14 A. *Public hearings and administrative modifications.* Every application for a zoning
15 change or other zoning application, where a public hearing is required to be held and for
16 every application where notices and advertisement are required, there shall be paid a
17 minimum fee as set forth in the resolution kept on file in the clerk's office.
18 B. *Revisions to public hearing plans.* Submittal of the first revised plan will be processed
19 at no additional cost to the applicant. Subsequent revisions will be processed at an
20 additional charge as set forth by resolution kept on file in the clerk's office and shall be
21 paid in total at the time of submittal.

22
23 Onle one (1) fee shall be assessed; should an application involve two (2) or more
24 adjustments of a different category, the greater shall apply.

25 ~~17.6.2~~ 17.8.2 *General information.*

- 26 A. *Application fees.* All applications fees shall be paid in total, at the time of filing of an
27 application, and no fee shall be credited or refunded except when adjustment is
28 warranted or deemed necessary due to departmental error. A refund of fifty (50) percent
29 of an original application fee may be refunded upon the withdrawal of an application
30 when the written request for withdrawal is received within thirty (30) days of the date of
31 application.
32 B. *Mailing fees; notices.* In addition to the zoning fees set by separate resolution, items
33 requiring notice shall be assessed a fee for each notice required to be mailed in
34 accordance with the Village's Code. These fees shall be assessed for every occasion on
35 which notices are mailed.
36 C. Processing costs will be charged equal to actual staff time and related costs for matters
37 which involve research, including review of legal agreements. A minimum fee shall be
38 charged.
39 D. *Preparation of special studies or reports.* For special studies or reports that are not
40 prepared as part of the regular work program of the village and are found by the village
41 to be necessary to prepare recommendations related to planning and zoning
42 applications, the applicant shall pay the actual cost incurred for any such required
43 professional services. Specifically, the village shall charge the applicant the direct cost
44 of review by employed/hired consultants and professionals, engineers, planners, legal,
45 technical or environmental consultants deemed reasonably necessary by the village to
46 review any application. Charges shall be in accord with the hourly rate charges by such

employed professionals or consultants. The applicant shall reimburse the village for the cost of such upon submission of an invoice within thirty (30) days. Failure to make payment shall result in a discontinuance of review/processing of an application; or rescinding of the final development order for failure to comply with a material condition to the approval.

E. *Re-advertisement and re-notification for deferred or remanded hearing applications.* For each and every zoning hearing application that is deferred or remanded to a date not yet advertised, a fee shall be paid based on the actual cost of re-advertisement and re-notification.

F. *Late payment charges on unpaid amounts.* Billing covered by contracts, agreements or other formal arrangements for services rendered by the department are due within forty-five (45) days from the date of the invoice. Full payment of the account balance must be received by the past due date set forth on the invoice. A monthly late payment charge will be assessed on any outstanding balance at the rate of ten (10) percent thereafter, until payment is received in full.

TABLE A RESIDENTIAL SECTORS

Regulations	RESIDENTIAL SECTORS			
	A	B	C	D
Density (Dwelling units per gross acre ¹)	= <2.0	2.1—6.0	2.1—6.0	2.1—6.0
Minimum lot size (square feet ²)	8,500	8,500	6,000	8,500
Dwelling type allowed	Detached one-family	Detached one-family	Detached one-family two-family ⁴	Detached community res. home
Minimum dwelling size (gross horizontal floor area, square feet)	1,900	1,400	(a) 1,400 (b) 2,000	1,400
Maximum lot coverage (percent)	50	50	50	50
Maximum dwelling units per single lot	1	1	1	1
Maximum building height (stories)	2	2	2	2
Minimum setbacks (feet)				
Street property line	50	30 ³	30	30
Rear	10	10	10	10
Sides	10	10	10	10

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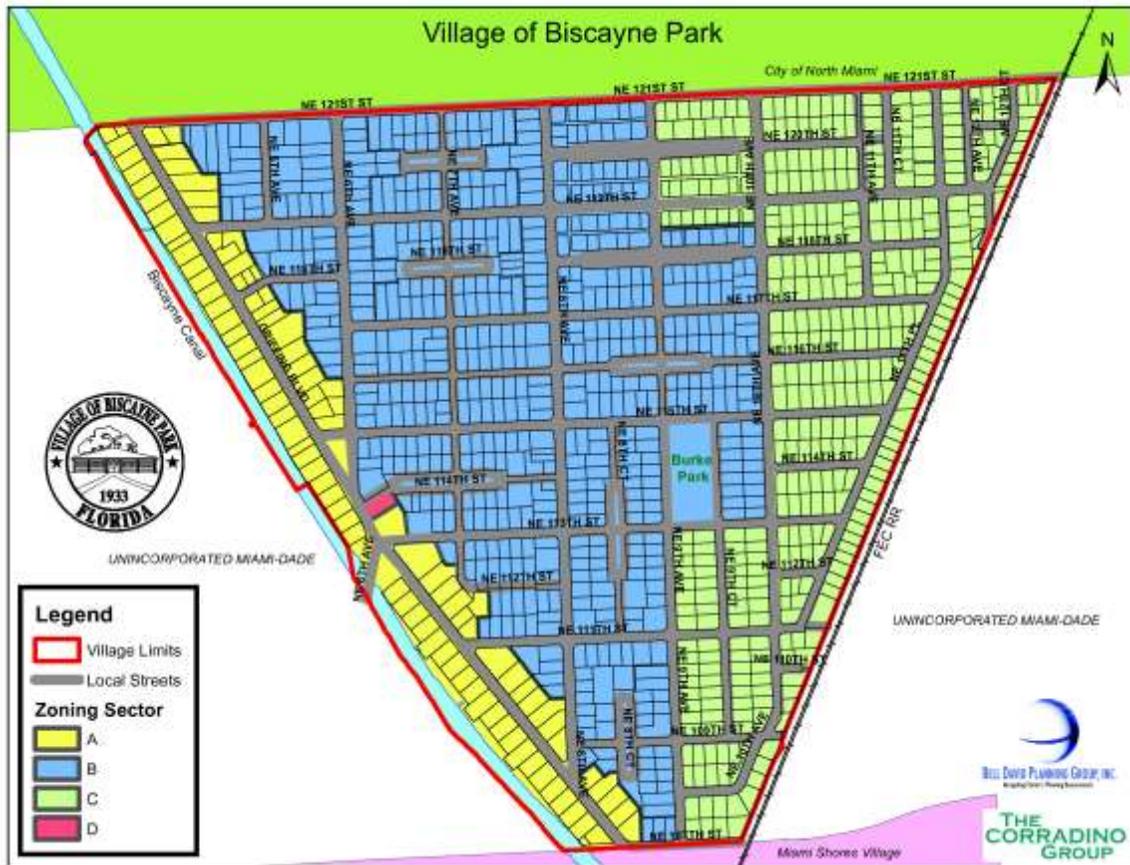
Notes:

¹ Gross acre is the lot area plus half the width of the adjacent road.

² And in any case not less than the area of any lot of record.

³ Except north side of 116th Street between 6th Avenue to 8th Avenue where the present setback shall be maintained; except on all 60-foot lots facing NE 9th Avenue between 118th Street and 120th Street where the setback shall be 20 feet from the NE 9th Avenue property line and said lots shall be subject to existing setback requirements of the streets on which they abut.

⁴ Two-family or duplex dwellings are prohibited on lots with a frontage of fifty (50) feet or less.



12

Residential Sectors Illustration

13
14

Section 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

15

16

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

17

18

1 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
2 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
3 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
4 part.

5 **Section 6.** Codification. It is the intention of the Village Commission of the Village of
6 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
7 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be
8 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
9 word or phrase in order to accomplish such intention.

10 **Section 7.** Effective Date. This Ordinance shall be effective upon adoption on
11 second reading.

12
13 The foregoing Ordinance was offered by Commissioner _____, who moved its
14 adoption. The motion was seconded by _____ and upon being put to a vote,
15 the vote was as follows:

16
17 PASSED AND ADOPTED upon first reading this 7th day of April, 2015.

18 PASSED AND ADOPTED upon second reading this ____ day of _____, 2015.

19
20
21
22
23 _____
24 David Coviello, Mayor
25
26 Attest:
27
28

The foregoing ordinance upon being put to a
vote, the vote was as follows:
Mayor Coviello ____
Vice Mayor Jonas ____
Commissioner Anderson ____
Commissioner Ross ____
Commissioner Watts ____

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8

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Ordinance 2015-03

Prepared By: Village Clerk Maria Camara

Sponsored By: Staff

Background:

At the February 3, 2015, Commission meeting, Attorney John Hearn explained that the code related to the Planning & Zoning Board is covered in multiple places in the Village's Code of Ordinances, and asked for Commission approval to move forward in drafting an ordinance to clarify and correct. The Commission passed a motion giving Attorney Hearn the direction to rewrite the code as necessary, including that related to the Code Compliance Board. At the April 7, 2015, Commission Meeting, the Commission approved the Ordinance at first reading with direction to the Attorney to make certain amendments which have been incorporated.

The Commission will be provided with the Board Member Application forms for both the Planning & Zoning Board and Code Compliance Board at the May 5, 2015, meeting to select, appoint and set the term of office for each member.

Fiscal / Budget Impact: Cost for advertisement of the second reading of the ordinance and cost to codify.

Attachments: Ordinance 2015-03

1 **ORDINANCE NO. 2015-03**

2
3 AN ORDINANCE OF THE VILLAGE COMMISSION OF
4 THE VILLAGE OF BISCAYNE PARK, FLORIDA
5 AMENDING CHAPTER 13 OF THE LAND
6 DEVELOPMENT CODE ENTITLED “PLANNING BOARD
7 AND LOCAL PLANNING AGENCY”; AMENDING
8 CHAPTER 14 OF THE LAND DEVELOPMENT CODE
9 ENTITLED “CODE COMPLIANCE BOARD”; AMENDING
10 CHAPTER 15 ENTITLED “ENFORCEMENT”;
11 PROVIDING FOR CONFLICTS; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR INCLUSION;
13 PROVIDING FOR AN EFFECTIVE
14

15 WHEREAS, Chapters 13, 14 and 15 of the Land Development Code (“LDC”) provide
16 regulations concerning the Village’s Planning and Code Compliance Boards; and
17

18 WHEREAS, the Village’s professional staff recommends that the chapters of the LDC
19 pertaining to the Planning and Code Compliance Boards be revised to be consistent with state
20 law; and
21

22 WHEREAS, the Village Commission finds it in the best interests of the Village to
23 approve this ordinance, authorizing the LDC to be revised to be consistent with state law;
24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**
26 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**
27

28 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as
29 being true and correct and are hereby made a specific part of this Ordinance upon adoption
30 hereof.
31

32 **Section 2.** Chapter 13, entitled “Planning Board and Local Planning Agency”, is
33 hereby amended to read as follows:
34

35 **CHAPTER 13. - PLANNING BOARD AND LOCAL PLANNING AGENCY**
36

37 13.1. – Generally rules and policies.

38 13.1.1 ~~*Purpose of chapter.* The following board and agency are created to administer the~~
39 ~~provisions of this code under the authority prescribed by this code and Florida law. Unless~~
40 ~~provided otherwise in this Article, Article III, Section 2-30 of the Biscayne Park Code shall~~
41 ~~govern the rules, policies and procedures of the planning board.~~

42 13.2. - Planning board.
43

44 13.2.1 Authority/duties. The planning board shall serve as the local planning agency, review
45 variance applications, and have other authority as provided by state law and the Land
46 Development Code.

1 ~~13.2.1 *Appointed.* There is hereby appointed and created a village planning board hereinafter~~
2 ~~called the board to review and recommend to the village commission approval or denial of~~
3 ~~development applications submitted under this code and any other matter that may be~~
4 ~~referred to the board by the commission.~~

5 ~~13.2.2 *Term.* The planning board shall be appointed for a term of two (2) years.~~

6 ~~13.2.3 *Membership.* The board shall be composed of three (3) members. Each member shall~~
7 ~~reside in the village. When a position becomes vacant before the end of the term, the village~~
8 ~~commission shall appoint a substitute member to fill the vacancy for the duration of the~~
9 ~~vacated term.~~

10 ~~13.2.4 *Chair.* The members shall designate one of them as chair of the planning board.~~

11 ~~13.2.5 *Meetings.* The board shall meet in the village hall or at such other place or places as the~~
12 ~~members thereof may decide and at such times as the members of the board may decide.~~

13 ~~13.2.6 *Quorum.* A majority of the members of the planning board shall constitute a quorum for~~
14 ~~all purposes.~~

15 ~~13.2.7 *Procedures.* The board shall follow rules of procedure that conform to this code, the~~
16 ~~village charter and other ordinances, and state law. Minutes of the board's proceedings shall~~
17 ~~be kept, indicating the attendance of each member, and the decision on every question. Each~~
18 ~~decision of the board must be approved by majority vote. All meetings of the board shall be~~
19 ~~public meetings and all board records shall be public records.~~

20 ~~13.2.8 *Finances.* The village commission shall appropriate funds to permit the planning board to~~
21 ~~perform its prescribed functions. Members shall not be compensated, but may be paid for~~
22 ~~travel and other expenses incurred on board business under procedures prescribed in~~
23 ~~advance by the village commission.~~

24 13.2.2 *Term of office.* The initial appointments to the code compliance board and the alternate
25 members shall be as follows:

- 26
27 (1) One (1) member appointed for a term of one (1) year.
28 (2) Two (2) members appointed for a term of two (2) years.
29 (3) Two (2) members appointed for a term of three (3) years.

30
31 Thereafter, all appointments shall be made for a term of three (3) years and shall take effect
32 on May 1 of the year the appointment is made. A member may be reappointed upon
33 approval of the village commission. Appointments to fill any vacancy on the code
34 compliance board shall be for the remainder of the unexpired term of office. If any member
35 who fails to attend two (2) of the three (3) successive meetings without cause and without
36 prior approval of the chairman, the board shall declare the member's office vacant, and the
37 village commission shall promptly fill such vacancy.

38
39 The members shall serve in accordance with the Village Charter and may be suspended and
40 removed for cause as provided in the Village Code for removal of members of village
41 boards.

42
43 ~~13.2.9~~ 13.2.3 *Application fees.* The village commission shall adopt by resolution a schedule of
44 application fees for functions performed by the planning board in response to applications
45 submitted by any person, corporation, organization or governmental entity.

46 13.3. - Local planning agency.

1 13.3.1 *Designation and establishment of local land planning agency.* Pursuant to and in
2 accordance with F.S. § 163.3174, the village planning board is hereby designated and
3 established as the local planning agency for the incorporated territory of Biscayne Park,
4 Florida.

5 13.3.2 *Duties and responsibilities of as the local planning agency.* The planning board, as the
6 local planning agency, in accordance with ~~the Local Government Comprehensive Planning~~
7 ~~and Land Development Act of 1985~~, F.S. § 163.3174(4), shall:

- 8 (a) Be the agency responsible for the preparation of the comprehensive plan and shall make
9 recommendations to the ~~governing body~~ village commission regarding the adoption of
10 such plan or element or portion thereof.
- 11 (b) Monitor and oversee the effectiveness and status of the comprehensive plan and
12 recommend to the governing body such changes in the comprehensive plan as may from
13 time to time be required, including ~~preparation~~ review of the periodic reports required
14 by F.S. § 163.3191, (evaluation and appraisal of the comprehensive plan once every
15 five (5) years).
- 16 (c) When the local planning agency is serving as the land development regulation
17 commission or the local government requires review by both the local planning agency
18 and the land development regulation commission, review proposed land development
19 regulations, land development codes, or amendments thereto, and make
20 recommendations to the governing body as to the consistency of the proposal with the
21 adopted comprehensive plan or portion thereof.
- 22 (d) Perform any other functions, duties, and responsibilities assigned to it by the governing
23 body or general or special law.

24 ~~13.3.3 *Organization, rules and procedures of the agency.* Members of the local planning agency~~
25 ~~shall continue to be appointed and follow such rules of procedure, methods of choosing~~
26 ~~officers, setting of public meetings, providing of financial support, and accomplishing its~~
27 ~~duties as provided in the Charter.~~

28 ~~13.3.4 *Public meetings and records.* All meetings of the local planning agency shall be public~~
29 ~~meetings and all agency records shall be public records. The local planning agency shall~~
30 ~~encourage public participation.~~

31 ~~13.3.5~~ 13.3.3 *Funds.* The commission shall appropriate funds at its discretion to the local
32 planning agency for expenses necessary in the conduct of its work. The local planning
33 agency may, in order to accomplish the purposes and activities required by the Local
34 Government Comprehensive Planning and Land Development Act of 1985 Act, expend all
35 sums so appropriated and other sums made available for use from fees, gifts, state or federal
36 grants, state or federal loans, and other sources; provided acceptance of loans or grants must
37 be approved by the commission.

38 ~~15.3~~13.4. - Variances.

39 ~~15.3-1~~13.4.1. *Variances recommended by the planning board.* The planning board may
40 recommend to the commission a variance from the strict application of any provision of this
41 code, except provisions of the adopted levels of service, (chapter 9).

42 ~~15.3-2~~13.4.2 *Grounds for a variance—Findings required.* The board may recommend a
43 variance from this chapter when, in its opinion, undue hardship may result from strict
44 compliance. In recommending any variance, the board shall prescribe only conditions that it
45 deems necessary to or desirable for the public interest. In making its findings, as required
46 herein below, the board shall take into account the nature of the proposed use of land and the

1 existing character of land and buildings in the vicinity. No variance shall be recommended
2 unless the board finds:

- 3 (1) That there are special circumstances or conditions affecting the property which are such
4 that the strict application of the provisions of this chapter would deprive the applicant of
5 the reasonable use of his land.
- 6 (2) That the variance is necessary for the preservation and enjoyment of a substantial
7 property right of the petitioner.
- 8 (3) That the granting of the variance will not be detrimental to the public welfare or
9 injurious to other property in the territory in which the property is situated.
- 10 (4) That the variance proposed is the minimum variance which makes possible the
11 reasonable use of the property.

12 ~~15.3.3~~13.4.3 *Imposition of conditions.* In recommending a development approval involving a
13 variance, the planning board may also recommend such conditions and restrictions upon the
14 premises benefited by a variance as may be necessary to allow a positive finding to be made
15 on any of the factors in subsection 15.3.2 above, or to minimize the injurious effect of the
16 variance.

17 ~~15.3.4~~13.4.4 *Village commission approval.* The planning board recommendation shall be sent
18 to the village commission for final consideration. The village commission shall review the
19 findings and recommendations of the planning board, determine whether all grounds for the
20 variance have been established and make a final decision regarding approval or denial of the
21 requested variance.

22 ~~15.3.5~~13.4.5 *Historic properties.* Special variances may be granted for the reconstruction,
23 rehabilitation or restoration of structures listed or classified in the national or county register
24 of historic places. The special variance shall be the minimum necessary to protect the
25 historic character and design of the structure. No special variance shall be granted if the
26 proposed construction, rehabilitation, or restoration will cause the structure to lose its
27 historical designation.

28 ~~15.3.6~~13.4.6 *Conditions and limitations.* In authorizing any variance, the commission shall
29 include as part of such variance, any condition, requirement or limitation which the board
30 may believe to be necessary and desirable to protect adjacent properties in the surrounding
31 neighborhood, and to carry out the spirit and purpose of the land development code.

32 ~~15.3.7~~13.4.7 *Administrative variances.* This part is established to provide standards and
33 procedures for the granting of administrative variances of development standards for
34 existing sites. Administrative variances are specifically intended to promote high standards
35 of design, provide flexibility in the administration of standards in recognition of site specific
36 conditions, and to establish conditions to ensure compatibility where standards are modified.

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

- 42 (1) Superior alternatives: Where the development will provide an alternative which will
43 achieve the purposes of the requirement through clearly superior design.
- 44 (2) Technical impracticality: Where the strict application of the requirements would be
45 technically impractical in terms of design or construction practices or existing site
46 conditions. The degree of existing nonconforming conditions and the extent to which

1 the proposed modification would lessen the nonconforming condition shall be
2 specifically considered.

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

5 (4) Other technical, architectural or engineering reasons.

6 ~~15.4.13.5.~~ - Procedure for amending this code or the comprehensive plan.

7 ~~15.4.13.5.1~~ *State law.* The procedures for amending this code or the comprehensive plan shall
8 adhere to state law in all respects.

9 ~~15.4.213.5.2~~ *Applications.* Any affected person or affected local government may apply to the
10 local planning agency to amend this code or the comprehensive plan in compliance with
11 procedures prescribed by the agency.

12 ~~15.4.313.5.3~~ *Local planning agency recommendation.* The local planning agency shall hold a
13 legislative hearing on each application to amend this code or the comprehensive plan and
14 thereafter submit to the village commission a written recommendation which:

15 (a) Identifies any provisions of the code, comprehensive plan, or other law relating to the
16 proposed change and describes how the proposal relates to them.

17 (b) States factual and policy considerations pertaining to the recommendation.

18 ~~15.4.413.5.4~~ *Decision by the village commission.* The village commission shall hold a
19 legislative hearing on the proposed amendment and may enact or reject the proposal, or
20 enact a modified proposal that is within the scope of matters considered at the hearing.

21 ~~15.4.513.5.5~~ *Legislative hearing.* Each legislative hearing shall conform to the following
22 requirements:

23 (a) Notice. Notice that complies with the requirements of state law shall be given.

24 (b) Hearing. The public hearing shall as a minimum:

25 (i) Comply with the requirements of state law.

26 (ii) Present the local planning agency's analysis of the proposed decision.

27 (iii) Present the local planning agency's summary of reports by other agencies.

28 (iv) Permit any affected person or affected local government to submit written
29 recommendations and comments before or during the hearing.

30 (v) Permit a reasonable opportunity for interested persons to make oral statements.

31 ~~15.513.6.~~ - Appeals.

32 ~~15.5.113.6.1~~ *Submission of appeal.* Appeals as to any provision of this code or regulations may
33 be made to the commission by any aggrieved resident or property owner of the area affected,
34 and upon receipt of such appeal it shall be referred to the local planning agency for
35 investigation.

36 ~~15.5.213.6.2~~ *Local agency evaluation.* Such appeals may concern general provisions of the
37 plan and regulations or their effect in application to specific pieces of property. The local
38 planning agency shall determine whether or not relief may be granted without substantial
39 detriment to the public good and without impairing the intent and purpose of the plan and
40 code, and shall report its findings and recommendations as to change and amendments, if
41 any, to the commission.

42 ~~15.5.313.6.3~~ *Final action.* Final action on appeals shall be taken by the commission after
43 receipt of such report, and the commission may overrule the local planning agency.

1 ~~15.5.4~~13.6.4 *Local planning agency failure to act.* Failure of the local planning agency to act
2 on any appeal within thirty (30) days after its official submission to it shall be deemed
3 approval unless a longer period is requested and granted by the commission.

4 ~~15.5.5~~13.6.5 *Certification.* Changes in the adopted comprehensive plan and land development
5 code, or amendments thereto, originated by the local planning agency may be certified
6 through the commission at any regular meeting and adopted as amendments to this code in
7 the regular manner.
8

9 **Section 3.** Chapter 14, entitled “Code Compliance Board”, is hereby amended to read
10 as follows:

11 **CHAPTER 15 14. – PROCEDURES CODE COMPLIANCE BOARD**

12
13 ~~15.1.~~ 14.1 - Code compliance board—Generally.

14 ~~15.1.1~~ 14.1.1 *Purpose.* This chapter sets forth the procedures of the code compliance board.
15 When not expressly provided for in this Chapter, Article III, Section 2-30 of the Biscayne
16 Park Code shall apply. for enforcement of this code, for the consideration of variances from
17 this code, for amending this code or the comprehensive plan, and for appealing decisions.
18 ~~Section 15.1 shall be for code compliance procedures. Section 15.2 relates to planning board~~
19 ~~requirements.~~

20 ~~15.1.2~~ 14.1.2 *Intent.* It is the intent of the village to provide an equitable, expeditious, effective,
21 and inexpensive method of enforcing the codes and ordinances in force in the village by
22 granting to the code compliance board the authority to impose administrative fines and other
23 ~~no~~ non-criminal penalties for violation(s) of said codes and ordinances.

24 ~~15.1.3~~ 14.1.3 *Composition.* The five-member board shall be appointed by the village
25 commission. Members of the code compliance board shall be property owners and residents
26 of the Village of Biscayne Park. Appointments shall be made on the basis of experience or
27 interest and, when possible, ~~the inclusion of~~ include the following individuals ~~is encouraged:~~
28 an architect, an attorney a business person, an engineer, a general contractor, a subcontractor
29 and a licensed real estate person.

30 ~~15.1.4~~14.1.4 *Term of office.* The initial appointments to the code compliance board and the
31 alternate members shall be as follows:

- 32
33 (1) One (1) member appointed for a term of one (1) year.
34 (2) Two (2) members appointed for a term of two (2) years.
35 (3) Two (2) members appointed for a term of three (3) years.
36

37 Thereafter, all appointments shall be made for a term of three (3) years and shall take effect
38 on May 1 of the year the appointment is made. A member may be reappointed upon
39 approval of the village commission. Appointments to fill any vacancy on the code
40 compliance board shall be for the remainder of the unexpired term of office. If any member
41 who fails to attend two (2) of the three (3) successive meetings without cause and without
42 prior approval of the chairman, the board shall declare the member’s office vacant, and the
43 village commission shall promptly fill such vacancy. The terms of office of the members of
44 the board shall be up for reappointment yearly at the regular March village commission
45 meeting. The nominating commissioner can continue the term of the commissioner's current
46 appointment or appoint a new member. If no action is taken by the commissioner or the

1 ~~commission, the board or committee member shall continue to serve. New commissioners~~
2 ~~will also be able to continue the term of a previous commissioner or appoint a new member.~~

3 The members shall serve in accordance with the Village Charter and may be suspended and
4 removed for cause as provided in the Village Code of Ordinances and resolutions for removal of
5 members of village boards.

6 ~~15.1.5~~ 14.1.5 *Procedures.*

7 (a) *Chairman.* The members of the code compliance board shall elect a chairman from
8 among its members.

9 (b) *Quorum.* The presence of three (3) members shall constitute a quorum of the code
10 compliance board.

11 (c) *Expenses.* Members shall serve without compensation, but may be reimbursed for such
12 travel, mileage and per diem expenses as may be authorized by the village commission.

13 ~~15.1.6~~ 14.1.6 *Counsel.* The village attorney shall either be counsel to the code compliance
14 board or shall represent the village by presenting cases before the board, but in no case shall
15 the village attorney serve in both capacities.

16
17 ~~15.1.7~~ 14.1.7 *Compliance procedure.*

18 (a) It shall be the duty of the code compliance officer to initiate enforcement proceedings of
19 the various codes; provided, however, no member of the code compliance board shall
20 have the power to initiate such enforcement proceedings.

21 (b) Except as provided in subsections (c) and (d), if a violation of the codes is found, the
22 code compliance officer shall notify the violator and give the violator a reasonable time
23 to correct the violation ~~and, unless an emergency or life safety situation may issue a~~
24 ~~courtesy notice.~~ Should the violation continue beyond the time specified for correction,
25 the code compliance officer shall notify the code compliance board of the charges and
26 request a hearing pursuant to procedure in section ~~15.1.8~~ 14.1.8, ~~of the Land~~
27 ~~Development Code.~~ Notice shall be provided pursuant to section ~~15.1.13~~ 14.1.13, ~~of the~~
28 ~~Land Development Code.~~

29 (c) If the violation is corrected and then recurs or if the violation is not corrected by the
30 time specified for correction by the code compliance officer, the case may be presented
31 to the code compliance board even if the violation has been corrected prior to the board
32 hearing, and the notice shall so state. If a repeat violation is found, the code compliance
33 officer shall notify the violator but is not required to give violator a reasonable time to
34 correct the violation. The code compliance officer, upon notifying the violator of a
35 repeat violation, shall notify the code compliance board and request a hearing. The code
36 compliance board shall schedule a hearing and shall provide notice pursuant to section
37 ~~15.1.12~~ 14.1.12, ~~of the Land Development Code.~~ The case may be presented to the code
38 compliance board even if the repeat violation has been corrected prior to the board
39 hearing, and the notice shall so state. "Repeat violation" means a violation of a
40 provision of a code or ordinance by a person who has been previously found, through a
41 code compliance board or other quasi-judicial or judicial process, to have violated or
42 has admitted violating the same provision within five (5) years prior to the violation.

43 (d) If the code compliance officer has reason to believe a violation presents a serious threat
44 to the public health, safety and welfare, the code compliance officer may proceed

1 directly to the procedure in subsection ~~15.1.7(b)~~ 14.1.7(b), of the ~~Land Development~~
2 ~~Code~~ without ~~being required to~~ notifying the violator of a ~~reasonable time to correct~~.

3 (e) If the owner of the property which is subject to an enforcement proceeding before a
4 code compliance board, or if the court, transfers ownership of such property between
5 the time the initial pleading was served and the time of the hearing, such owner shall:

6 (1) Disclose, in writing, the existence and the nature of the proceeding to the
7 prospective transferee.

8 (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other
9 materials relating to the code enforcement proceeding received by the transferor.

10 (3) Disclose, in writing, to the prospective transferee that the new owner will be
11 responsible for compliance with the applicable code and with orders issued in the
12 code enforcement proceeding.

13 (4) File a notice with the code compliance department of the transfer of the property,
14 with the identity and address of the new owner and copies of the disclosures made
15 to the new owner, within five (5) days after the date of the transfer. A failure to
16 make the disclosures described in this subsection before the transfer creates a rebut
17 table presumption of fraud. If the property is transferred before the hearing, the
18 proceeding shall not be dismissed, but the new owner shall be provided a
19 reasonable period of time to correct the violation before the hearing is held.

20 ~~15.1.8~~ 14.1.8 *Conduct of hearing.*

21 (a) The chairman of the code compliance board may call hearings of the board, and
22 hearings may also be called by written notice signed by at least three (3) members of the
23 code compliance board. The board, at any hearing, may set a future hearing date. The
24 board shall attempt to convene no less frequently than once every two (2) months, but it
25 may meet more or less often as the demand necessitates. Minutes shall be kept of all
26 hearings by the board, and all hearings and proceedings shall be open to the public. The
27 village shall provide clerical and administrative personnel as may be reasonably
28 required by the board for the proper performance of its duties.

29 (b) Each case before the code compliance board shall be presented by a code compliance
30 officer appointed by the village for that purpose.

31 (c) The code compliance board shall proceed to hear the cases on the agenda for that day.
32 All testimony shall be under oath and shall be recorded. The board shall take testimony
33 from the code compliance officer, the alleged violator, and any witnesses called. Formal
34 rules of evidence shall not apply, but fundamental due process shall be observed and
35 govern said proceedings.

36 (d) At the conclusion of the hearing, the code compliance board shall issue findings of fact,
37 based on evidence recorded and conclusions of law, and shall issue an order affording
38 the proper relief consistent with powers granted herein. The finding shall be by motion
39 approved by a majority of those present and voting, except that at least three (3)
40 members of the code compliance board must vote for the action to be official. The order
41 may include a notice that it must be complied with by a specified date and that a fine
42 may be imposed if the order is not complied with by said date. A certified copy of such
43 order may be recorded in the public records of ~~Miami-Dade County~~ the county and shall
44 constitute notice to any subsequent purchasers, successors in interest, or assigns if the
45 violation concerns real property, and the findings therein shall be binding upon the
46 violator and, if the violation concerns real property, any subsequent purchasers,

1 successors in interest, or assigns. If an order is recorded in the public records pursuant
2 to this subsection and the order is complied with by the date specified in the order, the
3 code compliance board shall issue an order acknowledging compliance that shall be
4 recorded in the public records. A hearing is not required to issue such an order
5 acknowledging compliance.

6 ~~15.1.9~~ 14.1.9 *Powers of the code compliance board.* The code compliance board shall have the
7 power to:

- 8 (1) Adopt rules for the conduct of its hearings.
- 9 (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by
10 the police department.
- 11 (3) Subpoena evidence to its hearings.
- 12 (4) Take testimony under oath.
- 13 (5) Issue orders having the force of law commanding whatever steps are necessary to bring
14 a violation into compliance.

15 ~~15.1.10~~ 14.1.10 *Fines; liens.*

- 16 (a) The code compliance board, upon notification by the code compliance officer that a
17 previous order of the board has not been complied with by the set time, or finds a
18 person to be a repeat violator under subsection (c), may order the violator to pay a fine
19 in an amount specified in this section for each day the violation continues past the date
20 set by the board for compliance or, in the case of a repeat violation, for each day the
21 repeat violation continues past the date of notice to the violator of the repeat violation.
22 If a finding of a violation or a repeat violation has been made as provided in this part, a
23 hearing shall not be necessary for issuance of the order imposing the fine.

24 An "*uncorrectable violation*" is a violation which cannot be remedied after the violation
25 has been committed because the violation constitutes a single prohibited act rather than
26 an ongoing condition or circumstance. Each reoccurrence of an uncorrectable violation
27 shall constitute a separation violation and shall subject the violator to an additional
28 penalty in the same amount as that prescribed for the original violation. If, however, a
29 violator has been once found guilty of an uncorrectable violation, and causes the same
30 uncorrectable violation to occur a second time, each reoccurrence of the uncorrectable
31 violation by such violator shall constitute a "repeat violation."

32 "*Continuing violations*" are those violations which remain uncorrected beyond the
33 reasonable time period for correction contained in either the civil violation notice or the
34 final order of the code compliance board, whichever is applicable. For each day of
35 continued violation after the time for correction has run, an additional penalty in the
36 same amount as that prescribed for the original violation shall be added.

37 A "*repeat violation*" is a recurring violation of an ordinance by a violator who has
38 previously been guilty of the same violation within the last five (5) years. In the case of
39 correctable violations, a repeat violation can occur only after correction of the previous
40 violation has been made. For the first repeat violation, the amount of the civil penalty
41 shall be double the amount of penalty prescribed for the original violation.

- 42 (b) *Amount of fine.*

- 43 (1) A fine imposed pursuant to this section shall not exceed the following:

- 1 a. Two hundred fifty dollars (\$250.00) per day per violation for a first violation;
2 b. Five hundred dollars (\$500.00) per day per violation for a repeat violation;
3 c. Up to one thousand dollars (\$1,000.00) per day if the code compliance board
4 finds the violation to be irreparable or irreversible in nature; and
5 d. A limit of fifteen ~~five~~ thousand dollars (\$15,000.00) per violation if the code
6 compliance board finds the violation to be irreparable or irreversible in nature.
- 7 (2) In determining the amount of the fine, if any, the code compliance board shall
8 consider the following factors:
- 9 a. The gravity of the violation;
10 b. Any actions taken by the violator to correct the violation; and
11 c. Any previous violations committed by the violator.
- 12 (c) *Reduction of fine imposed pursuant to this section.*
- 13 (1) The code compliance board is hereby delegated the authority to hear requests for
14 reduction of fines pursuant to this section and make the final decision on behalf of
15 the village.
- 16 (2) For all requests for reduction of fine, the code compliance officer shall submit a
17 written recommendation to the code compliance board. In formulating the
18 recommendation, the code compliance officer shall consider criteria, which
19 includes, but is not limited to the following:
- 20 a. The cooperation of the respondent, including whether the respondent had
21 appeared before the board at the original hearing;
22 b. The documentation provided by the respondent in support of the request;
23 c. Whether the respondent has new evidence or information which could not be
24 provided at the original hearing;
25 d. Whether there was any extraordinary hardship which existed or currently
26 exists;
27 e. Whether the respondent has come into compliance with the order of the board;
28 f. The number of days that the violation existed;
29 g. Whether the respondent has been deemed a repeat violator by the board;
30 h. Whether the property is homestead or non-homestead property; and
31 i. The total administrative cost to the village for the handling of the case, which
32 cost will be inclusive of staff time and recording and release of lien fees.
- 33 (3) The code compliance board shall consider the same criteria as the code compliance
34 officer.
- 35 (4) The code compliance board shall not waive administrative costs incurred by the
36 local government in enforcing its codes. In addition, the code compliance board
37 and the administrative panel shall not waive costs of repairs incurred by the local
38 government.
- 39 (d) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded
40 in the public records and thereafter shall constitute a lien against the land on which the
41 violation exists, or, if the violator does not own the land, upon any other real or personal
42 property owned by the violator. Upon petition to the circuit court, such order shall be
43 enforceable in the same manner as a court judgment by the sheriffs of this state,
44 including execution and levy against the personal property of the violator but such order

1 shall not be deemed otherwise to be a judgment of a court except for enforcement
2 purposes. A fine imposed pursuant to this part shall continue to accrue until the violator
3 comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed
4 pursuant to this section, whichever occurs first. After three (3) months from the filing of
5 any such lien which remains unpaid, the code compliance board may authorize the
6 village attorney to foreclose on the lien. No lien created pursuant to the provisions of
7 this chapter may be foreclosed on real property, which is a homestead under the Florida
8 Constitution, Art. X, § 4.

9 ~~15.1.11~~ 14.1.11 *Duration of lien.* No lien provided by the Code Compliance Boards Act
10 shall continue for a longer period than twenty (20) years after the certified copy of an order
11 imposing a fine has been recorded, unless within that time an action to foreclose on the lien
12 is commenced in a court of competent jurisdiction. In an action to foreclose on the lien, the
13 prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it
14 incurs in the foreclosure. The continuation of the lien effected by the commencement of the
15 action shall not be good against creditors or subsequent purchasers for valuable
16 consideration without notice, unless a notice of ~~lies pendent~~ lis pendens is recorded.

17 ~~15.1.12~~ 14.1.12 *Appeal.* An aggrieved party, including the village, may appeal a final order
18 of the code compliance board to the circuit court. Such an appeal shall not be a hearing do
19 novo but shall be limited to appellate review of the record created before the board. An
20 appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

21 ~~15.1.13~~ 14.1.13 *Notices and procedures.*

22 (a) All notices required by this part shall be provided to the alleged violator by:

- 23 (1) Certified mail, return receipt requested, provided if such notice is sent under this
24 subsection to the owner of the property in question at the address listed in the tax
25 collector's office for tax notices, and at any other address provided to the village by
26 such owner and is returned as unclaimed or refused, notice may be provided by
27 posting as described in subsections (b)(1) and (2) below, and by first class mail
28 directed to the addresses furnished to the local government with a properly
29 executed proof of mailing or affidavit confirming the first class mailing; or
30 (2) Hand delivery by the sheriff or other law enforcement officer, code compliance
31 officer, or other person designated by the local governing body; or
32 (3) Leaving the notice at the violator's usual place of residence with any person
33 residing therein who is above fifteen (15) years of age and informing such person
34 of the contents of the notice.

35 (b) (1) In lieu of notice as described in subsection (a), such notice may be posted at least
36 ten (10) days prior to the hearing, or prior to the expiration of any deadline
37 contained in the notice, in at least two (2) locations, one of which shall be the
38 property upon which the violation is alleged to exist and the other of which shall be
39 at the Village Hall.

40 (2) Proof of posting shall be by affidavit of the person posting the notice, which
41 affidavit shall include a copy of the notice posted and the date and places of its
42 posting.

43 (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in
44 subsection (a), together with proof of notice or posting as provided in subsection (b),

1 shall be sufficient to show that the notice requirements of this chapter have been met,
2 without regard to whether or not the alleged violator actually received such notice.

3 14.1.14 ~~(d)~~ Enforcement procedures by code compliance officer.

4 (1a) For the purposes of this chapter, a "code compliance officer" is defined to be any
5 agent or employee of the village or Miami-Dade County whose duty is to assure the
6 enforcement of and compliance with the Village Code, the Florida Building Code,
7 or Miami-Dade County, as applicable. Prior to being provided the authority to
8 initiate enforcement proceedings under this chapter, a code compliance officer shall
9 be required to successfully complete a criminal background investigation as
10 prescribed by administrative order of the county manager. Subject to the
11 requirements of section 8CC-11, a "code compliance officer" is also defined to be
12 any agent or employee of a municipality who has been authorized pursuant to that
13 section to assure code compliance. Municipal employees shall also be required to
14 successfully complete a criminal background investigation prior to being provided
15 authority to initiate enforcement proceedings under this chapter.

16 (2b) For the purposes of this chapter, "violators" shall be deemed to be those persons or
17 entities legally responsible for the violation of the Village's Code of Ordinances,
18 applicable provision of the Miami-Dade County Code, or the Florida Building
19 Code.

20 (3c) A code compliance officer who finds a violation of an ordinance shall determine a
21 reasonable time period within which the violator must correct the violation. This
22 determination shall be based on considerations of fairness; practicality; ease of
23 correction; ability to correct; severity of violation; nature, extent and probability of
24 danger or damage to the public; and other relevant factors relating to the
25 reasonableness of the time period prescribed. A time for correction need not be
26 specified if the violation is deemed to be an uncorrectable violation.

27 (4d) Service shall be effected by delivering the civil violation notice to the violator or
28 his agent, or by leaving the civil violation notice at the violator's usual place of
29 abode with any person residing therein who is fifteen (15) years of age or older and
30 informing that person of its contents. If such service cannot be effected, the notice
31 may be sent by certified mail, return receipt requested, or by posting of the civil
32 violation notice in a conspicuous place on the premises or real property upon which
33 the violation has been observed or by mailing to or posting the civil violation notice
34 at the property owner's mailing address as listed in the tax records of Miami-Dade
35 County. Such posting of the notice or violation shall be deemed proper service, and
36 the time for compliance, stated in the notice, shall commence with the date such
37 notice is posted.

38 (5e) A code compliance officer is authorized to record in the public record the civil
39 violation notice or a notice of violation which is based upon the civil violation
40 notice. The recording of the civil violation or a notice of violation under this
41 section shall not act as or be a lien on the property and shall not act as a notice of a
42 lien on the property but shall merely act as public notice of the existence of the
43 violation.

44 (6f) A code compliance officer must have, at a minimum, a Florida Association of Code
45 Enforcement (F.A.C.E.) Level 1 certification within one (1) year of hire.

46 ~~15.2.—Planning board.~~

1 ~~Authority/duties.~~ This planning board shall serve as the local planning agency, review
2 variance applications, and have other authority as provided by state law and code.

3 ~~15.3. Variances.~~

4 ~~15.3.1. Variances recommended by the planning board.~~ The planning board may recommend to
5 the commission a variance from the strict application of any provision of this code, except
6 provisions of the adopted levels of service, (chapter 9).

7 ~~15.3.2. Grounds for a variance—Findings required.~~ The board may recommend a variance from
8 this chapter when, in its opinion, undue hardship may result from strict compliance. In
9 recommending any variance, the board shall prescribe only conditions that it deems
10 necessary to or desirable for the public interest. In making its findings, as required herein
11 below, the board shall take into account the nature of the proposed use of land and the
12 existing character of land and buildings in the vicinity. No variance shall be recommended
13 unless the board finds:

- 14 (1) ~~That there are special circumstances or conditions affecting the property which are such~~
15 ~~that the strict application of the provisions of this chapter would deprive the applicant of~~
16 ~~the reasonable use of his land.~~
- 17 (2) ~~That the variance is necessary for the preservation and enjoyment of a substantial~~
18 ~~property right o the petitioner.~~
- 19 (3) ~~That the granting of the variance will not be detrimental to the public welfare or~~
20 ~~injurious to other property in the territory in which the property is situated.~~
- 21 (4) ~~That the variance proposed is the minimum variance which makes possible the~~
22 ~~reasonable use of the property.~~

23 ~~15.3.3. Imposition of conditions.~~ In recommending a development approval involving a variance,
24 the planning board may also recommend such conditions and restrictions upon the premises
25 benefited by a variance as may be necessary to allow a positive finding to be made on any of
26 the factors in subsection 15.3.2 above, or to minimize the injurious effect of the variance.

27 ~~15.3.4. Village commission approval.~~ The planning board recommendation shall be sent to the
28 village commission for final consideration. The village commission shall review the findings
29 and recommendations of the planning board, determine whether all grounds for the variance
30 have been established and make a final decision regarding approval or denial of the
31 requested variance.

32 ~~15.3.5. Historic properties.~~ Special variances may be granted for the reconstruction,
33 rehabilitation or restoration of structures listed or classified in the national or county register
34 of historic places. The special variance shall be the minimum necessary to protect the
35 historic character and design of the structure. No special variance shall be granted if the
36 proposed construction, rehabilitation, or restoration will cause the structure to lose its
37 historical designation.

38 ~~15.3.6. Conditions and limitations.~~ In authorizing any variance, the commission shall include as
39 part of such variance, any condition, requirement or limitation which the board may believe
40 to be necessary and desirable to protect adjacent properties in the surrounding neighborhood,
41 and to carry out the spirit and purpose of the land development code.

42 ~~15.3.7. Administrative variances.~~ This part is established to provide standards and procedures for
43 the granting of administrative variances of development standards for existing sites.
44 Administrative variances are specifically intended to promote high standards of design,
45 provide flexibility in the administration of standards in recognition of site specific
46 conditions, and to establish conditions to ensure compatibility where standards are modified.

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

- 6 (1) ~~Superior alternatives: Where the development will provide an alternative which will~~
7 ~~achieve the purposes of the requirement through clearly superior design.~~
8 (2) ~~Technical impracticality: Where the strict application of the requirements would be~~
9 ~~technically impractical in terms of design or construction practices or existing site~~
10 ~~conditions. The degree of existing nonconforming conditions and the extent to which~~
11 ~~the proposed modification would lessen the nonconforming condition shall be~~
12 ~~specifically considered.~~
13 (3) ~~Protection of natural features, including trees, wetlands, archeological sites and similar~~
14 ~~circumstances.~~
15 (4) ~~Other technical, architectural or engineering reasons.~~

16 ~~15.4. Procedure for amending this code or the comprehensive plan.~~

17 ~~15.4.1 State law. The procedures for amending this code or the comprehensive plan shall adhere~~
18 ~~to state law in all respects.~~

19 ~~15.4.2 Applications. Any affected person or affected local government may apply to the local~~
20 ~~planning agency to amend this code or the comprehensive plan in compliance with~~
21 ~~procedures prescribed by the agency.~~

22 ~~15.4.3 Local planning agency recommendation. The local planning agency shall hold a~~
23 ~~legislative hearing on each application to amend this code or the comprehensive plan and~~
24 ~~thereafter submit to the village commission a written recommendation which:~~

- 25 (a) ~~Identifies any provisions of the code, comprehensive plan, or other law relating to the~~
26 ~~proposed change and describes how the proposal relates to them.~~
27 (b) ~~States factual and policy considerations pertaining to the recommendation.~~

28 ~~15.4.4 Decision by the village commission. The village commission shall hold a legislative~~
29 ~~hearing on the proposed amendment and may enact or reject the proposal, or enact a~~
30 ~~modified proposal that is within the scope of matters considered at the hearing.~~

31 ~~15.4.5 Legislative hearing. Each legislative hearing shall conform to the following~~
32 ~~requirements:~~

- 33 (a) ~~Notice. Notice that complies with the requirements of state law shall be given.~~
34 (b) ~~Hearing. The public hearing shall as a minimum:~~

- 35 (i) ~~Comply with the requirements of state law.~~
36 (ii) ~~Present the local planning agency's analysis of the proposed decision.~~
37 (iii) ~~Present the local planning agency's summary of reports by other agencies.~~
38 (iv) ~~Permit any affected person or affected local government to submit written~~
39 ~~recommendations and comments before or during the hearing.~~
40 (v) ~~Permit a reasonable opportunity for interested persons to make oral statements.~~

41 ~~15.5. Appeals.~~

42 ~~15.5.1 Submission of appeal. Appeals as to any provision of this code or regulations may be~~
43 ~~made to the commission by any aggrieved resident or property owner of the area affected;~~

1 and upon receipt of such appeal it shall be referred to the local planning agency for
2 investigation.

3 ~~15.5.2 Local agency evaluation.~~ Such appeals may concern general provisions of the plan and
4 regulations or their effect in application to specific pieces of property. The local planning
5 agency shall determine whether or not relief may be granted without substantial detriment to
6 the public good and without impairing the intent and purpose of the plan and code, and shall
7 report its findings and recommendations as to change and amendments, if any, to the
8 commission.

9 ~~15.5.3 Final action.~~ Final action on appeals shall be taken by the commission after receipt of
10 such report, and the commission may overrule the local planning agency.

11 ~~15.5.4 Local planning agency failure to act.~~ Failure of the local planning agency to act on any
12 appeal within thirty (30) days after its official submission to it shall be deemed approval
13 unless a longer period is requested and granted by the commission.

14 ~~15.5.5 Certification.~~ Changes in the adopted comprehensive plan and land development code, or
15 amendments thereto, originated by the local planning agency may be certified through the
16 commission at any regular meeting and adopted as amendments to this code in the regular
17 manner.
18

19 **Section 4.** Chapter 15, entitled “Enforcement”, is hereby amended to read as follows:
20

21 **CHAPTER 15. - ENFORCEMENT**
22

23 ~~14.1.~~ 15.1. - Generally.

24 ~~14.1.1~~ 15.1.1 *Enforcement of Land dDevelopment eCode.* The planning board and the code
25 compliance board shall enforce this code ~~according to procedures set out in chapter 15~~
26 ~~herein.~~

27 ~~14.2.~~ 15.2. - Building official.

28 ~~14.2.1~~ 15.2.1 *Designation.* The building official shall be designated by the appointing authority,
29 whatever the official title, to enforce the provisions of the South Florida Building Code and
30 other applicable laws; provided, the official may act with the aid and through authorized
31 assistants.

32 ~~14.2.2~~ 15.2.2 *Authority.* The building official is hereby authorized and directed to interpret and
33 enforce all of the provisions of this code subject to the powers vested in the planning board
34 and the code compliance board.

35 ~~14.3.~~ Campaign sign removal enforcement.

36 ~~14.3.1~~ *Authority to remove campaign signs.* Authority is hereby given to the chief of police or
37 an officer under his direction to remove or cause to be removed any and all campaign signs
38 constructed or maintained in the village in violation of this code.

39 ~~14.4.~~ 15.3. - Violations and general penalty.

40 ~~14.4.1~~ 15.3.1 *General penalty.* Whenever in this code or in any ordinance of the village any act
41 is prohibited or is made or declared to be unlawful or an offense, or whenever in such code
42 or ordinance the doing of any act is required or the failure to do any act is declared to be
43 unlawful, where no specific penalty is provided therefor, the violation of any such provision
44 of this code or any ordinance shall be punished by a fine not to exceed five hundred dollars
45 (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or by both a fine and

1 imprisonment. Each day violation of any provision of this code or of any ordinance shall
2 continue shall constitute a separate offense.

3 ~~14.4.2~~ 15.3.2 *Continuation of violation.* In addition to the penalties hereinabove provided, any
4 condition caused or permitted to exist in violation of any of the provisions of this code or
5 any ordinance shall be deemed a public nuisance and may be, by the village, abated as
6 provided by law, and each day that such condition continues shall be regarded as a new and
7 separate offense.

8 ~~14.5.~~ 15.4. - Other penalties and remedies.

9 ~~14.5.1~~ 15.4.1 *Planning board determination.* If the planning board determines that the code
10 enforcement process would otherwise be an inadequate response to a given violation, it may
11 pursue the following penalties and remedies, as provided by law.

12 ~~14.5.2~~ 15.4.2 *Civil remedies.* If any building or structure is erected, constructed, reconstructed,
13 altered, repaired, or maintained or any building, structure, land, or water is used in violation
14 of this code, the planning board or the code compliance board, through the village attorney,
15 may institute any appropriate civil action or proceedings in any court to prevent, correct, or
16 abate the violation.

17 ~~14.5.3~~ 15.4.3 *Civil citation.* For any violation against this code and to enforce any provisions of
18 this code, civil citation procedures may be used ~~along with a fine of twenty five dollars~~
19 ~~(\$25.00).~~

20 ~~14.5.4~~ *Criminal penalties.* ~~Any person who violates any provisions of this code shall be deemed~~
21 ~~guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.~~
22

23 **Section 5.** Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts
24 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

25 **Section 6.** Severability. The provisions of this Ordinance are declared to be
26 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
27 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
28 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
29 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
30 part.

31 **Section 7.** Codification. It is the intention of the Village Commission of the Village of
32 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
33 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be

1 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
2 word or phrase in order to accomplish such intention.

3 **Section 8.** Effective Date. This Ordinance shall be effective upon adoption on
4 second reading.

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

8
9 PASSED AND ADOPTED upon first reading this 7th day of April, 2015.

10 PASSED AND ADOPTED upon second reading this ____ day of _____, 2015.

11

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

14
15 _____ Mayor Coviello ____
16 David Coviello, Mayor Vice Mayor Jonas ____
17 Commissioner Anderson ____
18 Attest: Commissioner Ross ____
19 Commissioner Watts ____
20

21 _____
22 Maria C. Camara, Village Clerk

23
24 Approved as to form:
25
26
27 _____
28 John J. Hearn, Village Attorney



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Resolution 2015—22 Establishing the Annual Waste Fee Assessment

Prepared By: Heidi Siegel, AICP, Village Manager

Sponsored By: Staff

BACKGROUND

All garbage, trash and recycling costs to the Village are paid for through the Solid Waste Management Fee Assessment which is paid by each property owner in addition to their ad valorem taxes. The Assessment is a separate fund from the General Fund.

Based on the terms of the Waste Pro franchise agreement and the expenses to the Village, the solid waste management fee assessment for Fiscal Year 2015/2016 will be \$394.92. (Per the May 21, 2014 Commission Agenda Report, the projected solid waste fee was projected to be \$397.00). This is a decrease of \$72.08 per residential unit from the previous year. This decrease is due to the onetime costs of the recycling bin purchase and a decrease in Direct Departmental Overhead Fees from FY 2014-2015. Per the Village's agreement with WastePro, there will not be an increase during the second year of the contract. During the third year there is a potential for a maximum 5% increase to \$415.

STAFF RECOMMENDATION

Staff recommends approval on of Resolution No. 2015-22.

ATTACHMENTS

- Resolution No. 2015-22
- Fiscal Year 2015 /2016 Sanitation budget detail
- Administrative fee worksheet

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RESOLUTION NO. 2015-22

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE SOLID WASTE ASSESSMENT FEE FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Biscayne Park utilizes Miami-Dade County Office of the Property Appraiser, Administrative Division, (hereinafter referred to as "the County") to collect the Village's annual waste fee assessment on the TRIM Notices and Tax Bills; and,

WHEREAS, the goal of this administration is to continue providing top level services to the residents of the Village Biscayne Park, and,

WHEREAS, the Village Administration has completed a thorough assessment of the Sanitation budget and have determined the necessary dollars needed to provide our residents with the services as they relate to sanitation and waste management; and,

WHEREAS, the County's Property Appraiser Office requires that the Village submit its rate by June 1, 2015, in order to appear on the TRIM notices; and,

WHEREAS, the assessed properties are hereby found to be specially benefitted by the provision of solid waste collection services, and the solid waste management fee assessment is estimated to be \$394.92 per residential unit, based on the approved annual Sanitation budget of \$502,343; and,

NOW THEREFORE IT IS HEREBY RESOLVED BY THE MAYOR AND 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 hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Finance Director is authorized to submit to Miami-Dade County, by June 01, 2015, the Village of Biscayne Park's annual waste fee assessment which is estimated to be \$394.92 per residential unit, based on the approved annual Sanitation budget of \$502,343.00.

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Section 3. The Finance Director is to also provide the County with the data file containing folio numbers with district information, which will be placed on the TRIM Notices and Tax Bills of the Village’s residents.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2015.

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

David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

Fiscal Year 2015-16 Budget - Village of Biscayne Park

402 SANITATION		Adopted Budget 2014-15	Manager Recomm. 2015-16
Revenues	Explanation of Line Item		\$ 394.92
Sanitation Assessment		605,655	512,601
Disc. for Early Payment	2% of sanitation assessment	-12,110	-10,258
Total Revenues Sanitation		593,545	502,343
TOTAL SALARIES & BENEFITS		0	0
Operating Expenses	Explanation of Line Item		
Contractual Services - Solid Waste Collection	Waste Pro	388,933	388,933
Recycling Containers	One-time purchase of 1,430 carts (1,298 properties plus 10% surplus stock, including assembly and distribution)	81,000	0
Advertising Special Pick-Up		1,000	1,000
Direct Departmental Overhead Fees	See detail page.	44,958	42,717
Road Fund Overhead Fees	See detail page.	22,609	23,173
Administrative Fees General Fund	See detail page.	40,188	41,394
Administrative Fees Miami Dade County	Estimated 1% of total sanitation assessment for billing on Property Bill	6,057	5,126
General Contingency	Unforeseen expenses	0	0
Transition Contingency	For Florida Reemployment Assistance Program	8,800	0
TOTAL OPERATING EXPENSES		593,545	502,343
TOTAL DEPT 402 SANITATION BUDGET		593,545	502,343



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date:	May 5, 2015
Subject:	Resolution 2015—23 and Resolution 2015-24 Setting the annual assessments for Storm Water and Road Repairs/Improvements
Prepared By:	Heidi Siegel, AICP, Village Manager
Sponsored By:	Staff

BACKGROUND

The creation of a Roadway Improvements and Stormwater Improvements Assessment will first cover the cost of the master plan, then followed by the costs of the actual repairs, improvements and maintenance. The Master Plan will identify all areas within the Village in need of repair and improvement.

At its September 9, 2014 meeting, the Village Commission authorized Staff to follow the procedures set forth in Florida State Statutes 197.3632 regarding the method for the levy, collection and enforcement of non-ad valorem assessments for roadway and stormwater improvements.

At its December 2, 2014 meeting, the Village Commission unanimously approved Resolution No. 2014-88 and 2014-89 which authorized Staff to follow the procedures set forth in Florida State Statutes 197.3632 regarding the method for the levy, collection and enforcement of non-ad valorem assessments for roadway and stormwater improvements. This resolution authorized Staff to prepare all necessary Village Commission resolutions and ordinances and notifications within in the required time frames including advertising the Village's intent to create to use the uniform method for the collection of the assessment in a newspaper of general circulation for four (4) consecutive weeks.

At its April 7, 2015 meeting the Village Commission unanimously approved Ordinance 2015-02 at first reading which amended the Code of Ordinances to allow for a Road and Stormwater Drainage Improvement Assessment. The second reading of the Ordinance is scheduled for the May 5, 2015 Village Commission meeting.

Historically, the Village assessment is set at a special Commission meeting in the month of May after the regular meeting. This would have allowed more discussion about the assessment before Resolutions 2015-23 and 2015-24 were considered at a public hearing. At the April regular meeting of the Village Commission, the Commission requested that Resolutions 2015-23 and 2015-24 be heard at the regular May Village Commission meeting.

BASIS OF THE ASSESSMENT

The Final step in the process, Resolutions 2015-23 and 2015-24, is to set the actual assessment amount.

Florida State Statutes Chapter 122D-18 requires municipalities to provide to the Department of Revenue “the basis of the levy and the unit of measurement against which the rate is applied to determine the assessment”.

On June 7, 2013, the Village advertised Request for Qualifications (RFQ) 2013-05 for Civil Engineering Professional Services. Of the 8 proposals for civil engineering services that were received, Craig A. Smith & Associates (C.A.S.) ranked the highest. The Village previously engaged with C.A.S. to oversee the stormwater and road repair project at NE 9th Avenue between 111th Street and 113th Street.

On January 29, 2014 the Village Commission unanimously approved Resolution 2014-13 entering into a Professional Services Agreement with Craig A. Smith & Associates for “for professional services relating to all stormwater and roadway improvements” (Resolution 2014-13 Section 2).

During the spring of 2014, Staff requested a proposal from C.A.S. for professional engineering services for the Development of a Stormwater and Roadway Master Plan. This proposal was used during the Sanitation Assessment Fee discussion to illustrate potential future assessments in the Village. The April 18, 2014 proposal was \$146,650 for a Stormwater Master Plan and \$141,750 for a Roadway Master Plan.

Upon approval of Resolution No. 2014-88 and 2014-89 in December 2014, Staff began to discuss the previous proposals with C.A.S. The scopes of work were reviewed and cost of the proposals were negotiated. As a result of these reviews and negotiations, the proposal of the Stormwater Master Plan was reduced to \$97,750 and the proposal for the Roadway Master Plan was reduced to \$102,250 (See Attached).

C.A.S. also provided an analysis of the method in which the assessment will be determined. Upon review of street frontage and parcels, it is the professional recommendation of C.A.S. that the “method of assessment be of a fair and equitable means, established as a utility fee and distributed equally among all parcels within the Village” (See Attached). There are 1,079 parcels in the Village.

The attached budgets show the method in which the Stormwater Assessment and the Roadway Assessment were determined. After inclusion of the required Miami Dade County Tax Assessors fee and the discount for early payment of TRIM notices and division by 1,079 parcels, the amount for each parcel in the Village is \$93.40 for the Stormwater Assessment and \$97.69 for the Roadway Assessment. (See Attached). Please note that the Stormwater and Roadway Assessments do not include Village administrative fees.

The Village made an inquiry to all municipalities in Miami-Dade County to compare the cost of the proposed Master Plans. It is hard to compare the Village’s Master Plan’s needs to those of other municipalities due to our unique geography and the proximity of some of these cities to the ocean. Responses ranged from \$1,000,000 for Miami Beach to \$75,000 for an update in Miami Gardens. A sampling of the cost of a stormwater master plan is as follows: City of Oakland Park: \$124,740; Town of

Golden Beach: \$168,800; City of Lighthouse Point: \$152,000; Village of El Portal \$152,800; Town of Bal Harbour \$136,600.

While C.A.S. is the Village Engineer, and many cities use their City Engineer to complete their plans for continuity, the Village may seek alternative bids if so desired and to do a price comparison.

VILLAGE NEEDS

These assessments allow the Village to proactively, and on a long-term basis, study, improve and maintain the Village's infrastructure.

Most municipalities in Miami-Dade County have a stormwater fee. These fees are either a separate assessment or paid through the water bill.

During the first year of the assessment, a master plan should be completed. In regards to stormwater, the Village lacks a Village-wide approach to stormwater management. This creates areas of concern that could have costly consequences for the Village and residents. Additionally, poor drainage deteriorates the Village's roads and the edge along the median and property right-of-ways. The master plan will allow the Village to properly assess the overall and comprehensive conditions of the Village and determine how to proceed with improvements and maintenance. The Village is responsible for minimizing the impact of flooding and to ensure safe access to all roadways – even during major storm events.

Upon completion of the Master Plan the Village will be able to position itself in the competitive grants and allocation arena. Each year the Florida Legislature sets aside a certain amount of money for "water projects". It has been repeatedly conveyed to Village representative by members of the Legislature that the Legislature prefers to fund "shovel ready" projects as opposed to Master Plans.

Currently, the Village has a small stormwater system that is generally in the area of the Recreation Center with minimal structures close to NE 6 Avenue. Most of the Village drainage system is self-contained with a cluster of catch basins connected by a French drain or exfiltration system. These are limited in size and are detached structure sets despite their proximity to each other. There does not appear to be any outfalls which would allow for water to move more efficiently.

Within the Village of Biscayne Park there are Seventeen (17) road miles. The Village's roads network has been compromised due to infiltration of tree roots, from both the medians and residential properties and right-of-ways, and years of "patches". The completion of a Roadways Master Plan would allow the Village to properly prepare for future road work while maintaining our tree canopy and better utilize our CITT funds.

While we are not aware of any quantitative study, it is generally accepted that improvements to roadways and drainage will improve the aesthetics of the Village and increase property curb appeal and property values.

FISCAL / BUDGET IMPACT

The creation of the Roads and Stormwater Drainage Assessment will assist the Village in providing funds for short term and long term infrastructure improvements.

STAFF RECOMMENDATION

Staff recommends approval Resolutions 2015-23 and 2015-24.

ATTACHMENTS

- Resolution 2015-23
- Resolution 2015-24
- Craig A. Smith & Associates Proposed Scope of Services and Proposed Fees
 - Development of a Stormwater Master Plan
 - Development of a Roadway Master Plan
- Craig A. Smith & Associates Assessment Recommendation
- Storm Water Repairs/Improvements Assessment Budget
- Road Repairs/Improvements Assessment Budget

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RESOLUTION NO. 2015-23

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE STORM WATER REPAIR / IMPROVEMENTS ASSESSMENT FEE FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution 2014-89 was approved by the Commission on December 2, 2014, authorizing Staff to follow the procedures set forth in Florida State Statutes 197.3632 regarding the method for the levy, collection and enforcement of non-ad valorem assessments for storm water repair and improvements; and

WHEREAS, Ordinance 2015-02 was approved by the Commission on May 5, 2015, which amended the Village's Code of Ordinances to allow for a storm water repair and improvement assessment; and,

WHEREAS, the Village Administration has produced a Storm Water Improvement Assessment Budget in order to calculate the assessment; and,

WHEREAS, the Miami-Dade County Property Appraiser Office requires that the Village submit its rate by June 1, 2015, in order to appear on the TRIM notices; and,

WHEREAS, the assessed properties are hereby found to be specially benefitted by the provision of storm water repair and improvements, and the fee assessment is estimated to be \$93.40 per parcel, based on the approved annual Storm Water Repair and Improvement budget of \$98,758.00; and,

NOW THEREFORE IT IS HEREBY RESOLVED BY THE MAYOR AND 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 hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Finance Director is authorized to submit to Miami-Dade County, by June 01, 2015, the Village of Biscayne Park's annual waste fee assessment which is estimated to

1 be \$93.40 per parcel, based on the approved annual Storm Water Repair and Improvement
2 budget of \$98,758.00.

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6 **Section 3.** The Finance Director is to also provide the County with the data file
7 containing folio numbers with district information, which will be placed on the TRIM Notices
8 and Tax Bills of the Village's residents.

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11 **Section 4.** This Resolution shall become effective upon adoption.

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16 PASSED AND ADOPTED this ___ day of _____, 2015.

17 **The foregoing resolution upon being**
18 **put to a vote, the vote was as follows:**

19
20 _____
21 David Coviello, Mayor

22
23 Attest:

24
25
26 _____
27 Maria C. Camara, Village Clerk

28
29 Approved as to form:

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33 _____
34 John J. Hearn, Village Attorney

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Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

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RESOLUTION NO. 2015-24

**A RESOLUTION OF THE VILLAGE
COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA, ESTABLISHING
THE ROAD REPAIR / IMPROVEMENTS
ASSESSMENT FEE FOR THE VILLAGE OF
BISCAYNE PARK, FLORIDA FOR THE FISCAL
YEAR BEGINNING OCTOBER 1, 2015;
PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Resolution 2014-88 was approved by the Commission on December 2, 2014, authorizing Staff to follow the procedures set forth in Florida State Statutes 197.3632 regarding the method for the levy, collection and enforcement of non-ad valorem assessments for road repair and improvements; and

WHEREAS, Ordinance 2015-02 was approved by the Commission on May 5, 2015, which amended the Village's Code of Ordinances to allow for a road repair and improvement assessment; and,

WHEREAS, the Village Administration has produced a Road Improvement Assessment Budget in order to calculate the assessment; and,

WHEREAS, the Miami-Dade County Property Appraiser Office requires that the Village submit its rate by June 1, 2015, in order to appear on the TRIM notices; and,

WHEREAS, the assessed properties are hereby found to be specially benefitted by the provision of road repair and improvements, and the fee assessment is estimated to be \$97.69 per parcel, based on the approved annual Road Repair and Improvement budget of \$103,304.00; and,

**NOW THEREFORE IT IS HEREBY RESOLVED BY THE MAYOR AND
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 hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Finance Director is authorized to submit to Miami-Dade County, by June 01, 2015, the Village of Biscayne Park's annual waste fee assessment which is estimated to be \$97.69 per parcel, based on the approved annual Road Repair and Improvement budget of \$103,304.00.

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Section 3. The Finance Director is to also provide the County with the data file containing folio numbers with district information, which will be placed on the TRIM Notices and Tax Bills of the Village’s residents.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2015.

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

David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____

VILLAGE OF BISCAYNE PARK

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

FOR

PROFESSIONAL ENGINEERING SERVICES

FOR

**DEVELOPMENT OF A STORMWATER
MASTER PLAN**

DATED: April 13, 2015

CRAIG A. SMITH & ASSOCIATES

Consulting Engineers • Planners • Surveyors

7777 Glades Road, Suite 410, Boca Raton, FL 33434

Broward (954) 782-8222, Palm Beach (561) 314-4457, Dade (305) 940-4661

FAX (561) 314-4457

CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

FOR

**DEVELOPMENT OF A STORMWATER
MASTER PLAN**

PROJECT NAME: VILLAGE OF BISCAYNE PARK

PROPOSAL NO: P3130A

PROJECT DESCRIPTION: Providing professional engineering, conceptual design and cost estimates for the preparation of a Stormwater Master Plan described in Exhibit "A" (attached) and identified as STORMWATER MASTER PLAN:

OWNER: Village of Biscayne Park

Attention: Heidi Siegel, AICP, Village Manager

Address: 6400 NE 114th Street
Village of Biscayne Park, FL 33161

Phone: (305) 899 - 8000
FAX (305) 891 - 7241

EXHIBIT "A"

VILLAGE OF BISCAYNE PARK

STORMWATER MASTER PLAN

SCOPE OF SERVICES

INTRODUCTION

The Village of Biscayne Park was developed in the 1920's and incorporated as its own municipality in 1931. The Village is bounded by the railroad on the east side, Griffing Boulevard on the west side and NE 121st Street to the north. Each of these thoroughfares was constructed predominantly at higher elevations than the Village, creating an inverted concaved effect for water to collect with no means of discharging. As the Village grew, the stormwater runoff increased. Much of the Village was developed without an adequate infrastructure to remove and treat stormwater runoff. With no positive outfall the Village relies on percolation and evaporation. During peak rainfall events in summer months the limited amount of exfiltration trench that the Village relies on for storage is limited due to higher water tables. As a result, much of the Village experiences flooding after even minor storm events.

Current regulations and environmental concerns have increased the need to create an overall Stormwater Master Plan to address both the quantity and quality of runoff within the Village. In a push across the nation, Municipalities are being required to implement a plan to reduce off-site discharge and increase water quality treatment. Specifically, the Environmental Protection Agency (EPA) passed legislation as part of the Clean Water Act of 1987 in the final rule of the National Pollutant Discharge Elimination System (NPDES) Permit Regulations for Stormwater Discharges published in the November 16, 1990, Federal Register which required Cities to obtain permits and provide and implement a plan to reduce pollutant loading from stormwater discharges.

The purpose of this project is to inventory, evaluate and recommend future improvements to the Village's stormwater management system infrastructure. This stormwater management system evaluation is to serve as a tool to be used by the Village to decrease stormwater runoff, increase water quality and to reduce flooding in flood prone areas of the Village. This Stormwater Master Plan will be designed to be used as a systematic phased approach to achieving these goals within the Village's budgetary constraints.

This Master Plan will provide construction costs estimates and priorities for developing a comprehensive phased program. The Plan will also assist the Village for future regulatory compliance of the Clean Water Act and the NPDES Program for Non-Point Source Discharge Compliance.

SCOPE OF PROJECT (STORMWATER)

The scope of the project is to create an overall Stormwater Master Plan to identify, document and evaluate the Village's existing stormwater management system. The plan will identify flood prone areas and evaluate the severity of the flooding problems. The Stormwater Master Plan will outline a systematic phased approach to achieve reduced flooding in flood prone areas, increase the quality of water discharged from the Village, increase the efficiency of the existing system and to identify potential, new infrastructure required to achieve these goals. More specifically the scope is as follows:

I. INFORMATION GATHERING

Gather and review existing data pertinent to the project. This information includes:

1. Village of Biscayne Park MS4/NPDES Permit & Stormwater Pollution Prevention Plan (Village to provide).
2. Meet with Village Building Department officials to obtain information on the Village's criteria for minimum design standards, minimum finished floor elevations and minimum crown of road elevations.
3. Copies of D.O.T. As-Builts/Designs for Stormwater Systems within the Village (if applicable).
4. Copies of County Drawings for County Drainage Systems (if applicable).
5. Information on Village drainage system inventory as obtained from Village staff or by Visual Inspection (to include catch basin locations and pipe size, material and distance from pipe invert to rim).
6. SFWMD/DERM files of permitted systems within the Village.
7. SFWMD/DERM resources on control elevations, known flood elevations, permit requirements and allowable discharges.
8. Miami-Dade County's surface water permitting requirements.
9. Maps of Miami-Dade County resources including:
 - a. USGS Topographic Information
 - b. Wetlands
 - c. Contaminated Sites
 - d. Ambient Monitoring Sites
 - e. Drainage Basins
 - f. FEMA Flood Zone Designations
 - g. Natural Resource areas
 - h. Soils Information
 - i. Well fields and Protection Zones
 - j. Saltwater Intrusion
 - k. Neighboring Water Bodies
 - l. Water Table Elevations

TASK I LUMP SUM FEE: \$ 6,800.00

II. FIELD SURVEY AND MAPPING (DATA COLLECTION)

Review the available information as it pertains to the specific tasks outlined below. Provide survey work as required to perform these tasks. Survey work anticipated includes:

1. Establish Survey Control throughout the Village.
2. Preparation of Village Atlas Base Map, based on plat information, including delineated right-of-ways, platted utility easements, alleyways, and residential lots.
3. Investigate and document systems not shown in the obtained information. Spot verify the location and elevation of drainage structures and conveyance pipes, and sizes, of those drainage systems obtained from as-builts. Incorporate this information into the Village Base Map.
4. Obtain paving elevations and catch basin rim elevations and inverts sufficient for conceptual stormwater modeling and analysis. (approximate 200' intervals within Village R/W)
5. Obtain topographic information and sample finished floor elevations sufficient to evaluate basin divides and conveyance system effectiveness.

TASK II LUMP SUM FEE: \$ 29,000.00

III. ASSEMBLE AND EVALUATE COLLECTED INFORMATION

Review and evaluate the information collected. Assemble the information in a Report for the Village. Deliver five copies to the Village for their review and records. Create thematic maps of the Village of Biscayne Park which include:

- Drainage basins and sub-basins within the Village of Biscayne Park
- Existing and conceptual Stormwater Conveyance Systems within the Village
- Known Village owned outfalls into open waters
- Canals and water bodies which accept and convey stormwater
- Known control elevations of canals and water bodies

Meet with Village to review maps. Update maps as required. In addition to hard copies, provide all plans and atlas in digital format compatible with AutoCAD, (civil 3D, 2008-2015).

TASK III LUMP SUM FEE: \$ 10,400.00

IV. DEFINE AND PRIORITIZE PROBLEM AREAS

Meet with Village to identify and evaluate problem areas of critical concern. Define a process to evaluate the severity of each problem area including physical inspections and monitoring during storm events and provide Flood Surveys/ Questionnaires for resident input. Prioritize based on the duration and severity of flooding, with respect to the rainfall event, along with current land use and potential for damage. Create a Map and evaluation report of the identified problem areas. Establish Levels of Service (LOS) for existing and proposed facilities.

Meet with Village to review maps and evaluations. Revise the report and evaluation as necessary for inclusion in the final Stormwater Master Plan.

TASK IV LUMP SUM FEE: \$ 11,250.00

V. IDENTIFY AND EVALUATE POSSIBLE SOLUTIONS (PRELIMINARY ANALYSIS AND DESIGN)/ PREPARE STORMWATER MASTER PLAN REPORT AND DISTRIBUTE COMPLETED DOCUMENT

Based on the information gathered above, identify and evaluate solutions and improvements, that can be initiated, which will improve water quality and reduce flooding within the Village. Perform conceptual drainage calculations required to specify potential conveyance pipe sizes and conceptual hydraulic and hydrologic modeling. Layout conceptually designed drainage infrastructures indentifying structures, pipes, pump stations, potential stormwater storage basins and discharge outfalls. Outfalls are evaluated and reviewed for best locations, the need for drainage easements and discharge criteria. Prepare conceptual stormwater construction and engineering cost estimates based on phasing and priorities.

Develop a general, systematic approach for Village Officials and Planners to follow in initiating site specific solutions. Provide minimum construction standards, application criteria and standard details for drainage systems and structures within the final Master Plan. Summarize permitting requirements and applicable agencies. Prepare a narrative report of stormwater findings and recommendations. Prepare, assemble and distribute Final Stormwater Master Plan document.

TASK V LUMP SUM FEE: \$ 40,300.00

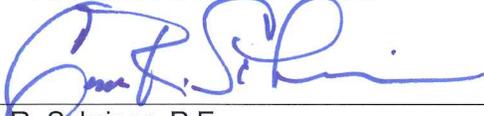
NOTE: 1) The proposal fees are based on the understanding that both the Stormwater and Roadway Master Plans will be performed concurrently.

TOTAL STORMWATER MASTER PLAN FEE: \$ 97,750.00

If this proposal is acceptable, please execute in the space provided and return one executed copy to our office as our notice to proceed. We appreciate your business and thank you for this opportunity.

AGREED TO AND ACCEPTED BY:

CRAIG A. SMITH & ASSOCIATES



Gene R. Schriener, P.E.
President

VILLAGE OF BISCAYNE PARK

Heidi Siegel, AICP, Village Manager

Date

VILLAGE OF BISCAYNE PARK

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

FOR

PROFESSIONAL ENGINEERING SERVICES

FOR

**DEVELOPMENT OF A ROADWAY
MASTER PLAN**

DATED: April 13, 2015

CRAIG A. SMITH & ASSOCIATES

Consulting Engineers • Planners • Surveyors

7777 Glades Road, Suite 410, Boca Raton, FL 33434

Broward (954) 782-8222, Palm Beach (561) 314-4457, Dade (305) 940-4661

FAX (561) 314-4457

CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

FOR

**DEVELOPMENT OF A ROADWAY
MASTER PLAN**

PROJECT NAME: VILLAGE OF BISCAYNE PARK

PROPOSAL NO: P3130B

PROJECT DESCRIPTION: Providing professional engineering, conceptual design and cost estimates for the preparation of a Roadway Master Plan described in Exhibit "A" (attached) and identified as ROADWAY MASTER PLAN:

OWNER: Village of Biscayne Park

Attention: Heidi Siegel, AICP, Village Manager

Address: 6400 NE 114th Street
Village of Biscayne Park, FL 33161

Phone: (305) 899 - 8000
FAX (305) 891 - 7241

EXHIBIT "A"

VILLAGE OF BISCAYNE PARK

ROADWAY MASTER PLAN

SCOPE OF SERVICES

INTRODUCTION

The Village of Biscayne Park was developed in the 1920's and incorporated as its own municipality in 1931. The Village is bounded by the railroad on the east side, Griffing Boulevard on the west side and NE 121st Street to the north.

The purpose of this project is to inventory, evaluate and recommend future improvements to the Village's roadway system infrastructure. This roadway system evaluation is to serve as a tool to be used by the Village to determine the integrity of existing roads, the recommendation of a level of service, and general specifications for the reconstruction and longevity of the roadway system. This Roadway Master Plan will be designed to be used as a systematic phased approach to achieving these goals within the Village's budgetary constraints.

This Master Plan will provide construction costs estimates and priorities for developing a comprehensive phased program.

SCOPE OF PROJECT (ROADWAYS)

The scope of the project is to create an overall Roadway Master Plan to identify, document and evaluate the Village's existing roadway infrastructure. The plan will identify flood prone roads due to issues other than drainage, the integrity of the existing roads and safety issues. The Roadway Master Plan will outline a systematic phased approach to resurface and/or reconstruct existing damaged roads, prolong the lifespan of acceptable roads, protect existing trees within medians and provide safety to its residents. More specifically the scope is as follows:

I. INFORMATION GATHERING

Gather and review existing data pertinent to the project. This information includes:

1. Copies of D.O.T. As-Builts/Designs for existing state roads within the Village.
2. Copies of County Drawings for County roads within the Village (if applicable).
3. Information on Village roadway maps and as-builts, including alleyways, as obtained by Village staff to include minimum crown of road, edge of road elevations, swale grading and typical cross section (Village to provide).
4. Miami-Dade County's permitting requirements.
5. Maps of County/Village resources including:
 - a. Arterial Roadways Map
 - b. Roadway and Swale Topographic Map
 - c. Traffic Count Map
 - d. Signage and Striping Map

TASK I LUMP SUM FEE: \$ 6,000.00

II. PROVIDE FIELD SURVEY

Review the available information as it pertains to the specific tasks outlined below. Provide survey work as required to perform these tasks. Survey work anticipated includes:

1. Establish baseline, stationing and survey control.
2. Preparation of Village Atlas Base Map and Inventory of Roads, based on plat information, including delineated right-of-ways, roadway widths, intersections, pavement returns and grades.
3. Investigate and document roadway elements and signs not shown in the obtained information.
4. Obtain additional paving surface elevations and swale grades sufficient to analyze existing roadway network. (approximately 200' intervals)
5. Provide tree survey of all trees located within the Village's rights-of-way.

TASK II LUMP SUM ROAD SURVEY FEE: \$ 26,500.00

TASK II LUMP SUM TREE SURVEY FEE: \$ 18,250.00

III. ASSEMBLE AND EVALUATE INFORMATION DATA BANK

Review and evaluate the information collected. Assemble the information in a Report for the Village. Deliver five copies to the Village for their review and records. Create thematic maps of the Village of Biscayne Park which include:

- Existing and proposed road network within the Village of Biscayne Park
- Database of all roadways and current conditions (determine Levels of Service)
- Striping and signage on all roads within the Village

Meet with Village to review maps. Update maps as required. In addition to hard copies, provide all plans and atlas in digital format compatible with AutoCAD, (civil 3D, 2008-2014).

TASK III LUMP SUM FEE: \$ 9,400.00

IV. DEFINE AND PRIORITIZE PROBLEM AREAS

Meet with Village to identify and evaluate problem areas. Define a process to evaluate the severity of each problem area. Prioritize based on the severity of damage, safety, traffic impacts, landscaping issues, resident input, the source of the damage, and construction phasing. Create a Map and evaluation report of the identified problem areas. Establish levels of service (LOS) for existing facilities.

Meet with Village to review maps and evaluations. Revise the report and evaluation as necessary for inclusion in the final Roadway Master Plan.

TASK IV LUMP SUM FEE: \$ 10,220.00

V. IDENTIFY AND EVALUATE POSSIBLE SOLUTIONS/PREPARE ROADWAY MASTER PLAN REPORT AND DISTRIBUTE COMPLETED DOCUMENT

Based on the information gathered above, identify and evaluate solutions and improvements, that can be initiated, which will improve roads within the Village. The existing roadways will be analyzed to determine if they were constructed to minimum technical standards, visually inspect all road surface conditions and document. Provide Geotechnical Engineering services to conduct asphalt corings to determine the thickness of the existing roads and provide soil borings to determine the existing thickness and material makeup of the base and sub-base. Provide professional arborist services to determine how existing trees within the median can be protected and analyze root preventatives from disturbing the integrity of the roadway foundations. Develop design methodology for road improvements and incorporate tree protection.

Layout conceptually designed roadway plans (including alleys), to meet current design standards, develop Village typical design standards, calculate grades and slopes and integrate the conceptual design with the conceptual drainage. Evaluate existing striping and signage conditions to verify current technical safety standards are met. Recommendations may include preventive measures such as guardrails, lighting or barricades. Prepare conceptual roadway, striping and signage cost estimates based on phasing and priorities.

Develop a general, systematic approach for Village Officials and Planners to follow in initiating site specific solutions. Provide minimum construction standards, application criteria and standard details for all Village maintained roads within the final Master Plan. Summarize permitting requirements and applicable agencies. Prepare a narrative report of roadway findings and recommendations. Prepare, assemble and distribute final Roadway Master Plan document.

TASK V LUMP SUM TOTAL FEE: \$ 31,880.00

TOTAL ROADWAY MASTER PLAN FEE: \$ 102,250.00

NOTE: 1) The proposal fees are based on the understanding that both the Stormwater and Roadway Master Plans will be performed concurrently.

ARBORIST ALLOWANCE FEE: \$ 15,000.00

GEOTECH ALLOWANCE FEE: \$ 7,500.00

TOTAL ALLOWANCES: \$ 22,500.00

If this proposal is acceptable, please execute in the space provided and return one executed copy to our office as our notice to proceed. We appreciate your business and thank you for this opportunity.

AGREED TO AND ACCEPTED BY:

CRAIG A. SMITH & ASSOCIATES



Gene R. Schriener, P.E.
President

VILLAGE OF BISCAYNE PARK

Heidi Siegel, AICP, Village Manager

Date



CRAIG A. SMITH & ASSOCIATES

7777 Glades Road • Suite 410 • Boca Raton, Florida 33434

CONSULTING ENGINEERS • SURVEYORS • UTILITY LOCATORS • GRANT SPECIALISTS

W W W . C R A I G A S M I T H . C O M

May 5, 2015

Ms. Heidi Siegel, AICP, Village Manager
Village of Biscayne Park
Village Hall
640 NE 114th Street
Biscayne Park, FL 33161

**RE: VILLAGE OF BISCAYNE PARK
STORMWATER UTILITY ASSESSMENT RECOMMENDATION
CAS PROJECT NO. 14-1761**

Dear Ms. Siegel,

On behalf of the Village of Biscayne Park, CAS was requested to evaluate various assessment options to offset the costs of the stormwater and roadway master plans. The need for the creation of a stormwater/roadway utility fee is to address road reparation, repetitive flooding and water quality issues that impact local properties and the environment. With continuous growth, much of the Village was developed without an adequate stormwater infrastructure to remove and treat runoff in order to comply with the Environmental Protection Agency's NPDES permit regulations.

The development of comprehensive Master Plans for both the Village roadway network and stormwater system is the initial means for providing a sustainable level of service, protection of public health and safety by reducing flooding and probability of damage, prioritize deficiencies and determine the most effective use of utility fees for future projects.

The impacts on the Village's roadways and stormwater management system are a responsibility shared equally by all residents within the Village. Therefore, CAS recommends that the stormwater/roadway method of assessment be of a fair and equitable means, established as a utility fee and distributed equally among all parcels within the Village.

Sincerely,

CRAIG A. SMITH & ASSOCIATES

Gene R. Schriener, P.E.
President

Fiscal Year 2015-16 Budget - Village of Biscayne Park

403 STORM WATER REPAIR / IMPV		Manager Recomm. 2015-16	Commission Approved 2015-16
		\$ 93.40	
Revenues	Explanation of Line Item		
Storm Water Assessment		100,775	
Disc. for Early Payment	2% of Storm Water assessment	-2,016	
Total Revenues Storm Water		98,758	
Operating Expenses	Explanation of Line Item		
Contractual Services - Development of a Storm Water Master Plan	Craig A. Smith & Associates	97,750	
Administrative Fees Miami Dade County	Estimated 1% of total Storm Water assessment for billing on Property Bill	1,008	
TOTAL OPERATING EXPENSES		98,758	
TOTAL DEPT 403 Storm Water BUDGET		98,758	

Fiscal Year 2015-16 Budget - Village of Biscayne Park

404 ROAD REPAIR/IMPV		Manager Recomm. 2015-16	Commission Approved 2015-16
		\$ 97.69	
Revenues	Explanation of Line Item		
Road Assessment		105,412	
Disc. for Early Payment	2% of Road assessment	-2,108	
Total Revenues Road		103,304	
Operating Expenses	Explanation of Line Item		
Contractual Services - Development of a Road Master Plan	Craig A. Smith & Associates	102,250	
Administrative Fees Miami Dade County	Estimated 1% of total Road assessment for billing on Property Bill	1,054	
TOTAL OPERATING EXPENSES		103,304	
TOTAL DEPT 404 Road BUDGET		103,304	



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Resolution 2015-31 Planning
Board Member Appointments

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

In accordance with Village Code amended through Ordinance 2015-03, the Village Commission will select, appoint and set the term of office for the board members of the Planning Board.

All current Planning Board members were provided a Board Application, as well as the same application was made available to anyone expressing an interest in becoming a member. Applications were collected and are provided for the Commission's consideration. The Village Commission will, by majority vote, select members for this board. Ballots will be provided at the meeting.

Fiscal/Budget Impact - None.

Attachments

- Resolution 2015-31
- Applications for Planning Board

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3 **RESOLUTION NO. 2015-32**
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5 **RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF**
7 **BISCAYNE PARK, FLORIDA, RATIFYING**
8 **THE SELECTION, APPOINTMENT AND**
9 **TERM OF OFFICE OF THE BOARD**
10 **MEMBERS TO THE PLANNING BOARD;**
11 **PROVIDING FOR AN EFFECTIVE DATE**
12

13
14 WHEREAS, Chapter 13 of the Village's Land Development Code establishes the
15 Planning Board; and,
16

17 WHEREAS, Article III, Section 2-30 of the Biscayne Park Code governs the rules,
18 policies and procedures of the Planning Board; and,
19

20 WHEREAS, these provisions of our Code establishes the selection, appointment
21 and term of office of the members of the Planning Board; and,
22

23 WHEREAS, Village residents interested in serving on or continuing to serve on the
24 Planning Board have submitted a board application for the Commission's consideration;
25 and
26

27 WHEREAS, following the process whereby board applicants for the board were
28 placed on a ballot, the Village Commission, by majority vote, re-appointed and/or selected
29 new board members as follows, along with their term of office:
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32 Planning Board:

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41 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF
42 THE VILLAGE OF BISCAYNE PARK, FLORIDA
43
44

45 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby
46 ratified and confirmed by the Village Commission.
47

48
49 **Section 2.** Consistent with the Village's Code of Ordinances, members have
50 been selected to serve on the Planning Board.
51

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53 **Section 3.** This Resolution shall become effective upon adoption.

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PASSED AND ADOPTED this ____ day of _____, 2015.

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

David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____



Village of Biscayne Park Board Member Application

Last Name HORNBUCKLE		First Name ELIZABETH		M.I. <input type="checkbox"/>
Home Address 950 NE 117 ST.		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address		City	State	Zip Code
Home Telephone Number 305.895.3749	Cell Number 786.282.7699	Work Number 954.703.7830		
E-Mail Address eph950.mia@gmail.com			Are you a registered voter? Yes or No Y	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

ZONING BOARD

List all Village Boards on which you are currently serving or have previously served. Please include dates.

ZONING BOARD 2008 to present
DOG PARK COMMITTEE - 2005

Educational qualification.

BACHELOR OF ARCHITECTURE

List any related professional certifications and licenses which you hold.

Give your present, or most recent employer, and position.

DORSKY + YOE INTERNATIONAL, ASSOCIATE

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

AS AN ARCHITECT I HAVE DIRECT EXPERIENCE WORKING ON BUILDINGS/ PROJECTS IN VARIOUS CITIES THAT MUST COMPLY WITH ZONING REGULATIONS. I UNDERSTAND ZONING LINES AND THEIR IMPACT IN PROJECTS AND WILL BE ABLE TO PROVIDE RELEVANT JUDGEMENT ON CITY APPLICATIONS.

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

Eg O... Signature

4.13.15 Date



Village of Biscayne Park Board Member Application

Last Name <p style="text-align: center;">"Gage" Peter</p>		First Name <p style="text-align: center;">Hartung</p>		M.I.
Home Address <p style="text-align: center;">1029 NE 114th Street</p>		City <p style="text-align: center;">Biscayne Park</p>	State <p style="text-align: center;">FL</p>	Zip Code <p style="text-align: center;">33161</p>
Principal Business Address		City	State	Zip Code
Home Telephone Number <p style="text-align: center;">305-891-0910</p>	Cell Number <p style="text-align: center;">305-898-6974</p>	Work Number		
E-Mail Address <p style="text-align: center;">gagenmiami@gmail.com</p>			Are you a registered voter? Yes or No <p style="text-align: center;">Y</p>	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference. Planning and Zoning Board Code Review Board				
List all Village Boards on which you are currently serving or have previously served. Please include dates. Planning and Zoning Board - 2001 - Present Code Review Board - 2008 - Present				
Educational qualification. Professional Interior Designer, BA Interior Design, FSU				
List any related professional certifications and licenses which you hold.				
Give your present, or most recent employer, and position. Shuster Design Associates				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) Long term board and experience and in depth knowledge of Biscayne Park Land Development Code.				

<input checked="" type="checkbox"/> I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.	
<input checked="" type="checkbox"/> I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.	
<p style="font-size: 1.5em; margin: 0;">Peter "Gage" Hartung</p> <hr style="width: 80%; margin: 0 auto;"/> Signature	<p style="font-size: 1.5em; margin: 0;">April 13, 2015</p> <hr style="width: 80%; margin: 0 auto;"/> Date



Village of Biscayne Park Board Member Application

Last Name OLIS		First Name ANDREW		M.I. R
Home Address 11935 NE 5TH AVE		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 700 NE 90TH ST		City MIAMI SHORES	State FL	Zip Code 33138
Home Telephone Number NA	Cell Number 786-223-5151		Work Number NA	
E-Mail Address AOLIS@HOTMAIL.COM			Are you a registered voter? Yes or No Y	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

PLANNING AND ZONING
CODE REVIEW BOARD

List all Village Boards on which you are currently serving or have previously served. Please include dates.

PLANNING AND ZONING
CODE REVIEW

Educational qualification.

BS IN HOSPITALITY MANAGEMENT, REAL ESTATE SCHOOL WITH ANNUAL REQUIRED EDUCATION,

List any related professional certifications and licenses which you hold.

STATE OF FLORIDA REALTOR
STATE OF FLORIDA CERTIFIED FORECLOSURE SPECIALIST AND FL SHORT SALE AND FORECLOSURE RESOURCE CERTIFIED

Give your present, or most recent employer, and position.

KELLER WILLIAMDM MIAMI SHORES AGENT

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

15 YEARS EXPERIENCED HOUSE FLIPPER IN BISCAYNE PARK AND MIAMI SHORES- IN TRANSFORMING UGLY HOMES IN THE PARK FOR OURSELVES AND OTHERS WERE EDUCATED IN THE CODES OF BISCAYNE PARK BEFORE BEING ASKED TO BE ON THE P AND Z BOARD TO GUIDE OTHERS IN DOING THINGS THE RIGHT WAY TO CODE.

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

Andrew Olis
Signature

4/13/2015
Date



Village of Biscayne Park Board Member Application

Last Name <p style="text-align: center;">Tannehill</p>		First Name <p style="text-align: center;">Douglas</p>		M.I. <div style="border: 1px solid black; width: 20px; height: 20px;"></div>
Home Address <p style="text-align: center;">750 NE 112 St</p>		City <p style="text-align: center;">Biscayne Park</p>	State <p style="text-align: center;">FL</p>	Zip Code <p style="text-align: center;">33161</p>
Principal Business Address <div style="border: 1px solid black; height: 20px;"></div>		City <div style="border: 1px solid black; height: 20px;"></div>	State <div style="border: 1px solid black; width: 20px; height: 20px;"></div>	Zip Code <div style="border: 1px solid black; width: 50px; height: 20px;"></div>
Home Telephone Number <p style="text-align: center;">305-895-5520</p>	Cell Number <p style="text-align: center;">305-216-8644</p>	Work Number <p style="text-align: center;">305-477-3829</p>		
E-Mail Address <p style="text-align: center;">doug@gps-miami.com</p>			Are you a registered voter? Yes or No <p style="text-align: center;">Y</p>	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

Planning and Zoning

List all Village Boards on which you are currently serving or have previously served. Please include dates.

Planning and Zoning

Educational qualification.

Bachelor of Science from Cornell University (1982)

List any related professional certifications and licenses which you hold.

Give your present, or most recent employer, and position.

Global Perishable Services LLP (Managing Partner)

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

Business Owner
27 Years resident of the Village.
Calm, even tempered
Good Listener and Decision maker

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.



 Signature

4-14-15

 Date

Home Address 11725 Griffing Boulevard		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 700 NE 90th Street		City Miami	State FL	Zip Code 33138
Home Telephone Number 786-212-1073	Cell Number 786-457-8001	Work Number 786-457-8001		
E-Mail Address lauragravesrealtor@gmail.com			Are you a registered voter? Yes or No Yes	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

Planning & Zoning
Code Compliance

List all Village Boards on which you are currently serving or have previously served. Please include dates.

Median Comitte (Not sure if it was a board or just a committee) (1998-1999)
Neighborhood Crime Prevention (Again, not sure if this is a board or a committee. (2010 to Present?)
*Please note with Neighborhood Crime Prevention I have not really been that active other than communication with Chuck Ross and helping him find lost pets etc..

Educational qualification.

William Smith College/Liberal Arts
Florida International University/Finance

List any related professional certifications and licenses which you hold.

National Association of Realtors, Realty Board of Greater Miami and the Beaches (SE Florida MLS)
YGreen Certification(in process 2015), Volunteer Coordinator LabRescueFL.org (2007 to Present)

Give your present, or most recent employer, and position.

Keller Williams Realty. Licensed Realtor-Associate

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

I am a 15 year veteran Real Estate Professional in Miami and a top producer in sales. I have extensive experience, 20+ years as a private investor in commercial and residential properties in the state of Florida as well as in the state of Maine. I have traveled and lived extensively throughout South East Asia and Europe. I am a 17 year resident homeowner of Biscayne Park and I care about our Park and want to see it thrive well past the 21st Century.

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

Laura M. P. Signature

3-31-15 Date

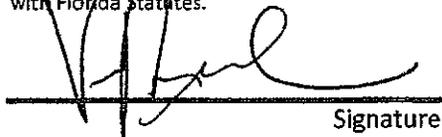


Village of Biscayne Park Board Member Application

Last Name Recondo		First Name Victor		M.I. A
Home Address 10910 N.E. 10 Avenue		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 1200 Brickell Avenue, PH 2000		City Miami	State FL	Zip Code 33161
Home Telephone Number	Cell Number (786) 210-6713	Work Number (305) 938-6916		
E-Mail Address Victor@sflip.com			Are you a registered voter? Yes or No Yes	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference. 1- Planning and Zoning Board 2 - Parks and Parkways Advisory Board 3 - Code Compliance Board				
List all Village Boards on which you are currently serving or have previously served. Please include dates. None				
Educational qualification. Juris Doctor Degree was earned from Florida International University in December, 2010.				
List any related professional certifications and licenses which you hold. I am a practicing real estate and corporate attorney.				
Give your present, or most recent employer, and position. Association Law Group, P.L., Associate Attorney				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) As a transactional real estate attorney with experience in land use/zoning matters. I deal primarily in the acquisition/disposition of real property and in that regard, I have experience in resolving code enforcement matters, analyzing zoning ordinances and its applicability to specific real property and reviewing surveys and title documents which affect real property. This experience should be an asset to any of the boards referenced in this application.				

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.


Signature

2/12/15
Date



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

**Subject: Resolution 2015-32 Code Compliance
Board Member Appointments**

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

In accordance with Village Code amended through Ordinance 2015-03, the Village Commission will select, appoint and set the term of office for the board members of the Code Compliance Board.

All current Code Compliance Board members were provided a Board Application, as well as the same application was made available to anyone expressing an interest in becoming a member. Applications were collected and are provided for the Commission's consideration. The Village Commission will, by majority vote, select members for this board. Ballots will be provided at the meeting.

Fiscal/Budget Impact - None.

Attachments

- Resolution 2015-32
- Applications for Code Compliance Board

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3 **RESOLUTION NO. 2015-32**
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5 **RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF**
7 **BISCAYNE PARK, FLORIDA, RATIFYING**
8 **THE SELECTION, APPOINTMENT AND**
9 **TERM OF OFFICE OF THE BOARD**
10 **MEMBERS TO THE CODE COMPLIANCE**
11 **BOARD; PROVIDING FOR AN EFFECTIVE**
12 **DATE**
13

14
15 WHEREAS, Chapter 14 of the Village's Land Development Code establishes the
16 Code Compliance Board; and,
17

18 WHEREAS, Article III, Section 2-30 of the Biscayne Park Code governs the rules,
19 policies and procedures of the Code Compliance Board; and,
20

21 WHEREAS, these provisions of our Code establishes the selection, appointment
22 and term of office of the members of the Code Compliance Board; and,
23

24 WHEREAS, Village residents interested in serving on or continuing to serve on the
25 Code Compliance Board have submitted a board application for the Commission's
26 consideration; and
27

28 WHEREAS, following the process whereby board applicants for the board were
29 placed on a ballot, the Village Commission, by majority vote, re-appointed and/or selected
30 new board members as follows, along with their term of office:
31

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33 Code Compliance Board:
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- 35 1.
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39 5.
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42 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF
43 THE VILLAGE OF BISCAYNE PARK, FLORIDA
44

45
46 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby
47 ratified and confirmed by the Village Commission.
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50 **Section 2.** Consistent with the Village's Code of Ordinances, members have
51 been selected to serve on the Code Compliance Board.
52

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54 **Section 3.** This Resolution shall become effective upon adoption.

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PASSED AND ADOPTED this ____ day of _____, 2015.

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

David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Coviello: ____
Vice Mayor Jonas: ____
Commissioner Anderson: ____
Commissioner Ross: ____
Commissioner Watts: ____



Village of Biscayne Park Board Member Application

Last Name Bilt		First Name Harvey		M.I.
Home Address 450 NE 121 Street		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 450 NE 121 St.		City Biscayne Park	State FL	Zip Code 33161
Home Telephone Number 305-893-5736	Cell Number 305-610-4300	Work Number 305-371-5337		
E-Mail Address hbilt@aol.com			Are you a registered voter? Yes or No Yes	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

Code Compliance

List all Village Boards on which you are currently serving or have previously served. Please include dates.

Code Compliance, Code Review

Educational qualification.

Cornell University 3 years

List any related professional certifications and licenses which you hold.

Give your present, or most recent employer, and position.

Harvey Bilt Photography, president

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

Managed by own business for 40 years, Homeowner in Biscayne Park. Manged many home renovation projects and have dealt with Zoning and permitting
Appointed to serve a term on the 11th Judicial circuit grievance committee by Florida Bar.
We reviewed and investigated complaints, reached a decision which was forwarded to FI Supreme Court for final disposition

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.



Signature

04/20/2015
Date



Village of Biscayne Park Board Member Application

Last Name Johnson-Sardella		First Name Jenny		M.I. <input type="checkbox"/>
Home Address 771 NE 116th Street		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 255 University Drive		City Coral Gables	State FL	Zip Code 33134
Home Telephone Number <input type="text"/>	Cell Number (347) 623-1684	Work Number (305) 629-8816		
E-Mail Address jsardella@huntertaubman.com			Are you a registered voter? Yes or No <input type="checkbox"/> Yes	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

List all Village Boards on which you are currently serving or have previously served. Please include dates.

Code Compliance Board

Educational qualification.

New York University-B.A. Brooklyn Law School-J.D.
--

List any related professional certifications and licenses which you hold.

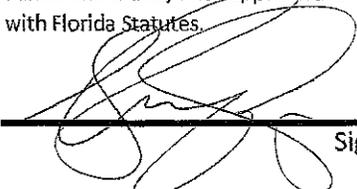
New York State Bar Washington, D.C. Bar; Florida State Bar

Give your present, or most recent employer, and position.

Hunter Taubman Weiss LLP-Partner

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

- I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.
- I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.



Signature

4/17/15
Date



Village of Biscayne Park Board Member Application

Last Name Blanton		First Name W. Dale		M.I. <input type="checkbox"/>
Home Address 12025 Griffing Blvd		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 601 NW 1st Ct		City Miami	State FL	Zip Code <input type="text"/>
Home Telephone Number 305 891 1591	Cell Number 305 502-3253	Work Number 786-469-3434		
E-Mail Address Blanton@BellSouth.net			Are you a registered voter? Yes or No Yes	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

Code Compliance Board

List all Village Boards on which you are currently serving or have previously served. Please include dates.

**Code Compliance Board
Code Review
Charter Review**

Educational qualification.

**BS in Bus Admin
Paralegal Cert.**

List any related professional certifications and licenses which you hold.

Give your present, or most recent employer, and position.

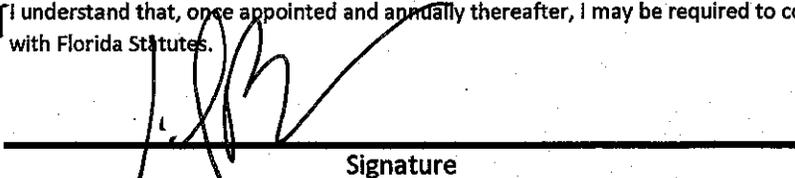
State Attny's Office / Child Support Enforcement

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

**Approx 15 yrs on Code Compliance -
Current job - working w/ public, ~~and~~ courts & attorneys
Conflict Resolution**

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.


Signature

4-17-15
Date



Village of Biscayne Park Board Member Application

Last Name Kuhl		First Name Gary		M.I. B
Home Address 777 NE 111 St.		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 1727 N. State Road 7		City Margate	State FL	Zip Code 33063
Home Telephone Number 305 893 9173	Cell Number 954 234 9343	Work Number 954 975 7979		
E-Mail Address gkuhl@willcottengineering.com			Are you a registered voter? Yes or No yes	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

Code Compliance

List all Village Boards on which you are currently serving or have previously served. Please include dates.

**Computer Learning Center
Code Review
Code Compliance**

Educational qualification.

**Bachelor of Arts
Bachelor of Architecture**

List any related professional certifications and licenses which you hold.

Registered Architect

Give your present, or most recent employer, and position.

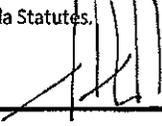
Willcott Engineering, Inc. , Project Manager

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

40 years experience in the various aspects of the construction industry.

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

 _____
Signature

4.16.15
Date



Village of Biscayne Park Board Member Application

Last Name Dillon		First Name Linda		M.I. P.
Home Address 712 N.E. 115 Street		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address		City	State	Zip Code
Home Telephone Number 305-893-0938	Cell Number 305-778-2500		Work Number	
E-Mail Address lpdillon@bellsouth.net			Are you a registered voter? Yes or No yes	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference. Code Compliance				
List all Village Boards on which you are currently serving or have previously served. Please include dates. Code Compliance past 3 years				
Educational qualification. M.S. Guidance and Counseling				
List any related professional certifications and licenses which you hold.				
Give your present, or most recent employer, and position. Retired from Jackson Health System				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) Have served on this Board for 3 years. Have missed only two meetings when the regular date was changed and I had a prior commitment. I do my best to treat everyone fairly and have made decisions on a case by case basis. More than once I have had to make decisions which were not favorable for friends and/or neighbors. Have attended compliance meetings at the City of North Miami and Miami Shores to gain knowledge. I understand our codes and I would like to continue serving on this Board.				

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

Linda P. Dillon
Signature

2/10/2015
Date

Home Address 11725 Griffing Boulevard		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 700 NE 90th Street		City Miami	State FL	Zip Code 33138
Home Telephone Number 786-212-1073	Cell Number 786-457-8001	Work Number 786-457-8001		
E-Mail Address lauragravesrealtor@gmail.com			Are you a registered voter? Yes or No Yes	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

Planning & Zoning
Code Compliance

List all Village Boards on which you are currently serving or have previously served. Please include dates.

Median Comitte (Not sure if it was a board or just a committee) (1998-1999)
 Neighborhood Crime Prevention (Again, not sure if this is a board or a committee. (2010 to Present?)
 *Please note with Neighborhood Crime Prevention I have not really been that active other than communication with Chuck Ross and helping him find lost pets etc..

Educational qualification.

William Smith College/Liberal Arts
 Florida International University/Finance

List any related professional certifications and licenses which you hold.

National Association of Realtors, Realty Board of Greater Miami and the Beaches (SE Florida MLS)
 YGreen Certification(in process 2015), Volunteer Coordinator LabRescueFL.org (2007 to Present)

Give your present, or most recent employer, and position.

Keller Williams Realty. Licensed Realtor-Associate

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

I am a 15 year veteran Real Estate Professional in Miami and a top producer In sales. I have extensive experience, 20+ years as a private investor in commercial and residential properties in the state of Florida as well as in the state of Maine. I have traveled and lived extensively throughout South East Asia and Europe. I am a 17 year resident homeowner of Biscayne Park and I care about our Park and want to see it thrive well past the 21st Century.

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

Laura M. P. Signature

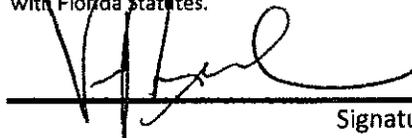
3-31-15 Date



Village of Biscayne Park Board Member Application

Last Name Recondo		First Name Victor		M.I. A
Home Address 10910 N.E. 10 Avenue		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 1200 Brickell Avenue, PH 2000		City Miami	State FL	Zip Code 33161
Home Telephone Number	Cell Number (786) 210-6713	Work Number (305) 938-6916		
E-Mail Address Victor@sflp.com			Are you a registered voter? Yes or No Yes	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference. 1- Planning and Zoning Board 2 - Parks and Parkways Advisory Board 3 - Code Compliance Board				
List all Village Boards on which you are currently serving or have previously served. Please include dates. None				
Educational qualification. Juris Doctor Degree was earned from Florida International University in December, 2010.				
List any related professional certifications and licenses which you hold. I am a practicing real estate and corporate attorney.				
Give your present, or most recent employer, and position. Association Law Group, P.L., Associate Attorney				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) As a transactional real estate attorney with experience in land use/zoning matters. I deal primarily in the acquisition/disposition of real property and in that regard, I have experience in resolving code enforcement matters, analyzing zoning ordinances and its applicability to specific real property and reviewing surveys and title documents which affect real property. This experience should be an asset to any of the boards referenced in this application.				

- I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.
- I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.



Signature

2/12/15

Date

MEMORANDUM

TO: Honorable Village Commission
Heidi Siegel, Village Manager
Maria Camara, Village Clerk

FROM: John J. Hearn, Village Attorney

RE: Proposed Changes to Section 5.6 of the Land Development Code

DATE: May 1, 2015

This memorandum shall serve as a follow up to the April 2, 2015 memorandum based on the direction received at the Commission meeting of April 7, 2015. Consistent with that meeting, and after having reviewed the tape of the Village Commission meeting, the following changes are proposed below:

1. Allow for an administrative variance, as determined by the Village Manager, for nonconforming driveways.
2. Inserting language concerning the type of material which may be used as a perimeter border.
3. Reducing the width of the border along the entire length of the driveway to four inches.

Below please see the changes highlighted in green:

5.6. Off-street parking.

5.6.1 *Applicability.* Off-street parking facilities shall be provided within the lot of all development properties within in the village pursuant to the requirements of this code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

(a) All vehicles must be parked on an approved driveway surface subject to the design standards set forth in Section 5.6.8.

1. Non-conforming properties that do not have an approved driveway surface shall have ~~one (1) year~~ two (2) years from the date of enactment of this ordinance to come into compliance. have the compliant driveway installed and permitted.
2. If the existing driveway has been permitted by the Village during the last five (5) years prior to the enactment of this ordinance, the non-conforming surface may

remain for a period of ten (10) years or unless and until a substantial repair and/or addition to the driveway occurs.

3. When an approved driveway surface does exist all vehicles shall park on said driveway upon enactment of this ordinance.

~~(b) Where this requirement cannot be met by multi-family properties while still without maintaining a ten (10) foot landscape area in front of the building, a variance may be obtained from the Planning Board. For the purposes of this section, multi-family refers to units that are two-family duplexes or more.~~

5.6.2 *Computation.* In the village hall, recreation area, church, the occupancy shall be based on the maximum capacity rating given the building by the fire marshal. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

5.6.3 *Number of parking spaces required.* The table below specifies the required minimum number of off-street automobile parking spaces. The number of off-street parking spaces for uses not listed in the table shall be determined by the planning board. The term "tandem parking space" means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.

TABLE INSET:

Use		Minimum Off-Street Parking Requirement	
(a)	Residential	Resident Parking	Visitor Parking
	Detached one-family:		
	1, 2 and 3 bedrooms	2 spaces/unit*	1 space/unit**
	4 bedrooms	3 spaces/unit*	1 space/unit**
	Detached two-family:		
	2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b)	Recreation.		
	Parks, Clubs: determined by the planning board.		
(c)	Public assembly.		
	Church: 1 space/3 seats or 1 space/35 square feet of gross auditorium floor area		

* Resident parking spaces may be tandem.

** If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

5.6.4 *Handicapped parking spaces.* Any parking area to be used by the general public shall provide suitable, marked and paved parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of F.S. §§ 316.1955, and 316.1956, or succeeding provisions. No parking spaces required for the handicapped shall be counted as a parking space in determining compliance with subsection 5.6.3, public uses, above, but ~~optional~~ supplemental spaces for the handicapped shall be counted. The parking and related features contained in the Department of Community Affairs, Florida Board of Building, Codes and Standards, Accessibility Requirements Manual are hereby incorporated by reference into the village code.

5.6.5 *Parking in medians prohibited.* No parking shall be allowed in median open spaces or median parkways.

5.6.6 *Existing nonconforming minimum off-street parking requirements.* The number of off-[street] parking spaces existing on properties at the time of the adoption of this code, although such number does not conform to the minimum off-street parking requirements hereof, may be lawfully continued. However, all vehicles must be parked on an approved driveway surface consistent with Section 5.6.1.

5.6.7 *Historic preservation exemption.* The preservation of any property that has been placed on the county or national register of historic places, shall be grounds for a grant by the planning review board of a reduction in, or complete exemption from, the parking requirements in subsection 5.6.3 of this chapter.

5.6.8 *Design standards for off-street parking.* Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel. The size and layout of these spaces shall be according to the Miami-Dade County Code and Public Works Manual, Metro Miami-Dade County. Vehicles shall be parked on impervious or pervious surfaces but impervious areas shall not exceed forty (40) percent of the front yard, excluding the right-of-way. Off-street parking (within the lot lines of all properties) shall only be permitted on approved surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an approved surface.

- a. All driveways shall be of a similar material and design element.
- b. All driveways must have an improved approach across the swale which shall meet the minimum standard of gravel construction.
- c. All driveways shall be no closer than thirty (30) inches from side property line.
- d. All non-conforming driveways, as related to setback, shall come into compliance when there is a change in driveway material or the installation of a new driveway. If a determination is made by the Village Manager that adhering to the setback

would make the driveway non-functional as determined by an engineer, the Village Manager may waive this requirement in writing.

- e. Driveways shall only be constructed with the following materials; concrete, paver, brick, gravel, asphalt, cut stone or turf block.
- f. Gravel driveways shall be built with a permanent perimeter border consisting of suitable material as approved by Village staff and shall be a minimum of four (4) inches deep with the width of the border being sixteen inches (16") immediately adjacent to the road perimeter and four eight inches (48") along the entire length of both edges of the driveway.
- g. Road rock shall not be used as a finished driveway material.
- h. Construction of a portion of a driveway in the swale or right-of-way, such as the apron and driveway approach, shall require the property owner to indemnify, hold harmless, and defend the Village from any and all actions, caused by, resulting from, or in any way associated with the proposed work within the Village right-of-way on a form provided by the Village.



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Records Retention

Prepared By: Commissioner Bob Anderson

Sponsored By: Commission

Background: Staff is working to comply with Florida Public Records Retention laws. My concern is how this will affect property (street file) information that is more than 10 years old. The history of a property - variances, permits, upgrades such as impact windows and doors, fines, liens, etc. are crucial pieces of information especially when properties change hands.

Fiscal/Budget Impact: To be determined depending on how records will be preserved.

Recommendation: Commission discussion regarding how best to preserve these records.



Date: May 1, 2015

To: Heidi Siegel, Village Manager

From: Maria C. Camara, Village Clerk

Re: RECORDS RETENTION

As part of my continual education through the Florida Association of Certified Clerks (FACC) and the International Institute of Municipal Clerks (IIMC), I have attended numerous seminars and taken courses on the subject of public records management which includes:

- Statutory authority
- Records and information management
- Records retention programs

As I have obtained my professional credentials, it has been a goal of mine for the Village to be in compliance for Florida Public Records laws. The retention of public records is addressed in Florida State Statutes Chapter 119. It is consistently explained that municipalities must establish a records retention schedule as well as schedule records for disposal following the General Records Schedules from the Florida Department of State, Division of Library and Information Services. These schedules indicate the time frame (in months or years) of how long each specific record must be maintained by a municipality. Once the retention has been met, the municipality must provide for the disposal of inactive records. The schedules cover the records for:

- State and local government agencies
- Law enforcement agencies
- Elections
- Building Departments

As the retention of records and the General Records Schedules are referenced in Florida State Statutes, there must be **consistency** in the records retention program. If you follow the schedule for one record, you must follow the schedule for all records.

The following are excerpts from the Florida Department of State, Division of Library and Information Services, from ARMA International (the professional association an authority on governing information), from the University of Florida, George A. Smathers Libraries; in regards to the disposition of records:



Risks of poor records management include:

- *Litigation potential – all records created are potential documentation in lawsuits. Keeping records beyond their retention period or destroying documents too soon can be costly.*
- *Unnecessary expense – keeping unused documents takes up valuable storage space.*
- *Information loss – unused records can add to the retrieval time needed to find information and poorly named files can lead to lost records*

Principle of Disposition

- *An organization shall provide secure and appropriate disposition of in accordance with its policies, and, applicable laws, regulations and other binding authorities.*
- *At the completion of the retention period for an organization's records, the records must be designated for disposition.*

What are the other possible problems associated with noncompliance?

- *If you keep records beyond their retention period, you will spend money that could be available for other program needs.*
- *Your agency may not be trusted to provide for the public's right of access to public records.*
- *Without properly scheduling and disposing of records, you will not have a professional audit trail that could be beneficial in litigation.*
 - *Controversial documents are more likely to be located by opposing counsel if they are kept past retention requirements.*
 - *Opposing counsel will take advantage of a lack of organization and management of records*

Currently the Village utilizes a room in the Recreation Center that is approximately 10' x 6' for storage of records. In the new Public Safety & Administration Annex, we will acquire an 8' x 10' room for additional storage. This space will also serve as general storage for the new Village Hall.

The Village is out of compliance with Florida State Statutes Chapter 119 and the General Records Schedule. The Police Department has worked towards compliance through the use of a Miami Dade College intern over the last several months. The Building Department has records dating to the 1950s. The General Records Schedule states that building department records shall be maintained for ten years, plus one audit year. The Village is currently working with a resident volunteer to bring our building department files into compliance.



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

Village Staff is proposing the following next steps to safeguard compliance while addressing the concerns of residents:

- Once the building department files are in compliance, the Village will retain the records to be disposed of for six months. *(Please note that the General Records Schedule states that the Village should only retain these records for 30 days.)*
- During these six months, residents will be informed through newsletters, email blasts and other forms of communication that these records will be destroyed and if they wish to obtain a copy they may visit Village Hall.
- The General Records Schedule further states that original records of the Village may not be given away, even if they are scheduled to be disposed of; therefore, only copies of these files will be available to the public for the fees stated in Florida State Statutes Chapter 119.

Adhering to the records retention schedules and scheduling records for disposal on a regular basis must be strictly followed.