



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, July 1, 2014 - 7:00pm



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

3 Pledge of Allegiance

4 Presentations continued

4.a Rep. Daphne Campbell, Florida House of Representatives, District 108

4.b Presentation to Tracy Torano from the Biscayne Park Foundation



4.c Proclamation - July is Park and Recreation Month

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



Sanitation services transition update - Candido Sosa-Cruz, Asst. to the
7.a Manager / Public Services Director; Guerlin Escar-Mangos, Waste Pro of
Florida, Inc.



7.b Review of monthly financials - ending May 31, 2014 - Irwin Williams, Finance
Director

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

- ◆ June 3, 2014 Regular Commission Meeting



8.b Acceptance of Board Minutes

- ◆ Planning & Zoning Board - April 21, 2014
- ◆ Planning & Zoning Board - May 19, 2014
- ◆ Planning & Zoning Board - June 2, 2014
- ◆ Planning & Zoning Board - June 16, 2014
- ◆ Code Compliance Board - June 10, 2014



8.c Resolution 2014-44

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN DRISHTI PLISKE AND THE VILLAGE OF BISCAYNE PARK FOR THE PROVISION OF EXERCISE CLASSES AT THE ED BURKE RECREATION CENTER; PROVIDING FOR AN EFFECTIVE DATE.**

9 Ordinances

FIRST READING



9.a Ordinance 2014-05

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 10, OF THE LAND DEVELOPMENT CODE ENTITLED "DESIGN AND IMPROVEMENT STANDARDS", RELATIVE TO ROOFING;** PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

SECOND READING:



9.b Ordinance 2014-04

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING CHAPTER 3, ENTITLED "ANIMALS", RELATIVE TO DOGS AND CITY-SPONSORED EVENTS;** PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE *(Approved at first reading on June 3, 2014)*

10 Resolutions

< None >

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.

12 New Business

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



12.a Fine Reduction Request - Candido Sosa-Cruz, Assistant to the Manager / Public Services Director



12.b Discussion on holding a Trade Fair for home based businesses and resident owned businesses - As requested by Vice Mayor Ross

12.c Increased communication to residents - As requested by Commissioner Watts



12.d Funding for tuition cost for Commissioner Watts to attend the Good Government Initiative - As requested by Commissioner Watts



12.e Discussion on changes to Ordinance 2013-06 (AMENDING CHAPTER 7 OF THE VILLAGE'S LAND DEVELOPMENT CODE, ENTITLED "RECREATION AND OPEN SPACE", TO PROVIDE REGULATIONS FOR COMMERCIAL AND RECREATIONAL VEHICLES) - Candido Sosa-Cruz, Assistant to the Manager / Public Services Director



12.f Discussion on branding/marketing of the Village - as requested by Mayor Coviello.



12.g Joining City of Miami Beach amicus curiae brief in support of marriage equality - as requested by Vice Mayor Ross

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



- ◆ Request for Village participation in Citizens' Crime Watch of Miami Dade County event
- ◆ Update from Biscayne Park Foundation Meeting on June 9, 2014
- ◆ Log cabin restoration update
- ◆ Personnel Changes

14.b Village Attorney

14.c Board / Committee Reports:

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

14.d Commissioner Comments

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

15 Announcements

Wednesday, July 2nd - Code Review Board at 7:00pm
 Friday, July 4th - All Village Departments are closed for Fourth of July Holiday
 Friday, July 4th - Bark of July from 4:00pm to 7:00pm
 Monday, July 7th - Planning & Zoning at 6:30pm
 Tuesday, July 8th - Code Compliance Board at 7:00pm
 Wednesday, July 9th - Public Art Advisory Board at 6:00pm
 Wednesday, July 16th - Parks & Parkway Advisory Board at 6:00pm
 Thursday, July 17th - Special Commission Meeting at 6:30pm
 Monday, July 21st - Planning & Zoning at 6:30pm
 Tuesday, July 22nd - Recreation Advisory Board at 7:00pm

Our next regular Commission meeting is Tuesday, August 5, 2014, 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.

PROCLAMATION

Designation of July as Park and Recreation Month

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the Village of Biscayne Park; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the Village of Biscayne Park recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, I, David Coviello, Mayor of the Village of Biscayne Park, do hereby recognize the month of July, 2014, as Park and Recreation Month, and further extend appreciation to our Parks & Recreation Director, Issa Thornell, and the entire Recreation staff for their work and dedication in providing quality recreational programs to the residents of the Village of Biscayne Park.



IN WITNESS WHEREOF, I have hereunto set my hand this 1st day in July, in the year two thousand fourteen.

David Coviello, Mayor



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Sanitation Transition Update

Prepared By: Candido Sosa-Cruz
Assistant to Manager, Public Services Dir.

Sponsored By: Staff

Background

On May 21, 2014, the Village Commission of Biscayne Park entered into a franchise agreement with Waste Pro of Florida, Inc., for the collection of garbage, trash, yard waste and recycling. Waste Pro will provide solid waste and recycling services to the Village and the Village will maintain its Public Works Department and Roads and Median Division comprised of a total of five employees including two former sanitation division employees. The Village is working closely with Waste Pro to prepare for the transition of sanitation services.

Transition Update

The first step in the process is to obtain resident's preferred collection service location (curb side or side/backyard) and preferred size of recycling cart. The Village mailed out a survey to each property owner requesting collection service location and cart size; additionally, the Village posted the survey on its website. The Village is

July 1, 2014

Commission Agenda Report

Sanitation Transition Update

introducing a single stream recycling cart; residents have a choice of 35 or 65 gallon recycling cart. Both size carts are on display at the Ed Burke Recreation Center for viewing.

Attached is a sample of colors that can be selected for the recycling cart. Carts will be purchased by the Village and distributed to every household prior to the October 1st transition date. Color samples are available for review at Village Hall and during the Commission meeting.

Attachments:

- Recycling Cart Color Samples

Rehrig Pacific Co.
ROC DK.BLUE
CA
BL59

Rehrig Pacific Co.
ROC NAVY BLUE
BL51

REHRIG PACIFIC
BL54
ROC KENTWOOD BLUE
02-12-10

REHRIG PACIFIC
ROC PLANO GREEN
GR61

ROC KELLY GREEN
GR62
1.5%

ROC DARK GREEN
GR63
2%

ROC FOREST GREEN
GR59
1.2%

REHRIG PACIFIC
BR19
ROC NISSEN TAN
03/16/10

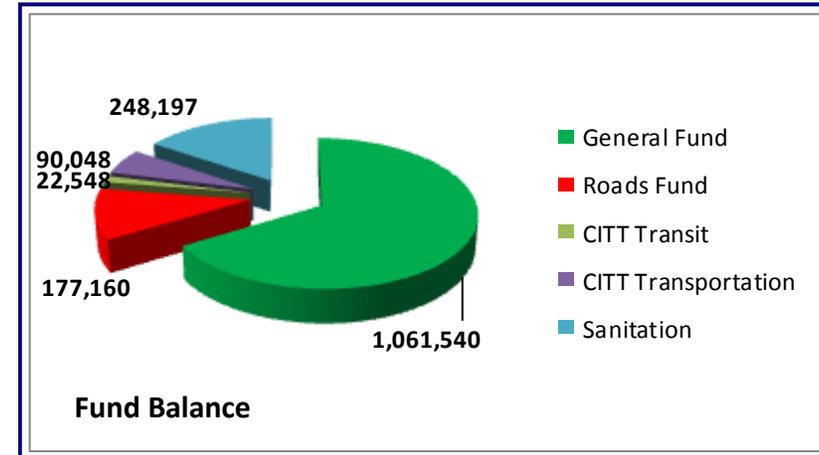
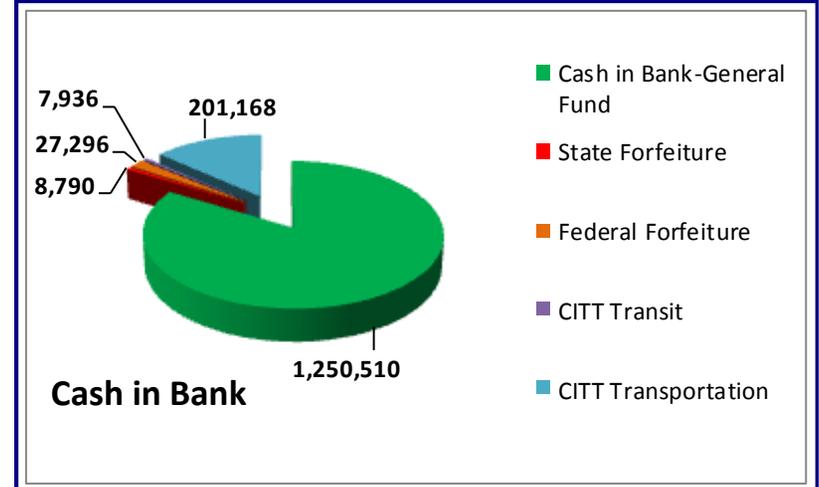
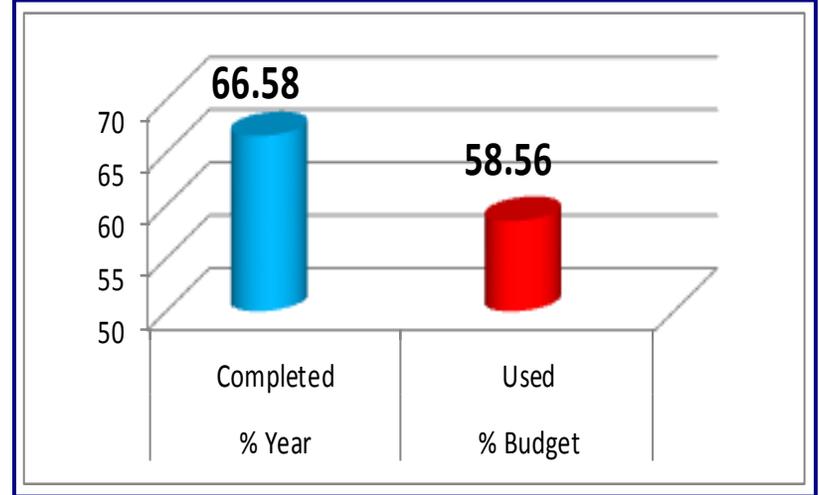
REHRIG PACIFIC COMPANY
PM 72307
1.5% ROC COCOA BROWN
BR17

**BUDGETORY COMPARISON REPORT
VILLAGE OF BISCAYNE PARK
PERIOD ENDING 05/31/2014**

% Fiscal Year Completed: 66.58

GENERAL FUND

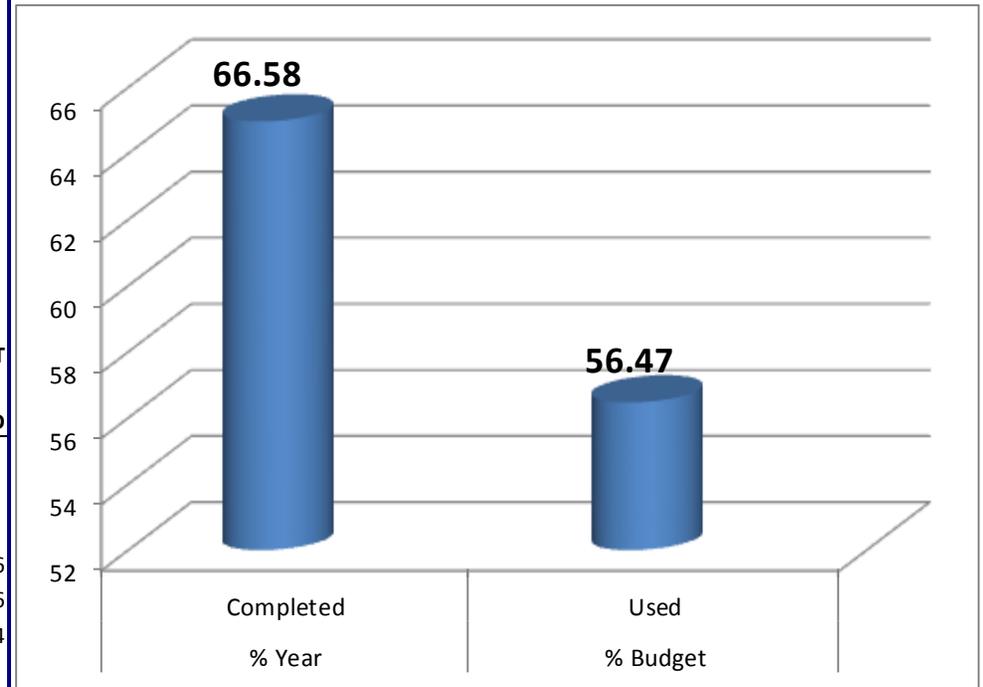
	2013-14		% BDGT USED
	AMENDED BUDGET	YTD BALANCE 05/31/2014	
REVENUES			
Ad Valorem Taxes	1,222,080	1,168,532	95.62
Franchise Fees	123,359	60,013	48.65
Utility Taxes	269,000	190,225	70.72
Intergovernmental Revenues	286,100	176,968	61.86
Charge For Services	364,117	204,882	56.27
Judgements & Fines	68,900	47,651	69.16
Operating Grants	17,953	6,514	36.28
Miscellaneous Revenues	15,725	29,350	186.65
Total Revenues	2,367,234	1,884,135	74.21
EXPENDITURES			
Village Commission	25,573	14,727	57.59
Administration	222,993	126,472	56.72
Finance	151,482	97,845	64.59
Planning & Zoning	20,000	8,803	44.01
General Government	256,507	105,045	40.95
Public Safety	1,028,959	671,371	65.25
Building	146,728	75,008	51.12
Code Enforcement	68,505	41,782	60.99
Public Works	212,550	124,675	58.66
Parks & Rec	180,986	87,627	48.42
Total Expenditures	2,314,283	1,353,355	58.56
EXCESS OF REVENUES OVER EXPENDITURES	52,951	530,780	



**REVENUE AND EXPENDITURE REPORT
VILLAGE OF BISCAYNE PARK
PERIOD ENDING 05/31/2014**

% Fiscal Year Completed: 66.58

	2013-14		
	AMENDED	YTD BALANCE	% BDGT
Fund 101 - Road Fund	BUDGET	05/31/2014	USED
Revenues			
Intergovernmental Revenues	100,622	66,622	0.66
Charge For Services	24,222	13,493	0.56
Total Revenues	<u>124,844</u>	<u>80,115</u>	0.64
Expenditures			
Salaries,Taxes & Fringe Benefits	94,053	55,365	58.87
Professional Services-Audit Fees	1,000	1,000	100.00
Communications -Telephone	150	48	31.95
Utilities-Roads	150	170	113.28
Insurance	3,176	1,804	56.80
Repairs & Maintenance	5,500	840	15.27
Operating Supplies	5,050	2,811	55.66
Road Materials	4,000	397	9.93
Education and Training	100	0	0.00
Administration Fee	14,500	9,667	66.67
Capital Acquisitions-Equipment	0	0	
TOTAL Expenditures	<u>127,679</u>	<u>72,102</u>	56.47
Other Sources (Uses)			
Transfers In	<u>2,835</u>	<u>0</u>	
Excess of Revenues Over Expenditures	0	8,013	



Underbudgeted (immaterial)

**REVENUE AND EXPENDITURE REPORT
VILLAGE OF BISAYNE PARK
PERIOD ENDING 05/31/2014**

% Fiscal Year Completed: 66.58

2013-14

**AMENDED YTD BALANCE % BDGT
BUDGET 05/31/2014 USED**

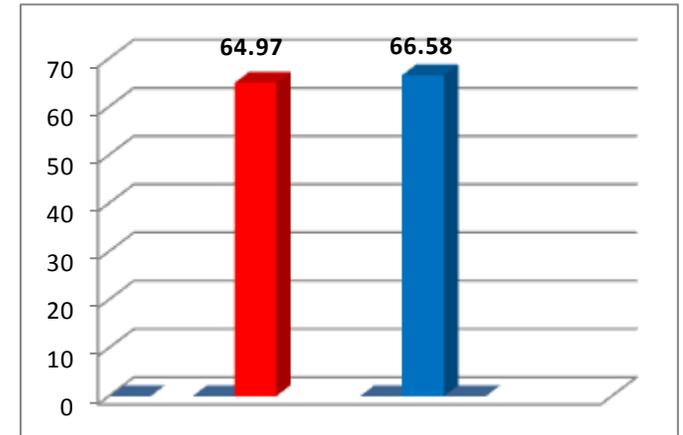
Fund 402 - Sanitation

Charge For Services 733,178 700,804 95.58

Expenditures

Salaries, Taxes & Benefits	267,672	170,687	63.77	←
Professional Fees	3,000	2,654	88.47	←
Communications	2,500	168	6.71	
Utilities	4,000	435	10.88	
Insurance	11,500	6,547	56.93	←
Repairs & Maintenance	21,500	15,694	73.00	
Operating Supplies	22,520	14,986	66.55	
Membership & Subscriptions	0	0	0.00	
Education & Training	1,000	20	2.00	
Administrative Fees	152,776	110,508	72.33	
Capital Acquisitions	0	0	0.00	
Contractual Services	220,020	134,388	61.08	←
Depreciation Expense	16,972	14,365	84.64	←
Debt Servicing	5,118	5,941	116.08	
Contingencies	3,600	0	0.00	
Advertising	1,000	0	0.00	
	733,178	476,394	64.97	

Change of Revenues Over Expenditures 0 224,410



% Budget Used % Year Completed

Professional Services

Greg Sagle

Consultation Services-Solid Waste Management

Vehicle Repairs Unit 700-3 \$6,496, Unit 700-7

Underbudgeted Depreciation Expense

Underbudgeted Debt Service



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, June 3, 2014 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:02pm.

2 Roll Call

Mayor David Coviello - present
Vice Mayor Barbara Watts - present
Commissioner Bob Anderson - present
Commissioner Fred Jonas - present
Commissioner Roxanna Ross - present

Present from staff were:

Village Manager Heidi Shafran
Village Clerk Maria C. Camara
Village Attorney John Hearn
Assistant to the Manager/Public Services Director Candido Sosa-Cruz
Finance Director Irwin Williams
Police Chief Duncan Foster
Parks & Recreation Director Issa Thornell
Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

Mayor Coviello recognized Commissioner Ross as Vice Mayor, and thanked Commissioner Watts for her service as Vice Mayor for the last six months.

4 Presentations

4.a Brian McNoldy, Senior Research Associate at the University of Miami, and resident, provided a presentation on hurricanes, followed by a presentation by Candido Sosa-Cruz, Assistant to the Manager/Public Services Director on the Village's preparedness plan.

4.b Gage Hartung, Chair of the Code Review Board, provided the proposed language for revision to the Village Code as it relates to roofing materials.

Mayor Coviello thanks the Code Review Board for their efforts. There was consensus from the Commission to have the Village Attorney draft an ordinance with the proposed language for first reading at the next meeting.

4.c Mayor Coviello announced that Representative Daphne Campbell was unable to attend the meeting, and proceeded to announce that with the signing of the 2014-15 State of Florida budget, the Village was awarded funding in the amount of \$1,000,000 to go towards rehabilitation of the log cabin and construction of an annex for government operations.

4.d Mayor Coviello read the Proclamation that June 6, 2014, is June Daryman Day. Mrs. Daryman is a long time resident and staff member of the Church of the Resurrection.

4.e Mayor Coviello read the Proclamation marking the week of June 2nd as Code Enforcement Awareness Week, and recognizing Biscayne Park Code Compliance Officer, Reginald White.

5 Additions, Deletions or Withdrawals to the Agenda

Vice Mayor Ross removes item 11.b under New Business to the next meeting.

Manager Shafran asks to add an item at the beginning of the meeting to provide an update on the Sanitation transition.

6 Public Comments Related to Agenda Items / Good & Welfare

Prior to public comments, Mayor Coviello stated he met with a group of residents regarding the decision made at the last meeting to outsource Sanitation. The residents were asking for a reversal of the decision made. It was explained that this could only happen if one of the commissioners on the prevailing side of the vote made a motion to reverse the decision.

Attorney Hearn read the meeting decorum for all in attendance.

Helena Orosco: Presenting another petition of 327 signatures of residents against outsourcing sanitation. Needs the Commission to listen to the residents and needs the Commission to be humane.

Dan Rodriguez: You made an announcement regarding the efforts in Tallahassee and everyone clapped. To say you cannot clap during public comments is not fair. If you don't listen to resident, there will be a recall. Only asking that you allow residents to vote on this, just like you did for the mural. This is like a condo association. Commission vote should be blind. Listen to the people. We are disenchanting.

Dan Samaria: Publisher of Gold Coast Chronicle. Not doing justice. Did you talk to other cities about Waste Pro. North Miami is trying to get out of their contract. North Miami Code Enforcement gives citations to Waste Pro. Is seeking legal action to get a temporary restraining order. There was an error on the ordinance and resolution. Not being transparent. Not right to move funds from an enterprise fund to the general fund. Waste Pro has an F rating with the Better Business Bureau.

Tracy Truppman: Not in favor of outsourcing, but disturbed about the incorrect facts being put out. Appreciates all the employees. They should be paid at minimum the living wage. Need two trucks and eight employees to keep it in-house. If anyone is absent, need to pull from other areas to cover. To outsource the operation to Waste Pro is a savings of \$1,500 to \$2,000 to the residents over five years. The contract stipulates maximum increases are based on annual CPI. Frequency of pickups will be the same. There will be trucks on our roads only two days a week. Village followed RFP process. Disturbed on the mis-information that is going out which has upset so many for no reason.

Sandor Scher: Received the petition. Reviewed all the documents. There will be no pickups in the alleys. There is no termination clause for negligence. Spoke with the employees and they stated this was done very quickly. They have vested their lives in Biscayne Park. Concerned about going to a private company. The current employees know my property. They help Biscayne Park feel like a village. What is it worth for these same guys to stay here. Will not get this level of service from Waste Pro. Proud we live in a Village with our own Police and Public Works. Put it to a public vote.

Dan Keys: Over six-seven months when it has been before the Commission. Have had opportunity to speak and the entire Commission listened and three agreed with me. This is a democracy. This is a good move. On animals in the park, look at ordinance and tweak the language to limit to this event only. Should not be approved for Food & Tunes event. On roof materials, what percentage of homes are modern or modern-type? Reconsider low pitch roofs to allow new materials. Consider the future historical view of the Village.

Debra Greco, Union Business Representative of IUPAT Local 1010: How wonderful that residents are supporting the employees. Thanks all that stand behind them. Has concerns with the contract. A great thing that contract includes provision to hire the employees, but they will work less hours and at a lower rate. They have stated they will not go to Waste Pro. Concerned with Waste Pro picking up hurricane debris. Congratulations on getting \$1,000,000 for the log cabin. Too bad you did not lobby as hard to get new trucks.

Rafael Trinche: Used to hate to live in South Florida, but moving to Biscayne Park is like moving to Mayberry. Love the sense of community. Part of that is the way employees treat us. Don't want to outsource to a company that doesn't care. Employees are losing their jobs to save money. They did not do anything to lose their jobs. If a Commissioner were losing their job, would that be a compelling reason?

Noah Jacobs: Commission as a whole has to make a decision. Either rally the community or lose the community. Have never seen so many residents at a meeting. Decisions are difficult. Would not trade places with Commission. Not all agree with decision I made as Mayor. There will always be serious differences. Concern is that people came out and gave a resounding opinion one way and it is being ignored. Thanks Mayor Coviello for speaking with the residents. Asks the Mayor to make an executive decision.

Barbara Kuhl: Good of you to thank the Code Review Board for work on metal roof. Concerned that ordinances passed last year has not been updated to the online code. Good to see that commission is no longer bickering. You now have a packed house and you are not listening to them. You state that so much information is being provided, but that is not the reality. Comments made by Commissioner Ross and Mayor Coviello have misled the residents. You may have misspoken, but that is what was said. The money we are saving by going to Waste Pro is our money. To say that there will be a huge savings to the Village is not correct. It was stated by Commissioner Anderson that just for Sanitation we are only getting a \$4 to \$5,000 increase in revenue and confirmed by the Manager. I will gladly pay a little more to keep sanitation inhouse.

Janey Anderson: Concerned with number of items on the agenda with no backup. If we have to guess, then we are wasting time. This elongates the meeting. Significant amount of properties that are an eyesore. This is not a wealthy neighborhood. We want to be inclusive. If someone wants to come in and clean up one of those homes and make it more modern, that is a good thing.

Gary Kuhl: Did not sign the petition. Does not like the threat of a recall. But still don't understand the Commission's decision. This has not been in the public view for six months. The Code Review Board spent eight months talking about metal roofs. Asked to delay to get more information and more responses. Don't understand why you are ignoring us. You have not educated the residents. There have been inaccuracies in the dais. Bad decision was made on bad information.

Gaspar Gonzalez: Moved here four years ago. Like the face this is a Village with in-house services. A hamlet with one street light to quote Commissioner Ross. Bought house from a realtor that is a resident. Everything is going away piece meal. Sanitation works hand in hand with police. Talked to many and half think it is a bad idea, and other half did not know what was going on. Posted on website when we got the million dollars with a notation about keeping this a small, home town feel. Was that statement made after your decision to outsource to Waste Pro? This is contrary to keeping the small community feel.

Jeanine Maleno: Resident for 20 years. A place of comfort here. Don't feel there is a small town feel anymore. Agree with 99% of those that have spoken. Disappointed that this has not turned around. Waste Pro has a horrible reputation. Get information from cities with experience with Waste Pro.

Caitlin Spurr: Work a lot and have children. First email received was from Steve Bernard in March. Heard from neighbors who were putting up blue ribbons. Only spoke to one resident that was in favor. Don't want to live with ugly trash cans or trucks hitting kids. Think about it a little more.

Chuck Ross: Walked Village and many were given wrong information and not all the facts. No one is talking about picking up an extra building. This is a huge advantage. There are many safeguards in the contract if Waste Pro does not perform. Only have six employees because we cannot fill the open positions due to low wages. Pulling staff from other departments. Median maintenance is coming back. We will retain five employees in Public Works and Roads and they can do the work. This is additional savings. Waste Pro will give Village \$5,000 in donations. This is the best time to do this. At worst, if it does not work in five years, we can bring it back.

Josh Stone: Love the community. Lived here six years. What happens here tonight is what makes me proud of this Village. Hope you will rescind or take it to the public for a vote based on what you have heard here.

Mitch Cuba: Resident 16 years. Listened to you during elections and you made promises. Expect you to do the same and put this to a vote where we all agree. We put you in office to make the right choice. Don't believe in outsourcing. There are other alternatives.

Marie Smith: Resident for 50 years. On a regular basis, the same people come to the meetings. This issue has brought out many more. We should care about the workers. We are no longer a caring, small community. We want to keep sanitary workers. They help us in a hurricane situation. North Miami only had problems with Waste Pro. Residents of the Village have said to keep the sanitary workers. Asking you to do the proper thing. We are a caring people. Let's keep sanitary workers and make residents happy.

William Pierce: Guys are amazing. You are not listening and are not being human. You are not being neighbors to us. Can you sleep at night with this decision? Do the right thing.

Linda Dillon: Have come to meetings for 37 years. Have listened to all data and all numbers. Confused between the benefits and non-benefits. If I was confused, then how confused are those that don't attend regularly? Just postpone and set the higher waste fee. Take a long look to make sure. Don't believe in a recall, but listen to us and put it to a vote.

Gary & Margaret Grizzle: In regards to Monday meeting with Mayor, why bother if the Mayor has expressed that there are hundreds more residents in favor of outsourcing. Even if more show up against, they will not step back and wait a few months. Or if more names provided on a petition, Commissioner Jonas will just call and bully them. Commissioner Ross will only state that it was previous commissioners that acted irresponsibly. Wants explanation from Mayor as to why the outsourcing of medians is being brought back inhouse. Undoing the outsourcing of sanitation in the future will be impossible.

Joseph and Millie DiSanti: Residents for 43 years. Disappointed our voices are not being heard. First workshop was never publicized. Need to send flyer to every resident to make informed decision. This is too important to leave in the hands of a few commissioners. Solicit the public for suggestions on how to improve inhouse sanitation as there are many. Why rushing? Please rescind your vote and take more time.

Steve Bernard: Only two months since first workshop on March 22nd until the decision to outsource was made on May 21st and residents unsettled about this. 276 residents signed petition asking to temporarily suspend the outsource to Waste Pro and submit revised sanitation assessment by the June 13th deadline. Setting a higher fee and waiting won't cost the Village. Losing the confidence of residents will. Commission is wrong in thinking that the public was well informed. Proof is in the number of people that signed the petition who had no idea this was happening. When North Miami changed their system, they notified customers twice before making change. Tonight you can back your claim of transparency. This will not be forgotten. Not asking to cancel the contract. Just temporarily suspend the contract and provide enough information and the options to all residents. This is not an unreasonable request. Make us feel like your partners, not your subjects.

End of resident comments read by Clerk Camara.

Michael Hepburn, candidate for State Representative, District 108: Congratulates the Village on state funding. Partnerships with senators is very important. Your job is very hard. Tough issue. Proud to see the passion of the residents. Very inspirational. Takes both sides to come together. Thanks for the opportunity to speak here.

Public Comment concluded.

Manager Shafran provided the following updates:

- FAQ (frequently asked questions) on Sanitation transition has been posted to the website.
- Codification of ordinances passed is done by MuniCode and they are currently in the process of updating.
- Examples of the two sizes of the recycling carts are in the Recreation lobby.
- Post cards will be mailed in the coming weeks to provide residents to make a selection on recycle cart size and garbage collection location, curb or side yard.

- On Wednesday, June 4th, will be interviewing finalists for Police Chief. Invites everyone to the Meet & Greet at Village Hall at 5:30pm.

Commissioner Watts requests that in light of what has been stated, if a decision to rescind the decision would be entertained.

Attorney Hearn explained that when the decision was made at the May 21st meeting, the contract is binding at that point, and confirms the contract has been signed. This is consistent with charter and state law. Also explains that the error on the Ordinance as to who made the motion is a scrivener's error and does not invalidate the ordinance.

7 Consent Agenda

On the consent agenda:

7.a Approval of Minutes

May 6, 2014 Regular Commission Meeting
May 21, 2014 Special Commission Meeting

7.b Acceptance of Board Minutes

Parks & Parkway Advisory Board - April 2, 2014
Ecology Board - April 21, 2014
Planning & Zoning Board - April 21, 2014
Recreation Advisory Board - April 22, 2014
Parks & Parkway Advisory Board April 23, 2014
Planning & Zoning Board - May 5, 2014
Code Compliance Board - May 13, 2014
Public Art Advisory Board - May 14, 2014
Planning & Zoning Board - May 19, 2014
Public Art Advisory Board - May 20, 2014

7.c Resolution 2014-42

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO ENTER INTO AN ADDENDUM EXTENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF BISCAYNE PARK AND MIAMI SHORES VILLAGE FOR HOUSEHOLD RECYCLING PICKUP; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Ross makes a motion to approve the Consent Agenda and it is seconded by Commissioner Jonas.

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

Opposed: Commissioner Watts

Motion carries: 4/1

8 Ordinances

FIRST READING:

8.a Ordinance 2014-04

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 3, ENTITLED "ANIMALS", RELATIVE TO DOGS AND CITY-SPONSORED EVENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Shafran provided the background, emphasizing that Commission approval is required for any event planned.

Mayor Coviello opened the meeting to public comment on this ordinance, but there were none.

There was consensus to add "per event" to the language of the ordinance to make it clear that each event has to come before the Commission for approval.

Commissioner Jonas stated it was a mistake to convert the park even on an event basis. Better to preserve the park as is.

Vice Mayor Ross makes a motion to approve Ordinance 2014-04 with the change, and it is seconded by Commissioner Anderson.

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

Opposed: Commissioner Jonas.

Commissioner Watts was not present for the vote.

Motion carries: 3/1

9 Resolutions

9.a Resolution 2014-43

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **DESIGNATING THE VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 88TH ANNUAL CONFERENCE** TO BE HELD ON AUGUST 14-16, 2014, IN HOLLYWOOD, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Commissioner Anderson makes a motion to appoint Mayor Coviello as the voting delegate and it is seconded by Vice Mayor Ross.

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

Opposed: None

Commissioner Watts was not present for the vote.

Motion carries: 4/0

10 Old Business

10.a Update on Ygrene Project - Vice Mayor Ross

Vice Mayor Ross advised the project is in the appeal period. After that, it will be ready to roll out.

11 New Business

11.a Discussion of a photo contest in the Village - as requested by Commissioner Watts

After discussion, there was consensus to provide this idea to the Public Art Advisory Board for their consideration and involvement.

11.c Discussion regarding the Ecology Board - as requested by Commissioner Jonas

Based on the board not meeting regularly, and not sure what their mission is, consider eliminating this board and have the more interested members of the board participate in other Village Boards.

There was consensus that members of the Ecology Board should have been present to have this discussion. A suggestion would be that they could meet quarterly instead.

11.d Discussion to eliminate the DRAFT agenda sent to the Commission one week prior to the date of the meeting - As requested by Commissioner Anderson

After discussion, there was consensus to keep the utilizing the DRAFT agenda.

11.e Discussion regarding the Manager's weekly report regarding code compliance issues - As requested by Vice Mayor Ross

After discussion, there was consensus the Manager's report would reflect the address block for a property given a courtesy notice, and the complete address for a property given a citation.

11.f Discussion of the cost for FPL lines to be placed underground - As requested by Commissioner Jonas

After discussion, there was consensus to add an article to the Fall newsletter to ask residents their opinion after getting the true cost estimates.

11.g Discussion of the makeup of the Planning & Zoning Board and creation of a Design Review Board - As requested by Commissioner Watts

After discussion, there was consensus to bring back to a future meeting for further discussion, and with Mayor Coviello and Commissioner Watts providing more information and proposed language.

- 11.h Discussion of paneling a new board to plan for the future in terms of electricity needs
- As requested by Commissioner Jonas

After discussion, there was consensus that this was good, forward thinking, but a little too soon, and to bring back at a later date.

Commissioner Watts recommends that the Ecology Board be tasked with researching solar panels for municipal buildings.

Mayor Coviello asks to move up presentation by Finance Director

Finance Director Irwin Williams presented the monthly financials ending April 30, 2014. Expenditures at 52%, revenues at 77% collected. Sanitation Fund approximately 1% over budget due to repairs and maintenance on trucks. Project to be \$8,000 over budget at end of year.

Currently finalizing the audit for fiscal year 2012-13.

There is consensus to have the financial report be provided at the beginning of the meeting and to have the report included with the back up agenda.

New Business is resumed.

- 11.i Organize an effort on behalf of the Village to assist a Biscayne Park family in need -
As requested by Commissioner Jonas

Commissioner Jonas explained that a resident has a family member with a serious illness. Roof needs major repairs and currently covered with a tarp. Looks for outreach from the Commission.

Attorney Hearn explains that there are issues coming from a governmental agency.

After discussion, consensus to privately work towards the cause, but not as a commission.

12 Request for Placement of Items on Next Meeting Agenda

Commissioner Watts: Increased communication to residents.

Commissioner Watts: Tuition assistance for Good Government Initiative

13 Reports

13.a Village Manager

- ◆ Goals and Priorities for FY 2014-15 Budget - Manager Shafran provided a summary of the listing provided by Staff.

Commissioner Anderson requests that repavement of alleys is added, as well as creating a searchable data base on code violations on our website.

Commissioner Watts asks that on the idea of using tablets and laptops, that it be optional.

◆ Update on Miami Country Day School expansion project -

Manager Shafran attended the County Zoning hearing where the school presented the changes that were agreed to by the Village and they were accepted by the Board.

14.b Village Attorney

- ◆ On Water Utilities agreement with North Miami, due to situation with transition of Mayor in North Miami, Attorney Hearn was directed to follow up with their attorney.

14.c Board / Committee Reports

On the application submitted for the Public Art Advisory Board by Karen Cohen, Commissioner Anderson makes a motion to accept and it is seconded by Vice Mayor Ross.

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

Opposed: None

Motion carries: 5/0

14 Announcements

Wednesday, June 4th - Meet & Greet Chief of Police Applicants at 5:30pm at Village Hall

Wednesday, June 4th - Code Review Board at 7:00pm

Friday, June 6th - Coffee with the Mayor at 9:00am

Monday, June 9th - Biscayne Park Foundation at 7:00pm

Tuesday, June 10th - Code Compliance Board at 7:00pm

Wednesday, June 11th - Public Art Advisory Board at 6:00pm

Saturday, June 14th - Food & Tunes at 6:30pm

Monday, June 16th - Planning & Zoning Board at 6:30pm

Wednesday, June 18th - Parks & Parkway Advisory Board at 6:00pm

Wednesday, June 18th - Code Review Board at 7:00pm

Monday, June 23rd - Ecology Board at 6:30pm

Tuesday, June 24th - Recreation Advisory Board at 7:00pm

The next regular commission meeting is Tuesday, July 1, 2014, at 7:00pm.

16 Adjourment

The meeting was adjourned at 10:55pm.



Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

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

- Planning & Zoning Board - April 21, 2014
- Planning & Zoning Board - May 19, 2014
- Planning & Zoning Board - June 2, 2014 **DRAFT**
- Planning & Zoning Board - June 16, 2014 **DRAFT**
- Code Compliance Board - June 10, 2014 **DRAFT**



PLANNING &
ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Carl Bickel
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 21st, 2014 at 6:30pm

1. CALL TO ORDER

Meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung- Chair- present
Andrew Olis- Vice Chair- present
Elizabeth Hornbuckle- Board Member- present
Doug Tannehill- Board Member- absent
Carl Bickel- Board Member- present
Mario Rumiano- Alternate Board Member- absent
Staff Attendance- Heidi Shafran, Wendy Hernandez
Commission Attendance- Mayor Coviello; Commissioner Anderson; Commissioner Ross and Commissioner Watts

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

4. APPROVAL OF MINUTES

April 7th, 2014 – Approved

5. PAINT PERMITS

6. BUILDING PERMITS

- a. Moss – 851 NE 118 St – Re roof (sterling silver)
Motion by C. Bickel, seconded by A. Olis and approved 4-0
- b. Dillworth – 10831 NE 8 Ct- Apply sealoflex roof system over wood deck (tan)
Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0
- c. Nemcher – 776 NE 112 St – remodel awning, replace 3 doors, and add veneer to front wall
Motion by C. Bickel, seconded by E. Hornbuckle and approved 4-0
- d. Church of Resurrection – 11173 Griffing Blvd- Re roof (white)
Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0
- e. Spurr – 711 NE 118 St – Re roof (terracotta red)
Motion by A. Olis, seconded by C. Bickel and approved 4-0
- f. Lomnicky– 10718 NE 9th Ave – Install roof (white)
Motion by A. Olis, seconded by C. Bickel and approved 4-0
- g. Garnett – 1153 NE 119 St- Garage conversion to playroom
Motion by E. Hornbuckle, seconded by C. Bickel and approved 4-0
- h. Beltran- 10840 Griffing Blvd – Decomposed granite over a base road rock match existing roof for pool house (terracotta red), New construction to add master bath and pool house
Driveway-Motion by E. Hornbuckle, seconded by C. Bickel and approved 4-0
New Construction - Motion by E. Hornbuckle, seconded by A. Olis and approved 3-1
Roof-Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0
- *Property owner will need to apply for window permit to match existing one
- i. Peters- 750 NE 115 St- Paving driveway and walkway (brick pavers)



The Village of Biscayne Park

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Tabled- Board is requesting that property owner needs to draw on survey and be clear on what is being done

j. Benson- 820 NE 113 St- Replace 12 windows

Motion by C. Bickel, seconded by E. Hornbuckle and approved 4-0

k. Taylor- 11601 NE 11th Pl- Change roof color (butterscotch)

Tabled-Board needs swatch and or color sample

7. ADMINISTRATIVE VARIANCE

a. Yomtov- 11650 NE 11 Pl- Boat variance

Tabled-Board is requesting pictures of Trees and survey with markings

b. Moreno- 1005 NE 116 St- Trailer variance

Tabled-Board is requesting dimensions, survey with labeling and pictures, and an aerial of the area as well.

c. Rawson- 1012 NE 116 St- RV variance

Motion by C. Bickel, seconded by A. Olis and approved 4-0

8. FPL HARDENING PROJECT

Aletha Player and Miguel Perea from FPL came to give an informational presentation of the new poles and replacement poles throughout the Village. Summary of what was discussed follows:

- Third party affiliates (telephone & cable) still need to switch from old poles to new poles
- Timeline once project has started:
 - 1st week – Staking
 - 2-5 week – Over Head work (setting poles/transfer)
 - 6-8 week - Underground
 - 2-8 week – Restoration
- FPL will preserve poles once installed through maintenance and inspections
- Options offered to the Village were:
 1. Underground
 2. Concrete
 3. Mix – half wood/half concrete

*The underground option was removed as it is too expensive.
- Project is mandated by the Florida Public Service Commission

Any information provided will be given to Village Administration to distribute to residents.

9. ANNOUNCEMENTS:

The next meetings of the Planning & Zoning Board are Monday, May 5th and Monday, May 19th, 2014.

10. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

By: _____
Gage Hartung, Chair



The Village of Biscayne Park

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

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

PLANNING & ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Carl Bickel
Elizabeth Hornbuckle
Doug Tannehill

Alternate
Mario Rumiano

Minutes

PLANNING & ZONING BOARD MEETING

Ed Burke Recreation Center

11400 NE 9th Court – Biscayne Park, FL

Monday, May 19th, 2014 at 6:30pm

1. CALL TO ORDER

Meeting was call to order at 6:30pm

2. ROLL CALL

Gage Hartung – Chair- present
Andrew Olis – Vice Chair- present
Elizabeth Hornbuckle- Board Member- present
Carl Bickel- Board Member- present
Doug Tannehill- Board Member- absent
Mario Rumiano- Alternate Board Member- absent
Staff Attendance- Shanesa Mykoo, Candido Sosa-Cruz, Sal Annese,

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

4. APPROVAL OF MINUTES

5. PAINT PERMITS

None

6. BUILDING PERMITS

- a. Ovadia – 862 NE 119th St – New construction
Motion by C. Bickel, Seconded by E.Hornbuckle and motion approved 4-0
- b. Hart – 11001 NE 9th Ct – New construction
Motion by C. Bickel, Seconded by E.Hornbuckle and motion approved 4-0 (change request by Board to move 30ft)
- c. Walsh – 666 NE 115th St – Install aluminum shutters
Motion by G.Hartung, Seconded by A.Olis and motion approved 4-0
- d. Miller – 11802 NE 8th Ave - Reroof (tile)
Motion by A.Olis, Seconded by C.Bickel and motion approved 4-0
- e. Church of Resurrection – Install fence
Motion by A.Olis, seconded by E.Hornbuckle and motion approved 3-1, with C. Bickel opposed (change material to aluminum, bronze color and 6ft max height, landscape buffer included and wood fence approval neighbors privacy.)
- f. Hamilton – 885 Ne 111th St – Replace front door
Motion by A.Olis, seconded by E.Hornbuckle and motion approved 4-0
- g. Folgar – 11123 Griffing Blvd - Rebuild carport
Motion by C.Bickel, seconded by A.Olis and motion approved 3-1, with G.Hartung opposed
- h. Ford – 633 NE 119th St – Reroof (flat)
Motion by E.Hornbuckle, seconded by C.Bickel and motion approved 4-0
- i. Inzillo – 1015 NE 119th St – Reroof (tile)
Motion by A.Olis, seconded by C.Bickel and motion approved 4-0



The Village of Biscayne Park

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

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- j. Halpin – 675 NE 113th st – Install fence
Motion by A.Olis, seconded by C.Bickel and motion approved 4-0
- k. Aleto – 640 NE 115th St - Hurricane shutters
Motion by C.Bickel, seconded by G.Hartung and motion approved 4-0
- l. Garnett – 1153-55 NE 119th ST – Install fence
Motion by A.Olis, seconded by E.Hornbuckle and motion approved 3-1, with C.Bickel opposed

7. Administrative Variance

- a. Gwynn- 1006 NE 116th St – Boat variance
Motion by E.Hornbuckle, seconded by C.Bickel and motion approved 4-0
- b. Goldmann- 11950 NE 6th Ave – Boat variance
Motion by C.Bickel, seconded by A.Olis and motion approved 4-0
- c. Herron- 848 NE 116th St- Boat/ RV variance
Motion by A.Olis, seconded by E.Hornbuckle and motion approved 4-0
- d. Morales – 1007 NE 112th St – Boat variance
Motion by C.Bickel, seconded by A.Olis and motion denied 4-0 (registration not in owners name)

The next meetings of the Planning & Zoning Board are Monday, June 2nd and Monday, June 16th, 2014.

10. ADJOURNMENT

The meeting was adjourned at 7:37pm

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the 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 Board 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.

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



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

PLANNING & ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Carl Bickel
Elizabeth Hornbuckle
Doug Tannehill

Alternate
Mario Rumiano

Minutes

PLANNING & ZONING BOARD MEETING

Ed Burke Recreation Center

11400 NE 9th Court – Biscayne Park, FL

Monday, June 2nd, 2014 at 6:30pm

1. CALL TO ORDER

Meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung- Chair- present
Andrew Olis- vice Chair- present
Elizabeth Hornbuckle- Board Member- present
Doug Tannehill- Board Member- absent
Carl Bickel- Board Member- present
Mario Rumiano- Board Alternate- absent
Staff attendance- Shanesa Mykoo, Sal Annese

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

None

4. APPROVAL OF MINUTES

- April 21st, 2014
- May 5th, 2014
- May 19th, 2014

Motion by A.Olis, seconded C.Bickel and all minutes approved 4-0

5. PAINT PERMITS

None

6. BUILDING PERMITS

- a. Leach – 1001 NE 118th St – Replace garage door
Motion by A.Olis, seconded by C.Bickel and approved 4-0
- b. Thomas – 890 NE 118th St – Re- roof (tile)
Motion by A. Olis, seconded by C.Bickel and approved 4-0
- c. Beltran – 11063 Griffing Blvd – Roof addition
Motion by E.Hornbuckle, seconded by C.Bickel and approved 4-0
*Must match roof color
- d. Bronson – 10907 NE 8th Ave – Re-roof (flat)
Motion by E.Hornbuckle, seconded by A.Olis and approved 4-0
- e. Pabloa – 1050 NE 121st St- Replace facial board
Motion by A.Olis, seconded by C.Bickel and approved 4-0
*Must match existing
- f. Shirley – 637 NE 119th St – Repairing front porch
Tabled - Homeowner needs to repair and replace



The Village of Biscayne Park

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- g. Beyeme – 11540 NE 8th Ave - Wooden fence
Motion by A.Olis, seconded by E.Hornbuckle and denied 4-0
* Fence on property line, incomplete survey
- h. Gamas – 11095 NE 8th Ave – Addition
Motion by C.Bickel, and seconded by A.Olis and approved 4-0
* Need demo to start
- i. Burgos – 11031 NE 9th Ave – Install windows
Tabled – Board needs window schedule
- j. Levinson - 810 NE 117th St – Install windows
Motion by A.Olis, and seconded by E.Hornbuckle and approved 4-0
- k. Duhour – 12085 W Dixie Hwy – Replace fence
Motion by A.Olis, and seconded by E.Hornbuckle and approved 4-0
- l. Vinograd – 11619 NE 6th ave – Replace windows
Motion by C.Bickel, seconded by A.Olis and approved 4-0
- m. Holdings, LLC – 10901 Griffing Blvd – Replace windows and doors
Motion by A.Olis, seconded by E.Hornbuckle and approved 4-0
- n. Narron – 764 NE 111 st – Replace front door
Motion by A.Olis, seconded by C.Bickel and approved 4-0

7. Administrative Variance

- a. Truppmann – 791 NE 116th st – RV variance
Motion by C.Bickel, and seconded by E.Hornbuckle and approved 4-0

8. Announcements

The next meetings of the Planning & Zoning Board are Monday, June 16th and Monday, July 7th, 2014.

9. ADJOURNMENT

The meeting was adjourned at 7:46 p.m.

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the 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 Board 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.

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



PLANNING &
ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Carl Bickel
Elizabeth Hornbuckle
Doug Tannehill

Alternate
Mario Rumiano

MINUTES

PLANNING & ZONING BOARD MEETING

Ed Burke Recreation Center

11400 NE 9th Court – Biscayne Park, FL

Monday, June 16th, 2014 at 6:30pm

1. CALL TO ORDER

Meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung – Chair – present
Andrew Olis – Vice Chair – present
Carl Bickel – Board Member - present
Elizabeth Hornbuckle – Board Member – absent
Doug Tannehill – Board Member – present
Mario Rumiano – Board Alternate – absent
Staff attendance – Shanesa Mykoo, Sal Annese

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

None

4. APPROVAL OF MINUTES

None

5. PAINT PERMITS

- a. Abu – 931 NE 116 St – Paint exterior
Motion by D.Tannehill, seconded by C.Bickel and approved 4-0

6. BUILDING PERMITS

- a. Sfez – 11816 NE 6 Ave – Driveway
Motion by A.Olis, seconded by C.Bickel and approved 4-0
- b. Thead – 11390 NE 8th Ave – Install fence
Withdrawal
- c. Beyeme – 11540 NE 8th Ave – Install wooden fence
Motion by A.Olis, seconded by D.Tannehill and approved 4-0
- d. Fever – 717 NE 119th St – Replace windows
Denied
* Need more information on location, picture does not match drawing
- e. Weiss – 960 NE 116th St – Install shutters
Motion by A.Olis, seconded by C.Bickel and approved 4-0
- g. Sturman – 980 NE 116th St – Remodel driveway
Motion by A.Olis, seconded by C.Bickel and approved 4-0
- h. Brown – 740 NE 115th St – Install windows
Motion by A.Olis, seconded by C.Bickel and approved 4-0
- i. Burgos – 11031 NE 9th Ave – Install windows
Motion by C.Bickel, seconded by D. Tannehill and approved 4-0
- j. Kimensky – 11230-22 NE 11th Pl – Shed location
Motion by C. Bickel, seconded by A.Olis and approved 4-0



The Village of Biscayne Park

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

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

- k. Burdgon – 11940 NE 6th Ave – New construction
Motion by C. Bickel seconded by A. Olis and approved 4-0
* Must provide another set of plans with pictures to re-submit
- l. Schiafano – 1122 NE 9th Ave – Install windows
Motion by C. Bickel, and seconded by A. Olis and approved 4-0

7. Administrative Variance

- a. Glamo – 11726 NE 6th Ave – Boat Variance
Motion by D. Tannehill, seconded by C. Bickel and approved 4-0
- b. Chisolm – 625 NE 114th ST – Boat Variance
Motion by A. Olis, seconded by C. Bickel and approved 4-0

The next meetings of the Planning & Zoning Board are Monday, July 7th and Monday, July 21st, 2014.

10. ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the 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 Board 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.

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



**CODE
COMPLIANCE
BOARD**

Chairman
Gary Kuhl

Vice Chairman
Harvey Bilt

Michael Beltran
Dale Blanton
Linda Dillon

Alternate
Jenny Johnson-
Sardella

**MINUTES
CODE COMPLIANCE BOARD
Ed Burke Recreation Center 11400 NE 9th Court
Tuesday- June 10th, 2014 at 7:00 p.m.**

1. CALL TO ORDER

Meeting was called to order at 7:03 p.m.

2. ROLL CALL

Gary Kuhl – Chair-present
Harvey Bilt – Vice Chair-present
Michael Beltran-present
Dale Blanton-present
Linda Dillon-present
Jenny Johnson-Sardella-present
Staff Attendance - Code Officer Reginald White and Wendy Hernandez.

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

-Swearing in of Alternate Jenny Johnson-Sardella by G. Kuhl

4. APPROVAL OF MINUTES

a. May 13th 2014 – approved

5. NEW BUSINESS

- a. Patrice Cohen- 11638 NE 7th Ave- Overgrown grass, weeds and shrubberies:
Case# 14-0099
- Motion to dismiss by D. Blanton and seconded by H. Bilt, Vote count 5-0*
- In compliance, grass was cut, weeds and shrubberies were picked up
Citation and Administrative fees waved.
*J. Johnson-Sardella was sitting in for M. Blanton, he came in later and replaced her from active board member duties.
- b. Morris Yomtov – 1002 NE 119th St- Boat stored in front of the front building line:
Case# 14-0111
- Motion to comply in (7) days by D. Blanton and seconded by H. Bilt,
Vote count 5-0
- Not in compliance, Fine of \$25, Admin Fee of \$35 and a daily fine of \$25 to commence on June 18, 2014
- c. Janice Marie Huhta Bonzi – 811 NE 119th St- Dirty and discolored awnings and exterior walls: Case# 14-0093
- Motion to postpone to next month by H. Bilt and seconded by D. Blanton,
Vote count 5-0
- Not in compliance but submitted application for paint permit
- d. Matthew Carlisle – 675 NE 115th St – Exterior walls and chimney have discolored and chipping paint: Case# 14-0067
Postponed to next meeting, July 8th 2014
- e. Clyde G Pickard & W Bernadine – 739 NE 118th St – Buildup of leaves on property, Unsightly/Unused objects stored on the front porch and the front of house:
Case# 14-0096
- Motion to dismiss by D. Blanton and seconded by L. Dillon, Vote count 5-0



The Village of Biscayne Park

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

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

- In compliance, weeds and shrubberies were picked up and unsightly/unused items were removed, no Citation or Administrative fees were issued
- f. Clyde G Pickard & W Bernadine – 739 NE 118th St – Derelict vehicle stored on the property: Case# 14-0095
 - Motion to dismiss by D. Blanton and seconded by L. Dillon, Vote count 5-0
 - In compliance, derelict vehicle was covered, no Citation or Administrative fees were issued.

6. OLD BUSINESS:

- a. Nancy Holden & H William Shirey – 637 NE 119th St – Dilapidated roof: Case# 14-0038
 - Motion to pull permit in (7) days and complete work with (30) days or permit approval Must comply with both-pulling permit and have work completed within given timeline, by H. Bilt and seconded by M. Beltran, Vote count 1-4, motion failed; Gary Kuhl, Michael Beltran, Dale Blanton & Linda Dillon
 - Not in compliance, Citation Fee is paid, Admin Fee of \$35 and a daily fine of \$25 to commence on June 18th, 2014 (if permit is not applied for) or on July 31st, 2014 (if work is not completed after permit is approved)
 - Motion to apply for permit by the end of month (June 30th, 2014) and complete work within (30) days or permit approval. Must comply with both-pulling permit and have work completed with given timeline, by M. Beltran and seconded by L. Dillon, Vote count 5-0
 - Not in compliance, Admin Fee of \$35 and a daily fine of \$10 to commence on August 1st, 2014 (if permit not applied for) or on July 31st, 2014 (if work is not completed after permit is approved)

7. FINE REDUCTION:

- a. SRP SUB LLC – 970 NE 118th St – Illegal fence surrounding pool: Case#7-08-1094
 - Motion for no fine reduction by H. Bilt and seconded by D. Blanton, Vote count 5-0
 - In compliance, temporary fence was installed in December 2013 and correct/appropriate Fence was installed on February 2014
 - *Property was bought by new owners in April 2013 and reached out to Code Compliance on December 2013. Documents presented to Board by Owner Representative stated citation and amount outstanding.

8. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING

The next meeting of the Code Compliance Board is Tuesday, July 8th, 2014, at 7:00PM.

9. ADJOURNMENT

Meeting adjourned at 8:10 p.m.

Minutes approved on _____

By: _____
Gary Kuhl, Chair



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Resolution No. 2014-44
Professional Services Agreement with
Drishti Pliske

Prepared By: Issa Thornell
Parks & Recreation Recreation

Sponsored By: Staff

Background

Drishti Pliske, a Biscayne Park resident, is a certified Yoga instructor/group fitness with over 12 years' experience in diet and yoga therapy exercise programs; and has been providing weekly yoga classes at the Ed Burke Recreation Center for several years, and will also now conduct the weekly Senior Exercise classes. Also a registered Yoga teacher and registered member of the Yoga Alliance. Classes provided at the Ed Burke Recreation Center are:

- Yoga Class- Saturdays 9:00AM-10:00AM
- Senior Fitness- Wednesdays 11:30AM-12:30PM

March 4, 2014

Commission Agenda Report

Resolution 2014-17

Drishti Pliske also teaches classes at the Cricket Club of North Miami three days a week, as well as private classes by appointment.

Fiscal/Budget Impact

The yoga and fitness classes will provide revenue to the Village.

Staff Recommendation

Approval of Resolution 2014-44

Attachments

Resolution 2014-44

Professional Services Agreement with Drishti Pliske

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2
3 **RESOLUTION NO. 2014-44**
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA;**
7 **AUTHORIZING THE MAYOR TO EXECUTE THE**
8 **AGREEMENT BETWEEN DRISHTI PLISKE AND THE**
9 **VILLAGE OF BISCAYNE PARK FOR THE**
10 **PROVISION OF EXERCISE CLASSES AT THE ED**
11 **BURKE RECREATION CENTER; PROVIDING FOR**
12 **AN EFFECTIVE DATE.**
13
14

15 WHEREAS, the Village's Parks & Recreation Department strives to provide quality
16 fitness and sports programs for the benefit of the residents; and,
17

18 WHEREAS, Drishti Pliske, a Biscayne Park resident, is a registered yoga teacher and
19 registered member of the Yoga Alliance; and,
20

21 WHEREAS, Drishti Pliske has been providing weekly yoga classes at the Ed Burke
22 Recreation Center for several years, and will also conduct the weekly Senior Exercise classes;
23 and,
24

25 WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in
26 the best interests of the residents of the Village to enter into an agreement with Drishti Pliske to
27 provide exercise classes at the Ed Burke Recreation Center.
28
29

30 **NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF**
31 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**
32
33

34 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
35 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.
36

37 **Section 2.** The Village Commission of the Village of Biscayne Park hereby
38 authorizes the Mayor to execute the Agreement between Drishti Pliske and the Village of
39 Biscayne Park for the provision of exercise classes. The Agreement, in substantial form, is
40 attached and incorporated by reference into this resolution as exhibit 1.
41

42 **Section 3.** This Resolution shall become effective upon adoption.
43
44

45 PASSED AND ADOPTED this ____ day of _____, 2014
46

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

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

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David Coviello, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

**AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK
AND DRISHTI PLISKE FOR THE PROVISION OF
EXERCISE CLASSES**

THIS AGREEMENT is entered into this ___ day of _____, 2014 between the Village of Biscayne Park, a Florida municipal corporation, (VILLAGE), and Drishti Pliske (INSTRUCTOR).

WHEREAS, the VILLAGE desires to retain the professional services of INSTRUCTOR to provide exercise classes; and

WHEREAS, the INSTRUCTOR desires to provide exercise classes at the Ed Burke Recreation Center.

**ARTICLE I
SCOPE OF SERVICES**

The INSTRUCTOR agrees to:

- 1.1 Provide exercise classes at the Ed Burke Recreation Center.
- 1.2 Conduct classes in a professional, careful and responsible manner with due regard for the safety of the participants and others, during normal operating hours.
- 1.3 Be solely responsible, at INSTRUCTOR's sole expense, for providing and paying for all instructors, counselors, and other personnel costs associated with the program.
- 1.4 Be solely responsible for securing the services of and compensating assistants or other personnel, as may be required, to perform the program.
- 1.5 Provide to VILLAGE at the close of registration, a list of all participants, along with a signed VILLAGE approved Release form.
- 1.6 Permit only registered program participants to attend program sessions.
- 1.7 Vacate the program facility promptly at the conclusion of the program session in equal or better condition than it was found.
- 1.8 Accept neither fees nor any other payment other than as specifically set forth in this Agreement.
- 1.9 Immediately notify the Village Manager, or her designee, in the event it becomes necessary to cancel a program session.

- 1.10 Immediately notify the Village Manager, or her designee, of any injury sustained by a program participant.
- 1.11 Comply with any other rules adopted by the Village Manager, or her designee, for use of VILLAGE's property, including the facilities used by INSTRUCTOR pursuant to this Agreement.
- 1.12 Actively supervise the operation of each program.
- 1.13 Be responsible for enforcing compliance with the approved rules for all programs. The VILLAGE reserves the right to enact other rules, if necessary, at its sole discretion.
- 1.14 If any participants will be under the age of eighteen (18), require that all counselors, employees and/or instructors undergo Level 2 background screening prior to supervising children, and furnish all reports to the VILLAGE.
- 1.15 The VILLAGE reserves the right to suspend, bar, or expel any employee, counselor, or instructor for any reason, at its sole discretion, without recourse from the subject person or the INSTRUCTOR.

The VILLAGE agrees to:

- 1.16 Allow INSTRUCTOR the use of the Ed Burke Recreation Center for INSTRUCTOR's exercise classes.
- 1.17 Allow INSTRUCTOR advertising in VILLAGE's newsletters and publications, at no cost to INSTRUCTOR.
- 1.18 Process program participants' fees in accordance with VILLAGE revenue processing procedures.
- 1.19 Grant INSTRUCTOR license, revocable at will, to use the Ed Burke Recreation Center, consistent with the obligations under this Agreement.

ARTICLE 2

FEES AND COMPENSATION

- 2.1 The INSTRUCTOR shall be compensated from fees collected from participants. The parties agree that VILLAGE shall retain thirty percent (30%) of all registration fees and the INSTRUCTOR shall retain seventy percent (70%) of all registration fees.
- 2.2 INSTRUCTOR shall not charge any participant for any other services not contained in the Agreement.

- 2.3 All items sold by INSTRUCTOR shall be approved by the VILLAGE Manager prior to offering any item for sale.
- 2.4 INSTRUCTOR shall keep all books, rosters and attendance in accordance with standard accounting procedures, and shall make them available to the VILLAGE for inspection and audit at all times.

ARTICLE 3
TERMINATION OF AGREEMENT

- 3.1 This Agreement may be terminated upon thirty (30) days written notice from the VILLAGE at VILLAGE's sole discretion. INSTRUCTOR may terminate this Agreement, at its sole discretion, by giving thirty (30) days written notice to the VILLAGE.
- 3.2 The VILLAGE may unilaterally immediately terminate this Agreement and the license granted by this Agreement if VILLAGE determines, in its sole discretion, that INSTRUCTOR is not conducting his operations in complete accord with this Agreement, or in the best interests of the VILLAGE.

ARTICLE 4
INDEPENDENT CONTRACTOR

- 4.1 The parties agree and affirm that INSTRUCTOR is an independent contractor and not an agent, partner or employee of the VILLAGE, nor shall this Agreement be construed as a partnership nor joint venture between VILLAGE and INSTRUCTOR, the relationship being solely on of licensor and licensee.
- 4.2 INSTRUCTOR has control over the means and methods by which it performs the services. INSTRUCTOR, its employees and agents shall be deemed independent contractors and not agents or employees of the VILLAGE, and shall not attain any rights or benefits generally afforded VILLAGE employees; further, INSTRUCTOR, its employees and agents shall not be deemed entitled to the VILLAGE's worker's compensation, insurance benefits or similar laws.

ARTICLE 5
INDEMNIFICATION CLAUSE

INSTRUCTOR agrees to defend, indemnify and hold harmless the VILLAGE from and against any and all claims, suits, damages, liabilities or causes of action arising during the term of this Agreement, arising out of, related to, or in any way connected with the performance or non-performance of any provision of this Agreement required of the INSTRUCTOR, including personal injury, loss of life or damage to property and from and against any orders, judgment or decrees which

may be entered, and from and against all costs, attorney's fees, and expenses incurred in and about the defense of any such claim and the investigation thereof. However, nothing shall be deemed to indemnify VILLAGE for any liability or claim arising solely out of the negligent performance or failure of performance of VILLAGE.

ARTICLE 6 **INSURANCE**

- 6.1 INSTRUCTOR shall provide, pay for, and maintain in force at all times during the period of this Agreement, a Comprehensive General Liability Insurance Policy with minimum bodily injury coverage of \$500,000.00 (five hundred thousand dollars) and \$200,000.00 (two hundred thousand dollars) property damage liability; workers compensation insurance as required by State Statute. The INSTRUCTOR'S insurance coverage shall be considered the primary carrier.
- 6.2 To the extent applicable, the worker's compensation insurance shall be at the statutory amount to apply for all employees in compliance with the "Workers' Compensation Law" of the State of Florida and all applicable federal laws. In addition, the policy(ies) must include: Employers' Liability at the statutory coverage amount.
- 6.3 The VILLAGE shall be named, as an additional insured on all insurance policies the INSTRUCTOR is required to provide.

ARTICLE 7 **MISCELLANEOUS**

- 7.1 INSTRUCTOR shall, without additional expenses to VILLAGE be responsible for obtaining any necessary licenses and for complying with any applicable federal, state, county, and municipal laws, ordinances, and regulations in connection with the performance of the services specified herein. INSTRUCTOR shall take proper safety and health precautions, including the employment of needed assistance, to protect participants, the VILLAGE, the public and property of others. INSTRUCTOR shall be responsible for all services performed until completion of this Agreement.
- 7.2 The INSTRUCTOR shall not promote any privately owned business in a VILLAGE park facility or solicit any participant in a VILLAGE park for any privately owned business other than the exercise program. It is further understood that such action(s) may result in immediate termination of the Agreement and the forfeiture of all compensation due to the INSTRUCTOR.
- 7.3 INSTRUCTOR shall meet with the Village Manager or her designee as requested.

- 7.4 No modification, amendment, or alteration of the terms and conditions contained shall be effective unless contained in a written document executed with the same formality and equal dignity herewith.
- 7.5 This Agreement is non-transferable or assignable, and INSTRUCTOR agrees not to transfer or assign the performance of services called for in the Agreement.
- 7.6 This Agreement sets forth the full and complete understanding of the parties as of the effective date, and supersedes any and all negotiations, agreements, and representations made or dated prior to this Agreement.

IN WITNESS THEREOF, the parties hereto have made and executed this Agreement on the date above:

VILLAGE OF BISCAYNE PARK,
FLORIDA, a municipal corporation,
organized and existing under the laws of
the State of Florida

ATTEST:

By: _____
David Coviello, Mayor

Maria C. Camara, Village Clerk

Approved as to form:

By: _____
John J. Hearn, Village Attorney

DRISHTI PLISKE

STATE OF FLORIDA)
COUNTY OF DADE)

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared Drishti Pliske and acknowledged he executed the foregoing Agreement as the proper official of INSTRUCTOR, for the use and purposes mentioned in it and that the instrument is the act and deed of INSTRUCTOR.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this _____ day of _____, 2014.

My Commission Expires:

NOTARY PUBLIC



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Ordinance 2014-05

Prepared By: Maria C. Camara

Sponsored By: Staff

Background

At the June 3rd commission meeting, Gage Hartung, Chair of the Code Review Board, presented the Commission with the board's recommendation to update the Village Code as it relates to roofing material.

Based on the presentation and the Commission's review of the proposed language, direction was given to draft an Ordinance for first reading.

Fiscal/Budget Impact

Cost for advertising requirements for second reading.

Recommendation

Approval at first reading.

July 1, 2014

Commission Agenda Report

Ordinance 2014-05

Attachments

- Ordinance 2014-05

1
2 **ORDINANCE NO. 2014-05**
3

4 AN ORDINANCE OF THE VILLAGE
5 COMMISSION OF THE VILLAGE OF BISCAYNE
6 PARK, FLORIDA AMENDING CHAPTER 10, OF
7 THE LAND DEVELOPMENT CODE ENTITLED
8 “DESIGN AND IMPROVEMENT STANDARDS”,
9 RELATIVE TO ROOFING; PROVIDING FOR
10 CONFLICTS; PROVIDING FOR CODIFICATION;
11 PROVIDING FOR SEVERABILITY; PROVIDING
12 FOR AN EFFECTIVE DATE
13

14 WHEREAS, Chapter 10 of the Village Land Development Code provides design and
15 improvement standards for property located in the Village; and
16

17 WHEREAS, the Code Review Board has reviewed the Code relative to roofing materials
18 and has recommended including metal roofing within the Village’s Code; and
19

20 WHEREAS, the Village Commission deems it to be in the best interests of the Village to
21 revise the Code to permit metal roofing material on homes within the Village;
22

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

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

29 **Section 2.** Section 10.4 of the Land Development Code of the Village of Biscayne
30 Park, entitled, “Building construction”, is hereby amended to read as follows:

31 **10.4. - Building construction.**
32

33 10.4.1 *Building code.* The ~~South~~ Florida Building Code, and as same may be amended
34 from time to time, as published by the Board of County Commissioners, Miami-Dade County,
35 Florida, is hereby adopted as and for the building code of the village. A copy of the code is on
36 file in the village clerk’s office.
37

38 10.4.2 *Applicable codes.* All construction in the public rights-of-way shall conform to
39 the uniform standards established by the official Public Works Manual of ~~Metro~~ Miami-Dade
40 County.
41

1 10.4.3 *Minimum construction dimensions.* The establishment of minimum construction
2 dimensions by this code shall not be deemed as permitting any deviation from the requirements
3 of the Florida Building Code. All buildings, including accessory buildings regardless of size
4 and cost must comply with the provisions of the Florida Building Code and must be so
5 constructed as to be safe from all storm hazard.
6

7 10.4.4 *Material used in construction.* No material shall be used in the construction of
8 buildings except stone, concrete blocks, tile, brick or brick veneer, frame, steel or any standard
9 fabricated material. All buildings shall be constructed on concrete or tile foundations under all
10 portions of main buildings.
11

12 ~~10.4.6~~ 10.4.5 *Tile or metal required on pitched roof.* Any building constructed in the
13 village that has a pitched roof, shall have a roof finished with clay or cement tile or metal.
14

15 ~~10.4.5~~ 10.4.6 *Roof material.*
16

17 (a) Roof material shall be of tile or metal for roofs with ~~an incline~~ a pitch of more
18 than two and one-half (2 ½) inches per foot. Roofing materials shall be of engineered built-up
19 ~~tar and gravel roofing material~~ for roofs with ~~an incline~~ a pitch less than two and one-half (2 ½)
20 inches per foot. ~~unless the roof structure will not support the weight in which case wood or~~
21 ~~composition shingles may be used~~
22

23 (b) — ~~No plain felt mopped on roof shall be permitted on any pitched roof.~~
24

25 ~~(e)~~(b) All dwellings erected shall comply with the Florida Building Code. ~~be~~
26 ~~consistently stormproof, according to the latest approved code and building methods.~~
27

28 ~~(d)~~(c) No three-tab shingles shall be permitted.
29

30 (d) Metal with a factory finish that has received a “notice of acceptance” from
31 Miami-Dade County and that is labeled “Miami-Dade County Product Control Approved” may
32 be used as roofing material for residences subject to review and approval of the planning board
33 in accordance with the following:
34

35 (1) The subject residence is constructed in the high modern, post-war modern, ranch
36 or Key West architectural style, or a variation thereof.
37

38 (2) The type of roof shall be limited to standing seam metal and shall specifically
39 exclude metal roofing intended to replicate barrel tile or Spanish-S tile.
40

41 (3) The color of the roof shall be limited to colors silver, grey, brown, copper and
42 white and shall not be bright or highly reflective and must be harmonious with the
43 exterior color of existing buildings on the plot and the neighborhood in general.
44

45 (4) The details, color and manner of installation shall be consistent with the
46 architectural design, style and composition of the residential or commercial structure.
47

1 (5) Roofs with a pitch less than three (3) inches per foot will be prohibited
2 from installing metal roofing material.

3
4 (6) Roofs with a pitch above three (3) inches per foot and up to four (4) inches
5 per foot shall have an overhang of no less than eighteen (18) inches around the
6 entire perimeter and a fascia board with a nominal dimension no less than six (6)
7 inches.

8
9 (7) Roofs with a pitch above four (4) inches per foot shall have an overhang
10 of no less than twelve (12) inches around the entire perimeter and a fascia board
11 with a nominal dimension no less than six (6) inches.

12
13 (e) Asphalt shingles or wood may be used in reroofing to replace an existing asphalt
14 shingle roof or wood roof respectively if an engineer's evaluation is provided to the village
15 certifying that the roof is not structurally adequate to utilize any of the other approved roofing
16 materials.

17
18 (f) No variances from any of these provisions shall be granted.

19
20 10.4.7 *Roof repair or reroofing requirement and exception.* All buildings in the village
21 which have roofs which are concrete tile, or clay tile or metal roofs must be repaired or reroofed
22 only with clay tile, or concrete tile or metal. Repair of tile or metal roofs shall be of a consistent
23 style and color with the existing roof. ~~Shingles in reroofing shall be permitted only on existing~~
24 ~~roofs that had shingles on the effective date of this code. In all cases work shall conform with all~~
25 ~~requirements of the Florida Building Code adopted herein for tile roofs.~~

26
27 * * *

28
29
30 **Section 3. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
31 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

32 **Section 4. Severability.** The provisions of this Ordinance are declared to be
33 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
34 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
35 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
36 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
37 part.



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Ordinance No. 2014-04 Second Reading

Prepared By: Candido Sosa-Cruz
Assistant to Manager, Public Services Dir.

Sponsored By: Staff

Background

Staff is requesting the approval of Ordinance No. 2014-04 due to Section 3-22 of the Village Code of Ordinances that specifically prohibits dogs in Village parks. Staff deems it necessary to amend the Code in order to allow certain Village-sponsored events at the park.

For example, this July 4th, 2014, will mark our first ever “The Bark of July” event. This event will combine the celebration of a national holiday with a community inspired theme. The Village will open our park grounds to dogs and their owners for a non-firework afternoon of K-9 inspired games and activities. The main attraction of the event will be a dog and owner obstacle course. In addition, there will be various local vendors and businesses on hand, and this event will be of great delight for the community and dog owners. Other notable aspects of the event include, but not limited to: refreshment and dessert trucks, costume for dogs, prizes and a raffle. This will be a wonderful event that will quickly become a staple of our dog loving community.

July 1, 2014

Commission Agenda Report

Ordinance 2014-04

At the June 3rd Commission meeting the Village Commission approved Ordinance No. 2014-04 on first reading.

Fiscal/Budget Impact

Advertising of ordinance for second reading.

Staff Recommendation

Approval of Ordinance No. 2014-04 at second reading.

Attachments:

Ordinance No. 2014-04

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ORDINANCE NO. 2014-04

**AN ORDINANCE OF THE VILLAGE
COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA AMENDING
CHAPTER 3, ENTITLED “ANIMALS”,
RELATIVE TO DOGS AND CITY-SPONSORED
EVENTS; PROVIDING FOR CONFLICTS;
PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Section 3-22 of the Village Code of Ordinances specifically prohibits dogs in Village parks to prevent the transmission of certain diseases; and

WHEREAS, the Village will be holding a “Bark of July” event on the 4th of July and has found that it is necessary to amend the Code in order to allow dogs in the Village parks during certain City-sponsored events; and

WHEREAS, the Village Commission deems it to be in the best interests of the Village to revise the Code to permit dogs in the Village parks during those events;

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

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

Section 2. Section 3-22 of the Code of Ordinances of the Village of Biscayne Park, entitled, “Prohibited in parks”, is hereby amended to read as follows:

Sec. 3-22. Prohibited in parks.

(a) It is deemed in the best interests of the health, safety and welfare of the citizenry and visitors of Biscayne Park, Florida, that all necessary precautions be implemented to prevent

1 cutaneous larva migrans (a frequently severe skin disorder caused by the infective larvae of a
2 dog or cat hookworm which is transmitted by the contact of the human skin with soil
3 contaminated by dog or cat feces), and visceral larva migrans (a disease caused by the ingestion
4 of larvae dog roundworms which commonly occurs when young children swallow dirt). No
5 party owning or having charge, care, custody or control of any dog into or upon any public park
6 in the Village of Biscayne Park; provided, however, this provision shall not apply to parkways,
7 and other park areas in which dogs are specifically authorized.

8
9 (b) Notwithstanding the above, upon approval by the Village Commission, dogs may
10 be allowed in a public park for a Village approved event. If approved as provided, the Village
11 shall take precautions to ensure proper pick up and disposal as necessary.

12
13 Section 3. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts
14 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

15
16 Section 4. Severability. The provisions of this Ordinance are declared to be
17 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
18 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
19 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
20 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
21 part.

22 Section 5. Effective Date. This Ordinance shall be effective upon adoption on
23 second reading.

24
25 The foregoing Ordinance was offered by Commissioner _____, who moved its
26 adoption. The motion was seconded by _____ and upon being put to a vote,
27 the vote was as follows:

28
29 PASSED AND ADOPTED upon first reading this 3rd day of June, 2014.

30 PASSED AND ADOPTED upon second reading this ____ day of _____, 2014.

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

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

David Coviello, Mayor

Attest:

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: July 1, 2014

Subject: Fee Reduction - 845 NE 119th Street
Collections and disposal of debris

Prepared By: Candido Sosa-Cruz
Assistant to Manager, Public Services Dir.

Sponsored By: Staff

Background

On September 9th, 2013, Mr. Mike Tomany requested a lien search on property 845 NE 119th Street from the Village of Biscayne Park. The Village's "lien search" process includes a search of all outstanding fees, fines, code violations and open permits. This includes a search of internal records and Miami-Dade County records. On September 10th, 2013, the Village provided Mr. Tomany the lien search results (copy attached). The results of the internal and Miami-Dade County search showed there were waste fees owed totaling \$932.67 (including interest) and an open permit totaling \$20.00. The total outstanding fees were \$952.67. No liens were found in the Miami-Dade County records under the owner's name (Arnaldo Amaya & Mireya Borjas) at the time of the request.

On May 21st, 2014, the Village received a lien search request from Skyline Lien Search, Inc. on property 845 NE 119th Street. On June 3rd, 2014, the Village provided

July 1, 2014

Commission Agenda Report

Fee Reduction - 845 NE 119th Street

Skyline Lien Search, Inc. the lien search results (copy attached). The results of the internal and Miami-Dade County search showed there were municipal liens on the property totaling \$4,927.73 (including interest) and waste fees owed totaling \$932.67 (including interest). The total outstanding fees were \$5,860.40.

Due to the discrepancy in lien search results and the difference in amount Mr. Tomany is requesting a fee reduction to proceed with the purchase of the property and commence renovation.

The total outstanding fees are related to Village waste services and not an Order of Enforcement issued by the Code Compliance Board. Therefore, the Village Commission has the ability to consider this matter.

Fiscal Budget Impact:

In reviewing both lien searches, staff does not have sufficient documentation to support the waste fees in the amount of \$932.67.

A municipal lien was recorded with Miami-Dade County in October 1995, for the amount of \$200.27 plus \$12.00 recording fee, with interest at the rate of eighteen (18%) percent per annum (copy attached).

Staff Recommendation:

Staff recommends a fee reduction.

Attachments:

- Lien search dated September 10, 2013
- Lien search dated June 3, 2014
- Notice of Municipal Lien dated October 20, 1995

File



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

Date: September 10, 2013

Mike Tomany
450 NE 119th Street
Biscayne Park, FL 33161

Phone : 305-926-3535

Fax :

Sent via Fax

Pages: 3

Dear Sir or Madam:

We are in receipt of your request for a lien search for the:

Address: **845 NE 119TH ST, BISCAYNE PARK, FL**
Folio No.: **17-2230-045-0310**

Please be advised of the following fees currently due on the property:

1 Municipal Liens:		Amount: \$	-
		Total: \$	-
2 Waste Fees:	Jan-06	Total: \$	932.67
3 Special Pick ups:	Invoice #:	Amount: \$	-
	Invoice #:	Amount: \$	-
	Special Pick Up Total:	\$	-
4 Code Violations:	Citation #:	Amount: \$	-
	Citation #:	Amount: \$	-
	Citation #:	Amount: \$	-
	Code Violation Total:	\$	-
5 Building Depart:	Permit #: PP-9-10-3388	Amount: \$	20.00
	Permit #:	Amount: \$	-
6 Landlord Permit:	Permit #:	Amount: \$	-
	Permit #:	Amount: \$	-
	Open Permits Total:	\$	20.00
	Grand Total:	\$	952.67

Comments:

Re-Occupancy Certificate required before closing. For rental properties, landlord permit required.

All open and expired permits listed require a final inspection in order to be closed out. For inquiries regarding building permits, please call Jeannie Bridges at 305 899 8000, ext. 203.

NOTE: All payoffs must be accompanied with copy of settlement in order to update our records for all properties sold or refinanced. All amounts are due at time of property sale or refinance. Any delinquent balance constitutes a special assessment lien on the property. Interest continues to accrue until balance is paid in full.

Sincerely yours,

Age of Biscayne Park
important: Lien fee is only good for thirty (30) days after this notice. Please submit a new lien search fee if any payoffs are needed after thirty (30) days of notice.



VILLAGE OF BISCAYNE PARK
 640 NE 114TH STREET
 BISCAYNE PARK, FL 33161
 TEL: 305 899 8000 FAX: 305 891 7241
 www.biscayneparkfl.gov

Waste Fees

Date: 09/10/13

Property Address: 845 NE 119th Street

Balance as of 01/01/06: \$292.79

* As of this date, waste fees are collected through Miami-Dade County*

18% Annual Penalty		
Year	Assesment	New Balance
2007	\$ 52.70	\$ 345.49
2008	\$ 62.19	\$ 407.68
2009	\$ 73.38	\$ 481.06
2010	\$ 86.59	\$ 567.65
2011	\$ 102.18	\$ 669.83
2012	\$ 120.57	\$ 790.40
2013	\$ 142.27	\$ 932.67

New Balance: \$ 932.67

CHAPTER 17. FEES, BONDS AND CHARGES: Such solid waste fees shall become delinquent if not paid in full within (30) days after due date. Thereafter, delinquent fees, and penalty assesments shall accrue interest at the rate of eighteen (18) percent per annum (one and one-half (1 1/2) percent per month).

WALK-IN



Village of Biscayne Park

640 NE 114 STREET
BISCAYNE PARK, FL 33161
PHONE: 305-899-8000 - FAX: 305-891-7241

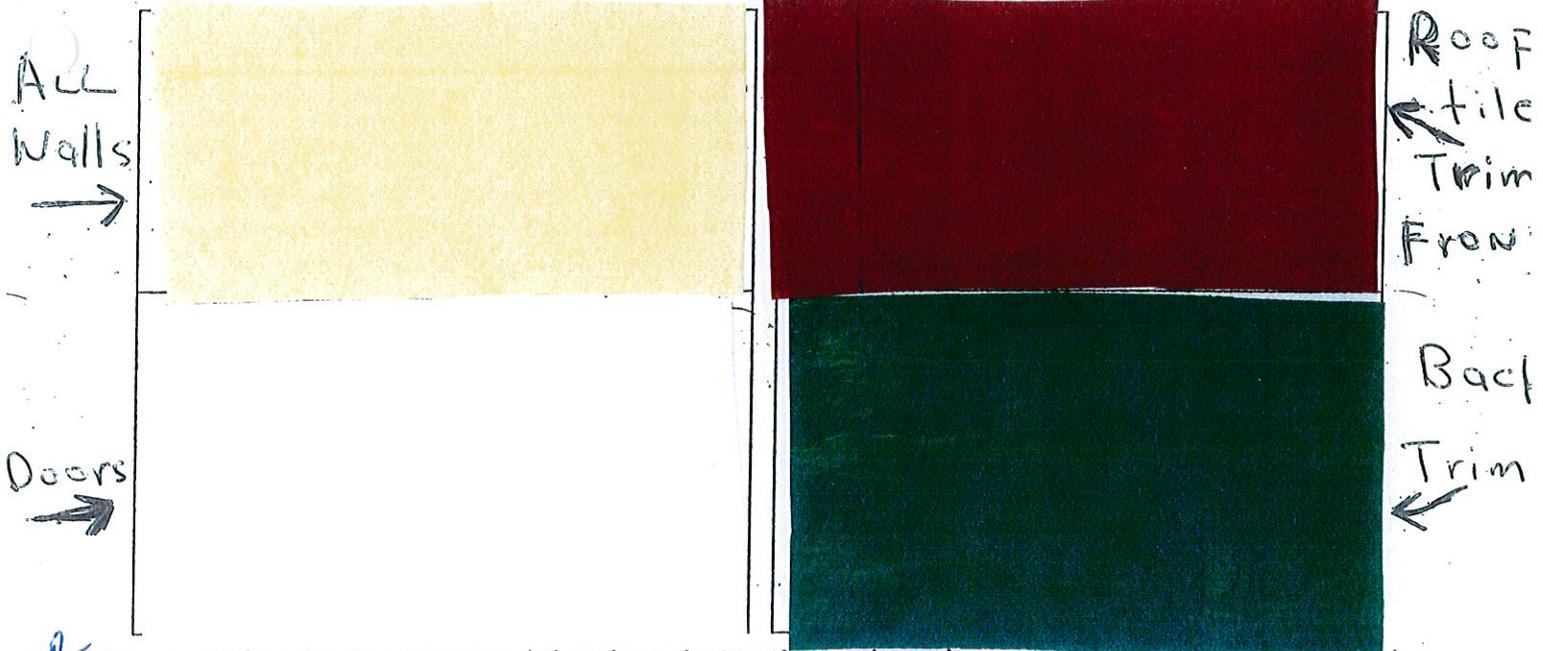
EXTERIOR PAINTING PERMIT APPLICATION

"IMPORTANT INSTRUCTIONS FOR APPLICATION TO BE APPROVED"

1. Submit the completed application with **Five 2" x 3" swatches** of each color to be used. Attach recent 5 x 7 photo of building. You will also be required to paint a small sample of the colors on the building for approval.
2. Wall Colors: To be all surfaces of the exterior of building not to receive "Trim color".
3. Trim Color: Any area not painted the wall color, not to exceed 30 % of total area to be painted.
4. When permit is issued the work must be completed within 60 days. All and any changes in the scope of work to be done or the location and or color of area to be painted MUST receive prior approval.
5. Final Inspection: The owner is required to call the village Office at 305-899-8000 for an appointment for final inspection upon completion of work. It is not necessary for you to be home if the inspector has access to the entire perimeter and to the orange copy of the permit. If the wall and or trim colors are different than what appears on the approved application, the owner has thirty (30) days to comply with original application and must resubmit for new permit.
6. Contractor must register with the city and provide copy of license and insurance.

Owner's Name: ARNALDO AMAYA Address: 845 NE 119 St Biscayne park FL 33161 Phone: 786-493-0769

Contractor Name: _____ Phone: _____



CA I have read and fully understand the above instruction and requirements, and agree to comply with.

Arnaldo Amaya
Signature of Property Owner or Agent
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGE BEFORE ME THIS

X
Signature of Contractor
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGE BEFORE ME THIS

in DAY OF September, 2010
Notary Seal: Ada Rodriguez
COMMISSION # 00895325
EXPIRES: JUN. 02, 2013
www.AARONNOTARY.com

PAID
SEP 23 2010
CASH

DAY OF September, 2010
Notary Seal: _____

#20 PP-9-10-3388



The Village of Biscayne Park

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

Date: June 3, 2014

SKYLINE LIEN SEARCH, INC
P.O BOX 652926
MIAMI, FL 33265

Phone: 305-553-4627

Fax: 305-553-4626

Sent via Fax
Pages: 4

Dear Sir or Madam:

We are in receipt of your request for a lien search for:

Address: **845 NE 119TH ST. BISCAYNE PARK FL**
Folio No.: **17-2230-045-0310**

Please be advised of the following fees currently due on the property:

1 Municipal Liens:	\$4,927.73
Municipal Liens Total:	\$4,927.73
2 Waste Fees (2006 and Prior):	\$932.67
Waste Fees Total:	\$932.67
3 Special Pick ups:	\$0.00
Special Pick Up Total:	\$0.00
4 Code Violations:	\$0.00
Code Violation Total:	\$0.00
5 Building Dept.:	\$0.00
Open Permits Total:	\$0.00
6 Landlord Permit:	\$0.00
Landlord Permit Total:	\$0.00
GRAND TOTAL	\$5,860.40

Comments:

Re-Occupancy Certificate required before closing. For rental properties, landlord permit required.

All open and expired permits listed require a final inspection in order to be closed out. For inquiries regarding building permits, please call the Building Clerk at 305 899 8000.

All payoffs must be accompanied with copy of settlement in order to update our records for all properties sold or refinanced. All amounts are due at time of property sale or refinance. Any delinquent balance constitutes a special assessment lien on the property. Interest continues to accrue until balance is paid in full.

IMPORTANT: Lien fee is only good for thirty (30) days after this notice. Please submit a new lien search fee if any payoffs are needed after thirty (30) days of notice.



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640 NE 114TH STREET
BISCAYNE PARK, FL 33161
 TEL: 305 899 8000 FAX: 305 891 7241
 www.biscayneparkfl.gov

Waste Fees

Date: 06/02/14

Property Address: 845 NE 119TH

Balance as of 02/01/06: \$292.79

* As of this date, waste fees are collected through Miami-Dade County*

Year	18% Annual Penalty Assesment	New Balance
2007	\$ 52.70	\$ 345.49
2008	\$ 62.19	\$ 407.68
2009	\$ 73.38	\$ 481.06
2010	\$ 86.59	\$ 567.65
2011	\$ 102.18	\$ 669.83
2012	\$ 120.57	\$ 790.40
2013	\$ 142.27	\$ 932.67

New Balance: \$ 932.67

CHAPTER 17. FEES, BONDS AND CHARGES: Such solid waste fees shall become delinquent if not paid in full within (30) days after due date. Thereafter, delinquent fees, and penalty assesments shall accrue interest at the rate of eighteen (18) percent per annum (one and one-half (1 1/2) percent per month).



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640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

Municipal Lien Fees

Date: 06/02/14

Property Address: 845 NE 119TH ST

Balance as of 10/20/1995: \$ 212.27

Year	18% Annual Penalty Assesment	New Balance
1995	\$ 38.21	\$ 250.48
1996	\$ 45.09	\$ 295.56
1997	\$ 53.20	\$ 348.77
1998	\$ 62.78	\$ 411.54
1999	\$ 74.08	\$ 485.62
2000	\$ 87.41	\$ 573.03
2001	\$ 103.15	\$ 676.18
2002	\$ 121.71	\$ 797.89
2003	\$ 143.62	\$ 941.51
2004	\$ 169.47	\$ 1,110.99
2005	\$ 199.98	\$ 1,310.96
2006	\$ 235.97	\$ 1,546.94
2007	\$ 278.45	\$ 1,825.39
2008	\$ 328.57	\$ 2,153.96
2009	\$ 387.71	\$ 2,541.67
2010	\$ 457.50	\$ 2,999.17
2011	\$ 539.85	\$ 3,539.02
2012	\$ 637.02	\$ 4,176.04
2013	\$ 751.69	\$ 4,927.73

New Balance: \$ 4,927.73



NOTICE OF MUNICIPAL

LIEN

To: William B. Tinkham, Jr.
847 NE 119 Street
Biscayne Park, Florida 33161

PLEASE TAKE NOTICE that the Village of Biscayne Park, a municipal corporation organized under the laws of the State of Florida, does hereby file its lien by the authority set forth in Municipal Ordinance No. 188 (Collections and disposal of debris), against the following described real property situated and lying in Dade County, Florida, to-wit:

Griffing Biscayne Park Eats And Plat of Blks 29-31, Lot 28, Blk 30, according to the Plat thereof recorded in Plat Book 15 at Page 53 of the Public Records of Dade County, Florida, also known as 845 N.E. 119 Street

Polio # 17 2230 45 0310 5

That the Principal amount of the Lien is \$200.27 plus \$12.00 recording fee and attorney fees as of the fiscal year 1995, together with interest at the rate of Eighteen (18%) percent per annum.

WITNESS my hand and official seal at Village of Biscayne Park, Florida,

this 20th day of October, 1995.



Jean Watson
Jean Watson
Village Clerk

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD # 171170
HARVEY RIVIN
Clerk of Circuit & County
Courts

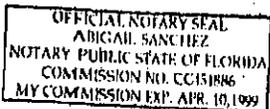
Sworn and subscribed before me

this 20th day of October, 1995.

This instrument prepared by:

Jean Watson
Village Clerk
Village of Biscayne Park
840 N.E. 114 Street
Biscayne Park, Florida 33161

Alisa Sanchez
NOTARY PUBLIC STATE OF FLORIDA.





Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Trade Fair / Business Expo

Prepared By: Vice Mayor Roxanna Ross

Sponsored By: Commission

Background

We are aware of a number of small businesses in the community, whether based outside of the Village or home-based under Village Code 16.18. Home-based occupation (attached). We also have a number of Contractors who are registered with the Village to obtain building permits in the Village.

Economic growth is promoted by learning more about local business interests and by sharing local sources of services within or near the community. These community interests may be advanced by the Village in hosting a venue and inviting already known, registered home-based occupations and contractors, and other local businesses to participate and showcase their offerings.

A Trade Fair / Business Expo will provide a positive experience for our residents and local businesses to promote their goods and services, and inform the community of local options for discerning consumers.

July 1, 2014

Commission Agenda Report

Trade Fair / Business Expo

Fiscal/Budget Impact

Fiscal impact could be offset by increased revenues from Home-based occupation permits, and by charging a small participation fee for business that are not registered with the Village. Depending on the balance of funds remaining for Commission special events, scheduling could occur this fiscal year, or in early October under the budget of 2014-15.

Recommendation

Schedule, plan and promote a Trade Fair / Business Expo Venue.

Attachments

- 2013 Village Market & Business Expo Flyer
- Village Code 16.18. Home-based occupation
- VOBP Home Occupational License Application



CELEBRATING 80 YEARS 1933-2013

Village of Biscayne Park VILLAGE MARKET & BUSINESS EXPO

Date: SATURDAY March 23, 2013

Time: 8:00 a.m. – 1:00 p.m.

11400 NE 9th Court

Biscayne Park Florida 33161

Ed Burke Park & Recreation Center

305-893-3711

Yes! I want to reserve an outdoor market/expo area, at a cost of \$20.00 *.

(10x10 Area – Tables and Chairs NOT Included)

NAME: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

Market: _____ Expo: _____

Number of People Attending: _____

MERCHANDISE TYPE/BUSINESS : _____

Special Needs or Request: _____

**Proof of Biscayne Park residency required to waive \$20.00 space fee.*

OFFICE USE	
CASH _____	CHECK _____
Reservation No : _____	
Date of payment: _____	

16.18. - Home-based occupations.

16.18.1 A home-based occupation means an accessory use of a portion of a dwelling unit as a personal office or **business** by a resident of the dwelling unit only. Home occupations must be secondary to the use of the dwelling for residential purposes and shall not change the character of the dwelling unit thereof. In any instance where a dwelling unit is used to conduct a home-based occupation consistent herein, a home occupational license shall be required. This applies even where a regular **business** license has been issued for the same **business** and for the same applicant at another location within or outside the boundaries of the city.

16.18.2 When permitted, a home-based occupation shall be conducted in accordance with the following provisions and with any other restrictions that are contained within the individual residential zoning district regulations:

- (1) No person other than the individuals residing in the dwelling unit shall be engaged in the home-based occupation.
- (2) Home-based occupations shall be accessory and clearly incidental to the primary residential purpose of the dwelling unit and shall not use more than twenty (20) percent of the overall living space of the dwelling unit.
- (3) Home-based occupation activity shall occur entirely within the dwelling unit. No equipment or process shall be used in any home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises.
- (4) No home occupation shall generate or attract unsafe, excessive or hazardous vehicular or pedestrian traffic to the dwelling unit.
- (5) No goods or services shall be dispensed, sold or distributed or provided directly from a residential dwelling except for those transmitted by telephone, computer modem, facsimile or other similar electronic means.
- (6) The total number of deliveries of any kind required by, received or sent by or made or connected with a home-based occupation at a residential dwelling shall not exceed two (2) **business** deliveries per day in addition to regular U.S. Postal Service.
- (7) No employees or independent contractors of any kind, excluding service and regular repair visits, shall be permitted at the dwelling unit at any time in connection with the home-based occupation.
- (8) No signs of any kind indicating the presence of a home-based occupation shall be located on or about the residential dwelling or property.
- (9) The operation of a home-based occupation shall not cause any increase in parking at the residential dwelling or vehicular traffic to and from the residential dwelling.
- (10) A home-based occupation office which does not satisfy all of the above standards at all times during its operation shall be prohibited and no license shall be issued to any applicant whose **business** operation violates said standards.

16.18.3 All home-based occupations shall be required to obtain and maintain an occupational license from the village and an applicable fee as provided by resolution.

16.18.4 The code enforcement division may inspect the property to ensure compliance with this chapter, consistent with F.S. Ch. 166.

16.18.5 No home-based occupation license issued pursuant to this section shall be transferable, assignable or otherwise alienable.

(Ord. No. 2007-4, § 2, 5-15-07)



Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161

Telephone: (305) 899 8000 Facsimile: (305) 891 7241

www.biscayneparkfl.gov

HOME OCCUPATIONAL LICENSE APPLICATION

Date of Application: / /

Property Address: Biscayne Park, FL 33161

Property Owner: First Last

Address (if different than above): Address City, State, Zip

Contact Info: () Business Telephone No. () Facsimile Telephone No.

E-Mail Address

Business Name:

Corporation or Partnership Name (if different than business name):

Select one: () Corporation () LLC () Partnership () Sole Proprietorship / / Date Business Started

OFFICER Information: First, last name Address, City, ST, Zip

Social Security No. Date of Birth Telephone No.

OFFICER Information: First, last name Address, City, ST, Zip

Social Security No. Date of Birth Telephone No.

Exact nature of the business being conducted at the property address listed above (please be specific):

Any attempts to operate the business for which this application is being made prior to issuance of the license will be considered a violation of the Village of Biscayne Park's Code of Ordinances, Section 16.18.

Signature of Property Owner

Title

Driver's License No.

State of County of
Subscribed and sworn to (or affirmed) before me this
day of , 20

Notary Public

- DOCUMENTS TO BE SUBMITTED WITH THIS FORM
() State License
() Florida Bar Identification Card (Attorney)
() Certificate of Incorporation
() Certificate of Competency
() Fictitious Name Registration
() Miami Dade County Building Code Compliance Card

Fee Due: \$50.00 Valid from: / / to / / Paid by () Cash () Check No.

Received By:



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Tuition Cost for Good Government
Initiative Program

Prepared By: Commissioner Barbara Watts

Sponsored By: Commission

Background

The Good Government Initiative is a program that educates elected officials at the state and local level in the important issues of governance. The core program, *Leaders of Excellence*, is a certificate course for early-career elected officials who receive more than 60 hours of education in the nuts and bolts of government in South Florida.

In August, Class IV will begin and participants will work on issues such as ethics, budget and finance, land use and smart use of natural resources, governing and working with constituents in a diverse community, media relations, history and economic development.

May 6, 2014

Commission Agenda Report

Resolution 2014-XX

Fiscal/Budget Impact

The cost of the program is \$1,750, which includes materials, instructors and speakers, meals for all sessions, lodging for the two retreat weekends, and transportation for field trips.

Mayor Noah Jacobs attended the Class III session in 2013, and the cost of the program was \$1,500. The Village paid a portion of that, \$615, utilizing funds that were budgeted for attendance at Miami Dade County League of Cities monthly meetings and Florida League of Cities annual conference.

In the current 2013/14 Commission budget, a total of \$3,475 was budgeted for:

- Six (6) monthly MDCLC meetings for the Mayor and Commissioners to attend at \$40 per meeting - \$1,200
- Attendance at the FLOC annual conference for the Mayor and Commissioners to attend at \$125 each - \$625
- Air-fare and hotel accommodations to Tallahassee - \$1,650

To date, \$1,315.20 has been utilized leaving a balance of \$2,159.80.

Recommendation

Consideration of the Village's contribution towards the tuition for Commissioner Watts to attend.

Attachments

- Announcement of the Class IV Members
- Expenditure activity report

From: **Jennifer Garcia** <jennifer@goodgov.net>

Date: Wed, Jun 4, 2014 at 4:18 PM

Subject: The 2014 Class IV members are...

Good afternoon, Class IV,

I'm excited to formally introduce you all as members of Class IV of the *Leaders of Excellence* program! Tomorrow morning I will be scheduling an email blast to our entire mailing list and social media applications.

If you would like to send out a press release to your media outlets announcing your participation in this year's program, we have drafted a suggested release (attached.)

The members of **Class IV** are:

Councilwoman Avis Brown, *Florida City*
Commissioner Traci Callari, *City of Hollywood*
School Board Member Susie Castillo, *Miami-Dade County Public Schools*
Vice Mayor Christi Fraga, *City of Doral*
Vice Chair Keon Hardemon, *City of Miami*
Vice Mayor Christine Hunschofsky, *City of Parkland*
Vice Mayor Joseph Kelley, *City of Opa-Locka*
Councilwoman Ivonne Ledesma, *Miami Shores Village*
Councilwoman Mayra Peña Lindsay, *Village of Key Biscayne*
Councilman James McDonald, *Village of Pinecrest*
Councilman Adam Old, *El Portal*
Commissioner Shelly Petrolia, *City of Delray Beach*
Councilman Nelson Rodriguez, *Town of Miami Lakes*
Councilwoman Phyllis Smith, *City of North Miami Beach*
Commissioner Micky Steinberg, *City of Miami Beach*
Mayor Philip Stoddard, *City of South Miami*
Commissioner Barbara Watts, *Town of Biscayne Park*
Commissioner Sandra Welch, *City of Coconut Creek*
Councilman David Williams, Jr., *City of Miami Gardens*

I will be out of the office tomorrow until Wednesday, June 11th, but if you have any questions regarding press or the program please email our Marketing Manager, Jessica Price, at jessica@goodgov.net

Best,

Jennifer Garcia

The Good Government Initiative

Cultivating Leaders of Excellence

1320 South Dixie Highway, Suite 911

Coral Gables, FL 33146

Jennifer@goodgov.net

[305.689.8210](tel:305.689.8210)

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The GOOD GOVERNMENT Initiative
Cultivating Leaders of Excellence

Please consider the environment before printing this email. 

06/26/2014

GL ACTIVITY REPORT FOR VILLAGE OF BISCAYNE PARK

FROM 001-511-5400000.000 TO 001-511-5400000.000

TRANSACTIONS FROM 10/01/2013 TO 05/31/2014

Date	JNL	Type	Description	Reference #	Debits	Credits	Total Expenditures
Fund 001 General Fund							
11/06/2013	AP	INV	Travel & Per diem	BOD110721	40.00		40.00
12/05/2013	GJ	JE	MDCLC-BOD Ross/Watts (12/05/13)	67	100.00		140.00
12/05/2013	GJ	JE	MDCLC-BOD Anderson (12/05/13)	67	40.00		180.00
01/14/2014	AP	INV	Travel & Per diem	GALA2014-009	300.00		480.00
01/15/2014	AP	INV	Comm. Ross/Comm. Anderson	INST20872	330.00		810.00
02/04/2014	CR	RCPT	Reimbursement for LEO Gala Tickets	315		300.00	510.00
02/05/2014	AP	INV	Travel & Per diem	Res#84306010	226.00		736.00
02/11/2014	AP	INV	Cab fare - Tallahassee Trip	021114	35.00		771.00
02/13/2014	AP	INV	Orbitz-Flight/Hotel	Tallahassee-'14	447.20		1,218.20
02/13/2014	AP	INV	Miami Int'l Airport-Parking	Tallahassee-'14	17.00		1,235.20
03/03/2014	AP	INV	Travel & Per diem	BOD30656	40.00		1,275.20
05/01/2014	AP	INV	COMM ROSS 05/01/14	BOD50156	40.00		1,315.20
05/31/2014			001-511-5400000.000	END BALANCE	1,615.20	300.00	1,315.20



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Chapter 7 - Section 7.2.1(i)
Code Revision

Prepared By: Candido Sosa-Cruz
Assistant to Manager, Public Services Dir.

Sponsored By: Staff

Background

On July 9, 2013, the Village of Biscayne Park approved Code Ordinance 2013-06 describing the conditions for the storage of watercraft, recreation vehicles, commercial vehicles and trailers in the Village.

The intended provisions of Chapter 7 of the Land Development Code have been found to be unenforceable concerning boat registrations in certain cases. Section 7.2.1(i), second sentence, states "All watercraft and trailer registrations **where required by State Statute** shall be kept current and a copy of the registration provided to the Village within 30 days of the enactment of this code....." If a boat or trailer is not being used, the State does not require the boat or trailer to be registered. Citations that have been issued have consequently been dismissed. Even if a boat is in use and the resident wishes to conceal the ownership, the registration just needs to be covered.

July 1st, 2014

Commission Agenda Report

Chapter 7 - Section 7.2.1(i)

Code Revision

Staff discussed the revision with the Code Review Board on January 15, 2014, and the board voted 4-0 to remove the words “where required by State Statute”.

Fiscal Budget Impact:

None

Staff Recommendation:

Staff recommends amending Section 7.2.1(i) of Chapter 7 of the Land Development Code to delete the words “where required by State Statute”.

Attachments:

- Code Ordinance 2013-06 Chapter 7 of the Village’s Land Development Code
- Code Review Board Meeting Minutes, meeting date January 15, 2014

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ORDINANCE 2013-06

**AN ORDINANCE OF THE VILLAGE
COMMISSION OF THE VILLAGE OF BISCAYNE
PARK, FLORIDA AMENDING CHAPTER 7 OF
THE VILLAGE'S LAND DEVELOPMENT CODE,
ENTITLED "RECREATION AND OPEN SPACE",
TO PROVIDE REGULATIONS FOR
COMMERCIAL AND RECREATIONAL
VEHICLES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; PROVIDING
FOR EFFECTIVE DATE**

16 WHEREAS, the Village Commission, from time to time, reviews its Code of Ordinances and
17 directs City staff and its advisory boards to recommend certain changes to its provisions; and

18 WHEREAS, the Code Review Board has suggested certain revisions to the Code to
19 address commercial and recreational vehicles in the Village; and

20 WHEREAS, the Village Commission finds it to be in the best interests of its citizenry to
21 amend the Village's Land Development Code to provide regulations for commercial and
22 recreational vehicles; now, therefore

23 **BE IT ORDAINED BY THE MAYOR AND THE VILLAGE COMMISSION OF**
24 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

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

28 **Section 2. Chapter 7 of the Village of Biscayne Park Land Development Code,**
29 **entitled "Recreation and open space", is hereby amended to read as follows:**

30 **CHAPTER 7. RECREATION AND OPEN SPACE.**

31 **7.1 Generally.**

1
2 7.1.1 *Purpose of chapter.* The purpose of this chapter is to describe the conditions for the
3 storage of ~~boats and~~ watercraft, recreational vehicles, commercial vehicles and trailers in the
4 village.

5
6 **7.2 Boat storage. Watercraft.**

7
8 7.2.1 *Conditions for the storage of ~~boats~~ watercraft.* ~~Boats~~ Watercraft not more than twenty-
9 six (26) feet in length, not more than eight (8) feet ~~and~~ six (6) inches in beam, and not more than
10 thirteen (13) feet, six (6) inches in height, may be stored subject to the following conditions:

11
12 (a) No watercraft shall be kept, stored or parked so that any part shall extend into the
13 front yard beyond the front building line. Watercraft shall be obscured from the public right-of-
14 way with a fence or hedge, except in the following conditions:

15
16 (1) Where a watercraft which is owned, at the time of the effective date of
17 compliance of this ordinance (Section 7.7), cannot be placed behind the front
18 building line without the removal of mature landscaping, a large tree(s), an
19 existing wall, or insufficient space exists (i.e., because of a septic tank or other
20 necessary obstruction) to the side of the building, the property owner may apply
21 for an administrative variance to the Planning and Zoning Board, without charge
22 or fee for storage of a boat in the front yard. Anyone acquiring a watercraft
23 within 365 days from the passage of this Ordinance may also apply for an
24 administrative variance to the Planning and Zoning Board, without charge or fee
25 for storage of a boat in the front yard. Upon proof of any of the above conditions,
26 the administrative variance will be granted and shall remain in place until the
27 Village registration form is not renewed (for that boat or any subsequent
28 replacement boat purchased for that administrative variance location) or such time
29 as the house is sold or the occupant-lessee relocates. After the 365 day period
30 identified herein, an applicant may file for a variance pursuant to Chapter 18 of
31 the Land Development Code.

32
33 (b) When an administrative variance is granted and watercraft is stored in front of the
34 building line, where permitted, shall be stored on an approved driveway surface in compliance
35 with Chapter 5 of this Code.

36
37 (a) (c) ~~Boats~~ Watercraft shall not be stored in the public right-of-way under any
38 circumstances.

39
40 (b) (d) ~~No more than one (1) boat that will be visible from another property or from the~~
41 ~~street may be stored on any one premises.~~ watercraft may be kept on any one premise except
42 that:

43
44 (1) Kayaks, canoes, row boats and personal watercraft (i.e., a "Jet Ski") stored behind
45 the front building line of the building and concealed from public view are
46 exempted.

1 (2) Multi-family dwellings may store one (1) watercraft per dwelling unit complying
2 with the provisions of this Chapter.

3
4 (e) ~~(c)~~ Boats Watercraft and place of storage shall be kept in a clean, neat and
5 presentable condition.

6
7 (d) ~~(f)~~ No major repairs or overhaul work shall be made or performed on the premises on
8 the site (or any other work performed thereon which would constitute a nuisance under existing
9 ordinances).

10
11 (e) ~~(g)~~ The boats Watercraft shall not be used for living or sleeping quarters, and shall be
12 placed on and secured to a transporting trailer.

13
14 (f) ~~(h)~~ Boats Watercraft shall be secured so that they will as not to be a hazard or a
15 menace during high winds or hurricanes.

16
17 (g) ~~(i)~~ Boats Watercraft shall be owned by the occupant-owner or occupant-lessee of the
18 property and the boat shall have a current registration and trailer tag where applicable. All
19 watercraft and trailer registrations where required by state statute shall be kept current and a
20 copy of the registration provided to the Village within thirty (30) days of enactment of this Code
21 if currently stored or parked owned or prior to storing a watercraft on an occupant-owner or
22 occupant-lessee's premises. when newly purchased.

23
24 (h) ~~— Any boat that exceeds the dimensions specified above shall be registered with the~~
25 Village within ninety (90) days of the effective date of this Code. Such registered boat shall be
26 allowed to remain until such time as the boat is sold.

27 28 **7.3 Recreational and camping vehicles and trailers.**

29
30 7.3.1 Conditions for the storage of recreational vehicles and trailers. Recreational vehicles
31 and ~~camping vehicles~~ trailers in the form of travel and camping trailers, ~~truck~~ transport trailers
32 and motor travel homes, designed and used as temporary living quarters for recreation, ~~camping~~
33 or travel use may be parked in the open on sites containing a single-family or duplex residence,
34 subject to the following conditions:

35
36 (a) No recreational vehicle or trailer shall be kept, stored or parked so that any part
37 shall extend into the front yard beyond the front building line. Recreational vehicles and trailers
38 shall be obscured from the public right-of-way with a fence or hedge, except in the following
39 conditions:

40
41 (1) Where a recreational vehicle or trailer which is owned, at the time of the effective
42 date of compliance of this ordinance (Section 7.7), this ordinance is enacted
43 cannot be placed behind the front building line without the removal of mature
44 landscaping, a large tree(s) an existing wall, or insufficient space exists (i.e.,
45 because of a septic tank or other necessary obstruction) to the side of the building,
46 an owner may apply for an administrative variance to the Planning and Zoning
47 Board, without charge or fee for storage of a recreational vehicle or trailer in the

1 front yard. Upon proof of any of the above conditions, the administrative
2 variance will be granted and shall remain in place until the Village registration
3 form is not renewed (for that recreational vehicle or any subsequent replacement
4 recreational vehicle purchased for that administrative variance location) or such
5 time as the house is sold or the occupant-lessee relocates. After the 365 day
6 period identified herein, an applicant may file for a variance pursuant to Chapter
7 18 of the Land Development Code.

8
9 (b) Recreational vehicles and trailers stored in front of the building line, where
10 permitted, shall be stored on an approved driveway surface in compliance with Chapter 5 of this
11 Code.

12
13 ~~(a)~~ (c) Except under the guest parking exception below, No more than one (1) such
14 vehicle that will be visible from another property or from the street shall be parked on such a
15 site.

16
17 ~~(b)~~ (d) Such parking shall be limited to such vehicles owned or leased by the occupant-
18 owner or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Miami-
19 Dade County house guest of the occupant-owner or occupant-lessee of the site concerned, with
20 the parking of such vehicles by the guest not to exceed fourteen (14) days. Such vehicles must
21 have a current license. Guest parking is permitted for a period not to exceed twenty one (21) days
22 on an approved surface in compliance with Chapter 5 of this Code.

23
24 ~~(e)~~ (e) Such parked vehicles shall not be stored in the public right-of-way under any
25 circumstances.

26
27 ~~(d)~~ (f) Such vehicles and the area of parking shall be maintained in a clean, neat and
28 presentable manner, and the vehicles shall be in a usable condition at all times and have a
29 current registration or be removed from the site.

30
31 ~~(e)~~ (g) No major repairs or overhaul work on such vehicles shall be made or performed
32 on the site, (or any other work performed thereon which would constitute a nuisance under
33 existing ordinances).

34
35 ~~(f)~~ (h) When parked on the site, such vehicles shall not be used for living or sleeping
36 quarters, or for housekeeping or storage purposes and shall not have attached thereto any service
37 connections lines, except as may periodically be required to maintain the vehicles and
38 appliances.

39
40 ~~(g)~~ (i) Such vehicles shall not exceed the maximum length, width, height and weight
41 permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided,
42 however, the maximum length shall not exceed thirty (30) feet and the maximum height shall not
43 exceed ten (10) feet.

44
45 ~~(h)~~ (h) Any vehicle that exceeds the dimensions specified in (g) above shall be registered
46 with the village within ninety (90) days of the effective date of this code. Such registered

1 ~~vehicles shall be allowed to remain until such time as the vehicle is sold or the registration is not~~
2 ~~renewed.~~

3
4 (j) Such vehicle shall be secured so that it will not be a hazard or menace during high
5 winds or hurricanes.

6
7 **7.4 Multiple vehicles.**

8
9 7.4.1 No more than one (1) of the following vehicles is permitted to be stored in front
10 of the front building line when permitted:

- 11
12 (a) a recreational vehicle;
13 (b) a watercraft; or
14 (c) a trailer of any type.

15
16 7.4.2 A watercraft mounted on a trailer shall be considered one (1) vehicle.

17
18 **7.5 Parking of commercial vehicles in residential districts.**

19
20 7.5.1 The following are hereby defined as commercial vehicles for the purpose of this
21 section:

- 22
23 (a) Category 1. A vehicle that is a taxicab, a limousine under twenty (20) feet in
24 length, or any passenger vehicle, truck or van with a maximum height of eight(8)
25 feet from the ground marked with a sign, letters, identification numbers or
26 emblem advertising or associating it in any way with a commercial enterprise
27 other than those which identify the vehicle maker or dealer. A sport utility
28 vehicle marked with a sign, letters, identification numbers or emblem advertising
29 or associating it in any way with a commercial enterprise, other than those which
30 identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle.
31 For purposes of this section, a passenger vehicle bearing an emblem or lettering of
32 a governmental entity shall also be considered as a Category 1 vehicle.
33
34 (b) Category 2. A vehicle eight (8) feet or less in height that displays externally
35 stored or mounted equipment either in a fixed or temporary manner of a
36 commercial activity which is visible of a commercial activity are visible
37 including, but not limited to, food vending equipment, ladders, paint cans, lawn
38 care equipment or fixtures and brackets necessary to carry such items. Box
39 trucks, trailers or utility trailers less than twenty (20) feet in length which are
40 enclosed or of an unenclosed design shall also be included as Category 2 vehicles.
41
42 (c) Category 3. A vehicle, other than a recreational vehicle as defined in Miami-
43 Dade Code Section 33-20(f), exceeding twenty (20) feet in length or more than
44 eight (8) feet in height from the ground with a sign, letters, identification numbers
45 or emblem advertising or associating it in any way with a commercial enterprise
46 other than those which identify the vehicle maker or dealer, including but not

1 limited to, tow trucks, dump trucks, construction or earth moving vehicles or
2 equipment and semi-tractors and trailers.

3
4 7.5.2 Storage or parking of certain commercial vehicles is allowed on private property
5 in residential zones as follows:

- 6
7 (a) In residentially zoned districts, no more than ~~only~~ two (2) Category 1 vehicles
8 may be parked at a residence.
- 9
10 (b) In residentially zoned districts, no more than ~~only~~ one (1) Category 2 vehicle may
11 be stored or parked provided that it is kept within an enclosed garage or behind
12 the front building line within a completely enclosed, opaque fence, screening wall
13 or landscaping six (6) feet in height at least ten (10) feet from the rear property
14 line. If a Category 2 vehicle is so stored or parked, then no more than ~~only~~ one
15 (1) Category 1 vehicle may also be stored or parked at such residence.
- 16
17 (c) For residential properties of four (4) or more units, the parking allowances
18 provided for herein shall be applied as to each unit.
- 19
20 (d) Storage or parking of Category 3 vehicles are prohibited in all residentially zoned
21 districts unless engaged in a permitted construction activity and may not be
22 parked at a residence between the hours of 8:00 p.m. and 7:00 a.m.
- 23
24 (e) The temporary parking of a Category 2 or 3 vehicle in front of the building line or
25 in front of the buffer screen shall only be permitted for the purpose of loading or
26 unloading of materials or persons or engaged in providing a commercial service at
27 the premises or for the purpose of the driver to make a temporary convenience
28 stop at the residence. However, a temporary or convenience stop shall be limited
29 to no more than one (1) hour in any twenty four (24) hour period.

30
31 7.5.3 Parking of certain commercial vehicles on the right-of-way is prohibited in
32 residential zones as follows:

- 33
34 (a) In areas zoned residential districts, it shall be unlawful for Category 2 or 3
35 vehicles as herein defined to be otherwise parked on the public right-of-way,
36 unless actively engaged in the loading or unloading of materials or persons or
37 engaged in providing a commercial service. Examples of providing commercial
38 services include, but are not limited to, removal of disabled vehicles from private
39 or public property, presence at a construction site, delivery of goods, repair of
40 household appliances and cleaning of household furniture.

41
42 7.5.4 Category 2 vehicles which are owned at the time this ordinance is enacted which
43 exceed the requirements set forth in this section, may apply for an administrative variance to the
44 Planning and Zoning Board, without charge or fee. The administrative variance shall remain in
45 place until the Village registration is not renewed or such time as the house is sold or the
46 occupant-lessee relocates.

1 **7.6 Violations of these provisions are punishable as follows:**

2
3 7.6.1 A fine imposed under this section shall not exceed the following:

4
5 (a) Two hundred fifty dollars (\$250.00) per day, per violation, for the first violation;

6
7 (b) Five hundred dollars (\$500.00) per day, per violation, for a repeat violation; and

8
9 (c) Up to one thousand dollars (\$1,000.00) per day if the Code Compliance Board
10 finds the violation to be irreparable or irreversible in nature; and

11
12 (d) Limit of five thousand dollars (\$5,000.00) per violation if the Code Compliance
13 Board finds the violation to be irreparable or irreversible in nature.

14
15 7.6.2 Whoever opposes, obstructs or resists an enforcement officer in the discharge of
16 duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the
17 second degree and shall be subject to punishment as provided by law.

18
19 **7.7 Effective compliance date.**

20
21 Unless where more stringent dates for compliance with the additional regulations provided for in
22 Ordinance 2013-06 are stated herein, the effective date of compliance for those additional
23 regulations shall be three hundred sixty (360) days from the date this code is enacted.

24
25 **7.4 7.8 Open space.**

26
27 Provisions designated as 7.4, open space, contained no substantive provisions; however, the
28 user's attention is directed to the following references: ~~Retention of existing open space, § 3.2.2;~~
29 ~~public open spaces and outdoor recreational uses allowed, § 3.3.1;~~ rights-of-way protection, §
30 5.3.2; sidewalks and bikeways, § 5.5.1; landscaping, § 8.3; maintenance of public rights-of-way,
31 § 8.4.1; adopted levels of service, § 9.3; fences, walls and hedges, § 11.6; prohibited and exempt
32 signs, § 12.2.

33
34 **Section 3. Severability.** Should any section, provision, paragraph, sentence, clause of
35 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction
36 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
37 not affect the validity of the remaining portions or applications of this Ordinance.

38 **Section 4. Codification.** It is the intention of the Village Commission of the Village of
39 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
40 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 5. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
4 thereof in conflict herewith, are and the same are hereby repealed to the extent of such conflict.

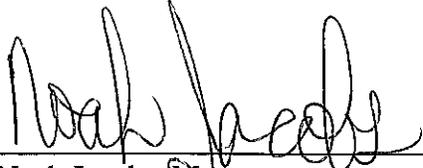
5 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon its
6 passage and adoption.

7 The foregoing Ordinance was offered by Vice Mayor Anderson, who moved its adoption.
8 The motion was seconded by Commissioner Ross and upon being put to a vote, the vote was as
9 follows:

10
11
12
13 PASSED AND ADOPTED upon first reading this 7th day of May, 2013.

14 PASSED AND ADOPTED upon second reading this 9th day of July, 2013.

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

15
16
17
18
19
20
21
22 
23 _____
24 Noah Jacobs, Mayor

Mayor Jacobs: No
Vice Mayor Anderson: Yes
Commissioner Cooper: No
Commissioner Ross: Yes
Commissioner Watts: Yes

25
26
27
28 Attest:
29
30
31 
32 _____
33 Maria C. Camara, Village Clerk

1 Approved as to form:

2

3

4

5

6



Village Attorney



**CODE REVIEW
BOARD**

Gage Hartung
Chairman

Dale Blanton
Judi Hamelburg
Gary Kuhl
Andrew Olis

MINUTES

**CODE REVIEW BOARD MEETING
Ed Burke Recreation Center
11400 NE 9th Court – Biscayne Park, FL
Wednesday, January 15, 2014 at 7:00pm**

Call to Order 7:00 pm

Present: Gage Hartung, Judi Hamelberg,
Dale Blanton, Andrew Olis

Village Staff: Candido Sosa-Cruz

Residents in attendance: Jared Susi

Minutes:

October 16, 2013 minutes approved unanimously
November 2, 2013 minutes approved unanimously
December 4, 2013 minutes approved unanimously
January 8, 2014 minutes approved unanimously

Old Business:

Continue research / discussion on commission requested to have the Code Review Board solicit community and expert input concerning and roofing materials, to analyze options and present recommendations within 90 days (by December 1, 2013).

General Discussion:

Question to Jared Susi on other types of roofing materials:

- recycled rubber tires inch and a half thick, which is not dade county certified yet.
- TPL Single ply glued ribbed membrane. Looks like standing seam metal.
- PVC roofing
- Photocell solar roofing



- Safety , aesthetics are a concern

Set next regular meeting February 5th 2014 7 pm and and February 22 Saturday 10am. Seeking community input regarding metal roofs

Candido Sosa-Cruz. Will now be attending our meetings, and presenting items from village staff for CRB to look.

New Business:

Presented by Candido Sosa-Cruz:

1. Discussion of code section 7.2.1 (i) :

Watercraft shall be owned by the occupant-owner or occupant-lessee of the property. All watercraft registrations **where required by state statute** shall be kept current and a copy of the registration provided to the village within 30 days of enactment of this Code if currently stored or parked or prior storing a watercraft on an occupant-owner or occupant-lessee's premises.

"where required by state statute" is in conflict with state law

Motion to remove by Dale, Second by Andrew. 4-0 vote

2. Review the modified chapters 8, 5.3.4 and 5.4.1 (a) visibility triangle, to be discussed at the February CRB meetings. Need clarity on wording of visibility triangles. Can add a diagram to clarify?

Adjourned 8:10

Minutes Approved 00/00/2014 – 0-0 vote

Motion: / Second:



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Branding/Marketing

Prepared By: Mayor David Coviello

Sponsored By: Commission

Discussion:

The purpose of the discussion is to begin efforts to brand and market the Village. In my mind, the concept is two-fold. The branding/marketing efforts will be geared toward growing community pride within the Village, but also to increase our exposure outside the Village. The “euro” magnets are just one step toward creating community “buzz” and will hopefully get the ball rolling toward other efforts.

Attachments

- Example and pricing of “euro” magnets

From: "david@goodcatch.com" <david@goodcatch.com>

Date: June 11, 2014 at 3:24:18 PM EDT

To: "David J. Coviello" <DCoviello@shutts.com>

Subject: Oval magnets for Biscayne Park

David:

here is your proof.

The size is 5.75"x3.75".

Price includes full color art with bleed so feel free to do something different.

100 cost \$2.59 each

250 cost \$1.69

500 cost \$1.14

1000 cost 89 cents each

+ \$35 set up charge

+ shipping

+ sales tax

This is not your standard magnet. This is made for outdoor use, on cars, and printed with UV inks that won't easily fade.

As mentioned, I also do a lot of work for the Miami Shores Chamber....if you've seen their "Shores Store", I do their t-shirts, tank tops, hats, stickers, license plates, lapel pins, and a whole lot more....And not just because I print the Egret. I also have the best prices.

Please let me know if you have any questions.

Thank you,

---David

--

David Bloom

"Your Marketing Specialist"

Billing address:

PO Box 370366

Miami, FL 33137-0366

Freight only:

6713 NE 3 AV

Miami, FL 33138

USA

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Physical Advertising Works

Printing, Wearables and Promotional Items

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their profession. Professionals who have earned their CAS provide the highest standard of conduct and integrity and bring an invaluable knowledge of safety issues and ethics to the business."

International & local customers:

Phone: (305) 757-7700

Fax: (305) 754-1116

Cell: (305) 490-3352

US & Canadian customers:

Phone: (800) 77-CATCH (800-772-2824)

Fax: (800) 98-FAX-US (800-983-2987)

e-mail: david@goodcatch.com

ASI# 209985

PPAI/UPIC: CATCH

Member GCPPA, ASI, PPAI, ACLU, HRC, MDGLCC, EQFL





Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: July 1, 2014

Subject: Joining City of Miami Beach *amicus curiae* brief in support of marriage equality

Prepared By: Vice Mayor Roxanna Ross

Sponsored By: Commission

Background

A challenge to Florida's constitutional ban on same-sex marriage is working its way through the court system (Complaint attached), motivated in large part on the U.S. Supreme Court ruling last summer finding that the federal Defense of Marriage Act (DOMA) violates the United States Constitution.

The State of Florida's law is out alignment with the federal standard, and subject to challenge. The City of Miami Beach recently joined the Plaintiffs with an *amicus curiae* brief in support of summary judgment.

Fiscal/Budget Impact

Awaiting a response from Village Attorney with regard to the costs associated with joining in the City of Miami Beach brief supporting marriage equality.

July 1, 2014

Commission Agenda Report

Joining *amicus curiae* brief

Recommendation

Proceed with approval of a motion to join in support of marriage equality, provided that the costs are reasonable.

Attachments

- Complaint for Declaratory and Injunctive Relief
- Docket Information
- Attorney John Hearn's response on projected costs

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CATHERINA PARETO and KARLA
ARGUELLO; JUAN CARLOS RODRIGUEZ and
DAVID PRICE; VANESSA ALENIER and
MELANIE ALENIER; TODD DELMAY and
JEFFREY DELMAY; SUMMER GREENE and
PAMELA FAERBER; DON PRICE JOHNSTON
and JORGE DIAZ; and EQUALITY FLORIDA
INSTITUTE, INC.,

CASE NO. _____

Plaintiffs,

v.

HARVEY RUVIN, as Clerk of the Courts of
Miami-Dade County, Florida, in his official
capacity,

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This is an action brought by six same-sex couples residing in Florida who wish to join in marriage in their home state, but who were denied marriage licenses by the Office of the Clerk of the Courts in Miami-Dade County under Florida laws that exclude same-sex couples from marriage. The plaintiff couples, as well as Plaintiff Equality Florida Institute, Inc., allege that Florida's categorical exclusion of all same-sex couples from marriage deny same-sex couples, including the plaintiff couples, and their families the fundamental rights, dignity, and equality guaranteed to all persons by the United States Constitution.

2. In this action, Plaintiffs challenge the constitutionality of the Florida laws that exclude same-sex couples from marriage. *See* Art. I, § 27, Fla. Const.; Fla. Stat. §§ 741.04,

741.212. Florida's refusal to permit same-sex couples to marry violates multiple guarantees of the Constitution of the United States. This Court should so declare and issue a mandatory injunction requiring Defendant to issue marriage licenses to each of the plaintiff couples.

3. Plaintiffs Catherina Pareto and Karla Arguello; Juan Carlos Rodriguez and David Price; Vanessa and Melanie Alenier; Todd and Jeff Delmay; Summer Greene and Pamela Faerber; and Don Price Johnston and Jorge Diaz, are unmarried same-sex couples in committed relationships who desire to marry. Each couple wishes to publicly declare their love and commitment before their family, friends, and community; to join their lives together by entering into a legally binding commitment to one another; and to share in the protections and security that marriage provides.

4. The plaintiff couples are residents of Florida who are active and contributing members of society, with diverse backgrounds, educations, and professions. Four of the couples are raising children together. Each has made a life-long commitment to one another and are spouses in every sense, except that Florida law will not allow them to marry.

5. The situations faced by these couples are similar to those faced by many other same-sex couples in Florida who are denied the basic rights, privileges, and protections of marriage for themselves and their children. The plaintiff couples and many other same-sex couples wish to celebrate their commitment to one another and protect their children and families through marriage.

6. Multiple Florida laws, however, exclude same-sex couples from marriage. Under the Florida Constitution, "marriage is the legal union of only one man and one woman as husband and wife, [and] no other legal union that is treated as marriage or the substantial

equivalent thereof shall be valid or recognized.” Art. I, § 27, Fla. Const. Florida statutory provisions also exclude same-sex couples from marriage. *See* Fla. Stat. §§ 741.04, 741.212.

7. Florida’s exclusion of same-sex couples from marriage adversely affects the plaintiff couples and other Florida same-sex couples in significant ways. It undermines the ability of same-sex couples to achieve their life goals and dreams, disadvantages them financially, and denies them “dignity and status of immense import.” *United States v. Windsor*, 133 S. Ct. 2675, 2692 (2013). Further, they and their children are stigmatized and relegated to a second-class status by being barred from marriage. Florida’s exclusion of same-sex couples from marriage “tells those couples and all the world that their [relationships] are unworthy” of recognition. *Id.* at 2694. By singling out same-sex couples and their families and excluding them from any type of marital protection, Florida’s laws excluding same-sex couples from marriage also “humiliate[] the . . . children now being raised by same-sex couples” and “make[] it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.” *Id.*

8. In addition to stigmatizing a portion of Florida’s population as second-class citizens, Florida’s prohibition on marriage by same-sex couples deprives those couples of critically important rights and responsibilities that married couples rely upon to secure their marriage commitment and safeguard their families. By way of example, and without limitation, same-sex partners are denied:

- a. The right to be supported financially during marriage, enforced by criminal penalties for non-support. *Killian v. Lawson*, 387 So. 2d 960, 962 (Fla. 1980); Fla. Stat. §§ 61.09, 856.04.

- b. The right to be a presumed parent to a child born to a spouse during marriage. *Florida Dep't of Revenue v. Cummings*, 930 So. 2d 604, 607 (Fla. 2006); Fla. Stat §§ 742.091, 742.11(a).
- c. The right to make medical decisions for an ill or incapacitated spouse without an advance health care directive. Fla. Stat. § 765.401.
- d. The right to spousal insurance coverage and benefits, when spousal benefits are otherwise available.
- e. A host of federal rights and responsibilities that pertain to married couples, including but not limited to, those related to Social Security, Medicare, Medicaid, the Family Medical Leave Act, and the Veteran's Administration.
- f. The right to a court-ordered equitable distribution of property upon the dissolution of the marriage. Fla. Stat. § 61.075.
- g. The right to receive certain workers' compensation benefits for a deceased spouse who has died as a result of a work-related accident. Fla. Stat. § 440.16.
- h. The right to inherit a share of the estate of a spouse who dies without a will. Fla. Stat. § 732.102.
- i. The right to receive an elective share of the estate of a spouse who died with a will. Fla. Stat. § 732.201.
- j. The right to priority in appointment as the personal representative of the estate of a spouse who dies without a will. Fla. Stat. § 733.301.
- k. The privilege not to have a spouse testify in a court proceeding about confidential communications made during the marriage. Fla. Stat. § 90.504.

1. The right of spouses of military personnel to be eligible to participate in the state's employment advocacy and assistance program for military spouses.

Fla. Stat. § 445.055.

9. In the not so distant past, the majority of states, including Florida, had laws prohibiting marriage between people of different races. Until 1967, the Constitution and laws of Florida barred marriages between white and black persons. *See* former Art. 16, § 24, Fla. Const.; former Fla. Stat. § 741.11 (repealed by Fla. Laws 1969, ch. 69-195, § 1). The Supreme Court of the United States held such exclusions from marriage to be unconstitutional in *Loving v. Virginia*, 388 U.S. 1, 12 (1967), declaring: "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men." *See also Van Hook v. Blanton*, 206 So.2d 210 (Fla. 1968) (granting writ of mandamus declaring Florida anti-miscegenation laws invalid in light of *Loving*).

10. Our courts and society have discarded, one by one, marriage laws that violated the mandate of equality guaranteed by the Constitution, such as anti-miscegenation laws and laws that denied married women legal independence. History has taught that the legitimacy and vitality of marriage do not depend on upholding discriminatory marriage laws. On the contrary, eliminating these remaining unconstitutional barriers to marriage further enhances the institution and society. Same-sex couples are now free to marry and have been doing so in large numbers in seventeen states and the District of Columbia, and the institution of marriage continues to thrive.

11. Marriage contributes to the happiness, security, and peace of mind of countless couples and their families, and to the stability and wellbeing of society. Florida, like other states, encourages and regulates marriage through hundreds of laws that provide benefits to, and impose obligations on, married couples. Florida in turn enjoys the well-established benefits that marriage

brings: stable, supportive families that contribute to both the social and economic well-being of Florida. “There can be no doubt that the institution of marriage is the foundation of the familial and social structure of our Nation” *Posner v. Posner*, 233 So. 2d 381, 384 (Fla. 1970). Marriage means many things, including “cohabitation, the founding of a home, affections, and companionship,” and is premised on the reality that “we depend on each other during the changing vicissitudes of life.” *Orr v. State*, 176 So. 510, 514 (Fla. 1937).

12. When Florida withholds a marriage license from a same-sex couple, Florida circumscribes individuals’ basic life choices, classifies persons in a manner that denies them the public recognition and myriad benefits of marriage, prevents couples from making a legally binding commitment to one another and from being treated by the government and by others as a family rather than as unrelated individuals, and harms society by burdening committed families and preventing couples from being able to fully protect and assume responsibility for one another and their children.

13. Florida’s exclusion of same-sex couples from marriage violates the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Florida’s exclusion deprives same-sex couples of their fundamental right to marry; infringes upon their constitutionally protected interests in liberty, dignity, privacy, autonomy, family integrity, and intimate association; and deprives them of equal protection of the laws.

14. The Florida laws and the actions by the Defendant Clerk that this action challenges cannot survive any level of constitutional scrutiny because they do not rationally further any legitimate government interest, but serve only to injure and humiliate same-sex couples and their families. Moreover, the challenged laws and Defendant’s actions are subject to

heightened constitutional scrutiny because they burden fundamental constitutional rights and discriminate on the basis of sex and sexual orientation.

15. Plaintiffs bring this suit pursuant to 42 U.S.C. § 1983 and Fla. Stat. § 26.012(2)(c) for declaratory and injunctive relief against Defendant. Specifically, Plaintiffs seek: (a) a declaration that Florida's laws and the Defendant's actions preventing same-sex couples from marrying violate the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and (b) a permanent mandatory injunction preventing Defendant from denying the plaintiff couples the right to marry and requiring Defendant to issue marriage licenses to the plaintiff couples.

JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction over this equitable action pursuant to Fla. Stat. § 26.012(2)(c).

17. Venue is proper in this judicial circuit and county pursuant to Fla. Stat. § 47.011 because this cause of action accrued in this county and the Defendant resides in this county.

PARTIES

A. The Plaintiffs

18. Plaintiffs Catherina Pareto and Karla Arguello have been in a committed relationship for fourteen years. Catherina owns and operates a financial planning firm. Karla is a stay-at-home mother to their fifteen-month-old son. The couple adopted their son in July 2013, and they are raising him together. They meet all of Florida's qualifications for the issuance of a marriage license, except that they are of the same sex. On January 17, 2014, the couple appeared in person at the Office of the Clerk of the Courts in Miami-Dade County to apply for a marriage license. Defendant, in his official capacity and through his authorized deputy, refused their

marriage license application because they are a same-sex couple. They wish to marry in the State of Florida, and they and their child have been harmed by Florida's refusal to allow them to do so.

19. Plaintiffs Juan Carlos Rodriguez and David Price have been in a committed relationship for nearly eighteen years. Juan Carlos is a physician, and David manages Juan Carlos's medical practice. The couple has twins who are three years old. They meet all of Florida's qualifications for the issuance of a marriage license, except that they are of the same sex. On January 17, 2014, the couple appeared in person at the Office of the Clerk of the Courts in Miami-Dade County to apply for a marriage license. Defendant, in his official capacity and through his authorized deputy, refused their marriage license application because they are a same-sex couple. They wish to marry in the State of Florida, and they and their children have been harmed by Florida's refusal to allow them to do so.

20. Plaintiffs Vanessa and Melanie Alenier have been in a committed relationship for eight years. Vanessa is the assistant general manager of a national trade show and special event service provider and Melanie is an insurance agent. The couple adopted their son in August 2010, and they are raising him together. They meet all of Florida's qualifications for the issuance of a marriage license, except that they are of the same sex. On January 17, 2014, the couple appeared in person at the Office of the Clerk of the Courts in Miami-Dade County to apply for a marriage license. Defendant, in his official capacity and through his authorized deputy, refused their marriage license application because they are a same-sex couple. They wish to marry in the State of Florida, and they and their child have been harmed by Florida's refusal to allow them to do so.

21. Plaintiffs Todd and Jeff Delmay have been in a committed relationship for eleven years. Todd and Jeff own a business together that specializes in hotel reservations for large events. The couple adopted their son in May 2010 and is raising him together as his parents. They meet all of Florida's qualifications for the issuance of a marriage license, except that they are of the same sex. On January 17, 2014, the couple appeared in person at the Office of the Clerk of the Courts in Miami-Dade County to apply for a marriage license. Defendant, in his official capacity and through his authorized deputy, refused their marriage license application because they are a same-sex couple. They wish to marry in the State of Florida, and they and their child have been harmed by Florida's refusal to allow them to do so.

22. Plaintiffs Summer Greene and Pamela Faerber have been in a committed relationship for twenty-five years. Summer is a real estate agent. Pamela is a portrait artist. Together they raised Pam's teenage daughter from a previous marriage and currently have two grandchildren. They meet all of Florida's qualifications for the issuance of a marriage license, except that they are of the same sex. On January 17, 2014, the couple appeared in person at the Office of the Clerk of the Courts in Miami-Dade County to apply for a marriage license. Defendant, in his official capacity and through his authorized deputy, refused their marriage license application because they are a same-sex couple. They wish to marry in the State of Florida, and they and their family have been harmed by Florida's refusal to allow them to do so.

23. Plaintiffs Don Price Johnston and Jorge Diaz have been in a committed relationship for one year and recently got engaged. Don is an office manager at a law firm, and Jorge is a paralegal. They meet all of Florida's qualifications for the issuance of a marriage license, except that they are of the same sex. On January 17, 2014, the couple appeared in person at the Office of the Clerk of the Courts in Miami-Dade County to apply for a marriage license.

Defendant, in his official capacity and through his authorized deputy, refused their marriage license application because they are a same-sex couple. They wish to marry in the State of Florida and have been harmed by Florida's refusal to allow them to do so.

24. Plaintiff Equality Florida Institute, Inc., is the state's largest civil rights organization dedicated to securing full equality for Florida's lesbian, gay, bisexual, and transgender (LGBT) community. The organization has many members throughout the state. Since its inception, the organization has represented the interests of LGBT Floridians through public education, coalition-building, advocacy, and grassroots organizing. Equality Florida Institute also coordinates public education campaigns and events for policymakers, LGBT people, and the public at large on issues affecting the LGBT community. Equality Florida Institute's members include many same-sex couples throughout Florida, including residents of Miami-Dade County who wish to marry and intend to apply for marriage licenses from Defendant if the Florida laws prohibiting same-sex couples from marrying are declared unconstitutional as a result of this action. Equality Florida Institute brings this action in an associational capacity on behalf of its members who desire to marry in Florida but are prevented from doing so by enforcement of Florida laws excluding same-sex couples from marriage.

B. The Defendant

25. Defendant Harvey Ruvlin is the Clerk of the Courts for Miami-Dade County. In his official capacity, Defendant is responsible for issuing and recording marriage licenses within Miami-Dade County. Defendant is a person within the meaning of 42 U.S.C. § 1983 and was acting under color of state law at all times relevant to this complaint. Defendant's official residence is in Miami, within Miami-Dade County. He is sued in his official capacity.

26. Defendant, in carrying out his duty to determine the qualifications of applicants for marriage licenses and to issue marriage licenses only to couples who satisfy Florida's statutory and constitutional requirements for marriage, is responsible for enforcing Florida's laws barring same-sex couples from marriage. Defendant, and those subject to his supervision and control, have caused the harms alleged and will continue to injure Plaintiffs if not enjoined. Accordingly, the relief requested is sought against Defendant, as well as all persons under his supervision and control, including his deputies, employees, and agents.

GENERAL ALLEGATIONS

Florida's Laws Barring Same-Sex Couples from Marriage

27. In 1977, the Florida legislature amended Fla. Stat. § 741.04 to expressly limit the issuance of marriage licenses to opposite-sex couples. Section 741.04 states in relevant part:

No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers or any other available identification numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless *one party is a male and the other party is a female.* (Emphasis added.)

28. In 1997, in response to the possibility that some states might permit same-sex couples to marry, the Florida legislature enacted Fla. Stat. §741.212 to again prohibit marriages between same-sex couples. That statute provides:

(1) Marriages between persons of the same sex entered into in any jurisdiction, whether within or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location, or relationships between persons of the same sex which are treated as marriages in any jurisdiction, whether within or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign,

or any other place or location, are not recognized for any purpose in this state.

(2) The state, its agencies, and its political subdivisions may not give effect to any public act, record, or judicial proceeding of any state, territory, possession, or tribe of the United States or of any other jurisdiction, either domestic or foreign, or any other place or location respecting either a marriage or relationship not recognized under subsection (1) or a claim arising from such a marriage or relationship.

(3) For purposes of interpreting any state statute or rule, the term “marriage” means only a legal union between one man and one woman as husband and wife, and the term “spouse” applies only to a member of such a union.

29. In 2008, Florida amended its Constitution to include a provision excluding same-sex couples from marriage. Article I, Section 27 of the Florida Constitution provides:

Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

Plaintiffs’ Exclusion from Marriage by Defendant Pursuant to Florida Laws

30. The plaintiff couples are residents of Florida who experience the same joys and challenges of family life as their neighbors, co-workers, and other community members who may marry freely and whose legal marriages are respected under Florida law. They are productive, contributing citizens who support their families and nurture their children, but who must do so without the same legal shelter, dignity, and respect afforded by Florida to other families through access to the universally celebrated status of marriage. Florida’s exclusion of same-sex couples from marriage, and Defendant’s enforcement of that exclusion, subject Plaintiffs and their families to an inferior “second class” status in relation to the rest of the community. These laws deprive them and their children of equal dignity, security, and legal protections afforded to other Florida families.

31. Each of the plaintiff couples applied for marriage licenses in Miami-Dade County, Florida on January 17, 2014. Defendant, in his official capacity and through his authorized agent, refused their marriage license applications because they are same-sex couples. All conditions precedent to this action have occurred or been waived.

COUNT ONE

VOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION (Brought Pursuant to 42 U.S.C. § 1983)

32. Plaintiffs incorporate by reference and re-allege all of the preceding paragraphs of this complaint as though fully set forth herein.

33. Plaintiffs state this cause of action against Defendant in his official capacity for purposes of seeking declaratory and injunctive relief.

34. The Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, provides that no state shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. Amend. XIV, § 1.

35. Article I, Section 27 of the Florida Constitution, Fla. Stat. §§741.04 and 741.212, and all other sources of state law that preclude marriage for same-sex couples violate the due process guarantee of the Fourteenth Amendment both facially and as applied to Plaintiffs.

36. The right to marry the unique person of one’s choice without undue government restriction is one of the fundamental rights protected by the Due Process Clause of the Fourteenth Amendment. Defendant’s actions to enforce the marriage ban directly and impermissibly infringe upon same-sex couples’ choice of whom to marry, interfering with a core, life-altering, and intimate personal choice.

37. The Due Process Clause protects choices central to personal dignity, privacy, and autonomy, including each individual's fundamental liberty interests in family integrity and intimate association. Defendant's actions to enforce the marriage ban directly and impermissibly infringe upon same-sex couples' deeply intimate, personal, and private decisions regarding family life, and preclude them from obtaining full liberty, dignity, privacy, and security for themselves, their family, and their parent-child bonds.

38. As the Clerk of the Courts of Miami-Dade County, Defendant ensures compliance with Florida's exclusion of same-sex couples from marriage by refusing to issue marriage licenses to same-sex couples who apply for licenses in Miami-Dade County. That refusal violates same-sex couples' fundamental right to marry and fundamental interests in liberty, dignity, privacy, autonomy, family integrity, and intimate association under the Fourteenth Amendment to the United States Constitution.

39. Florida's exclusion of same-sex couples from marriage violates the Due Process Clause because it is not rationally related to any legitimate governmental interest and thus cannot survive even rational basis review, much less the heightened level of scrutiny that applies to a deprivation of the fundamental right to marry and interference with fundamental interests in liberty, dignity, privacy, autonomy, family integrity, and intimate association.

40. There is a bona fide adversity of interests between the Plaintiffs and the Defendant concerning these constitutional rights of Plaintiffs guaranteed by the Due Process Clause of the Fourteenth Amendment. The Defendant's denial of marriage licenses sought by Plaintiffs has created a doubt about Plaintiffs' rights that Plaintiffs are entitled to have removed through issuance of declaratory relief in this action.

COUNT TWO

VIOLATIONS OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION (Brought Pursuant to 42 U.S.C. § 1983)

41. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 31 of this complaint as though fully set forth herein.

42. Plaintiffs state this cause of action against Defendant in his official capacity for purposes of seeking declaratory and injunctive relief.

43. The Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, provides that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. Amend. XIV, § 1.

44. Article I, section 27 of the Florida Constitution, Fla. Stat. §§ 741.04 and 741.212, and all other sources of state law that preclude marriage by same-sex couples violate the equal protection guarantee of the Fourteenth Amendment both facially and as applied to Plaintiffs. The conduct of defendants in enforcing these laws violates the right of same-sex couples to equal protection by discriminating impermissibly on the basis of sexual orientation and sex.

45. As the Clerk of the Courts of Miami-Dade County, Defendant ensures compliance with Florida’s laws barring same-sex couples from marriage by refusing to issue marriage licenses to same-sex couples who apply for licenses in Miami-Dade County. That refusal violates the constitutional rights of same-sex couples to equal protection of the laws.

46. Florida’s exclusion of same-sex couples from marriage, and Defendant’s actions to enforce that exclusion, deny same-sex couples equal dignity and respect, and deprive their families of a critical safety net of rights and responsibilities. These laws brand same-sex couples and their children as second-class citizens through government-imposed stigma and foster

private bias and discrimination, by instructing all persons with whom same-sex couples interact, including their own children, that their relationships and families are less worthy than others. Florida's exclusion of same-sex couples from marriage and Defendant's actions reflect moral disapproval and animus toward same-sex couples. No legitimate purpose serves to overcome these laws' purpose and effect to disparage and demean same-sex couples and their children.

47. Same-sex couples such as the plaintiff couples are similar to opposite-sex couples in all of the characteristics relevant to marriage. Committed same-sex couples make the same commitments to one another that other couples make. They build their lives together, plan their futures together, and hope to spend their lives together, caring for one another just as opposite-sex couples do.

48. The plaintiff couples seek to marry for the same types of reasons, and to provide the same legal shelter to their families, as different-sex spouses.

49. Like many other couples, many same-sex couples are parents raising children together. Four of the plaintiff couples are raising children together, and a fifth has an adult child and grandchildren.

50. The plaintiff couples and their children are equally worthy of the tangible rights and responsibilities, as well as the respect, dignity, and legitimacy that access to marriage confers on opposite-sex couples and their children. The tangible benefits and societal esteem that marriage confers on families is just as important for the many children being raised by same-sex couples as such benefits and esteem are for children of opposite-sex couples.

A. Discrimination Based on Sexual Orientation

51. Florida's laws barring same-sex couples from marriage and the Clerk's actions in denying marriage licenses to same-sex couples target same-sex couples as a class by excluding

them from marriage or any other form of relationship recognition on the basis of sexual orientation.

52. Laws that discriminate based on sexual orientation are subject to heightened equal protection scrutiny for numerous reasons, including the following.

- a. Lesbians and gay men have suffered a long and painful history of discrimination in Florida and across the United States.
- b. Sexual orientation bears no relation to an individual's ability to perform in or contribute to society. Instead, laws that discriminate based on sexual orientation are often based on misunderstanding, prejudice, animus, or gender-based stereotypes or expectations regarding the roles of men and women in relationships.
- c. Sexual orientation is a core, defining trait that is so fundamental to one's identity and autonomy that a person may not legitimately be required to abandon or change it (even if that were possible) as a condition of equal treatment under the law.
- d. Lesbian, gay, and bisexual persons are a discrete and insular minority, and strong ongoing prejudice against them continues to seriously curtail the political processes that might ordinarily be relied upon to protect them. In Florida, lesbian, gay, and bisexual persons lack any statutory protection against discrimination and can be openly and legally discriminated against in all arenas, including employment, public accommodations, and housing without recourse to any statutory remedy.

53. The exclusion of same-sex couples from marriage based on sexual orientation cannot survive heightened scrutiny under the Equal Protection Clause because the State of Florida cannot offer an exceedingly persuasive showing that the exclusion is substantially related to the achievement of any important governmental objective. Moreover, because the exclusion of same-sex couples from marriage does not serve any legitimate government interest, the exclusion violates the Equal Protection Clause even under rational basis review.

B. Discrimination Based on Sex

54. Florida's exclusion of same-sex couples from marriage and the Clerk's actions in denying marriage licenses to same-sex couples discriminate against Plaintiffs on the basis of sex, barring same-sex couples from marriage solely because each member of such couples wishes to marry a life partner of the same sex. The sex-based restriction is plain on the face of the Florida's laws, which restrict marriage to "one man and one woman as husband and wife." Art. I, § 27, Fla. Const.

55. For example, because of these sex-based classifications, Vanessa is precluded from marrying her devoted life partner because she is a woman and not a man; were Vanessa a man, she could marry Melanie. Likewise, Todd is unable to marry Jeff because he is a man rather than a woman. The same is true of each of the plaintiff couples.

56. Florida's exclusion of same-sex couples from marriage also serves the impermissible purpose of enforcing and perpetuating sex stereotypes and gender-based expectations by excluding such couples from marriage because they do not conform to sex-based stereotypes that women should be attracted to, form intimate relationships with, and marry men, not other women, and that men should be attracted to, form intimate relationships with, and marry women, not other men.

57. Given that there are no longer legal distinctions between the duties of husbands and wives under Florida law, there is no basis for the sex-based eligibility requirements for marriage.

58. The exclusion of same-sex couples from marriage based on their sex and the enforcement of gender-based stereotypes cannot survive the heightened scrutiny required for sex-based discrimination, nor is it rationally related to any legitimate governmental purpose.

C. Discrimination With Respect to Fundamental Rights and Liberty Interests Secured by the Due Process Clause

59. Florida's exclusion of same-sex couples from marriage discriminates against Plaintiffs with respect to the exercise of the fundamental right to marry the person of one's choice, and with respect to their liberty interests in personal autonomy, and family integrity, association and dignity. Such discrimination is subject to heightened scrutiny. Florida's exclusion of same-sex couples cannot survive such scrutiny, and indeed cannot survive even rational basis review.

D. Entitlement to Declaratory Relief

60. There is a bona fide adversity of interests between the Plaintiffs and the Defendant concerning Plaintiffs' rights, guaranteed by the Equal Protection Clause of the Fourteenth Amendment, not to be treated unequally with respect to the freedom to marry. The Defendant's denial of marriage licenses sought by Plaintiffs has created a doubt about Plaintiffs' rights that Plaintiffs are entitled to have removed through issuance of declaratory relief in this action.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

- A. Declaring that the provisions of and enforcement by Defendant of Florida's laws excluding same-sex couples from marriage, including Article I, Section 27 of the Florida Constitution, any portions of Fla. Stat. §§ 741.04 and 741.212 that preclude same-sex couples from marrying in Florida, and any other sources of state law that preclude same-sex couples from marrying violate Plaintiffs' rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution;
- B. Permanently enjoining enforcement by Defendant of Article I, Section 27 of the Florida Constitution, any portions of Fla. Stat. §§ 741.04 and 741.212 that preclude same-sex couples from marrying in Florida, and any other sources of state law that preclude same-sex couples from marrying;
- C. Requiring Defendant to issue marriage licenses to Plaintiffs and to all otherwise qualified same-sex couples who apply for marriage licenses, subject to the same restrictions and limitations applicable to opposite-sex couples;
- D. Awarding Plaintiffs their costs, expenses, and reasonable attorneys' fees pursuant to, *inter alia*, 42 U.S.C. § 1988 and other applicable laws; and
- E. Granting such other and further relief as the Court deems just and proper.
- F. The declaratory and injunctive relief requested in this action is sought against Defendant; against Defendant's officers, employees, and agents; and against all

persons acting in active concert or participation with any Defendant, or under any Defendant's supervision, direction, or control.

DATED: January 21, 2014

Respectfully submitted,

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04/08/2014	NOTICE OF APPEARANCE	ATTORNEY: 00051795 PN01
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04/07/2014	ORDER:	TO APPEAR PRO HAC VICE
04/01/2014	MOTION FOR PRO HAC VICE	PAYMENT \$100.00/RCPT#2240042/CHRISTOPHER F STOLL
04/01/2014	MOTION FOR PRO HAC VICE	PAYMENT \$100.00/RCPT#2240042/DAVID C CODELL
04/01/2014	MOTION FOR PRO HAC VICE	PAYMENT \$100.00/RCPT#2240042/SHANNON P MINTER
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02/25/2014	MEMORANDUM OF LAW	IN SUPPORT OF MOTION TO INTERVENE
02/19/2014	E-MAIL NOTICE	SWALBOLT@CFJBLAW.COM
02/11/2014	ANSWER AND AFFIRMATIVE DEFENSE	ATTORNEY:00505031 DN01
02/11/2014	E-MAIL NOTICE WITH PARTY	DN01 COCGENCOUNSEL@MIAMIDADE.GOV
01/27/2014	SERVICE RETURNED	BADGE # 1775 P 01/22/2014 DN01
01/22/2014	MOTION:	FOR ADMISSION TO APPEAR PRO HAC VICE
01/22/2014	MOTION:	FOR ADMISSION TO APPEAR PRO HAC VICE
01/22/2014	MOTION:	FOR ADMISSION TO APPEAR PRO HAC VICE
01/22/2014	SUMMONS ISSUED	DN01
01/22/2014	NOTICE OF COMPLIANCE	
01/21/2014	COMPLAINT	
01/21/2014	CIVIL COVER	

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S0142977

From: attyhearn@aol.com [<mailto:attyhearn@aol.com>]

Sent: Tuesday, June 24, 2014 10:34 AM

To: Heidi Shafran

Subject: Re: July 1 meeting agenda item - Pareto Challenge of Marriage Inequality

Would try to keep it under \$3,000.

-----Original Message-----

From: Heidi Shafran <villagemanager@biscayneparkfl.gov>

To: attyhearn <attyhearn@aol.com>

Cc: Maria Camara <villageclerk@biscayneparkfl.gov>

Sent: Tue, Jun 24, 2014 9:03 am

Subject: FW: July 1 meeting agenda item - Pareto Challenge of Marriage Inequality

Good morning John,

Please see the attached memo by Commissioner Ross. Do you have an update on the legal fees associated with us joining the amicus brief?

Thanks!

Heidi

*Heidi Shafran, AICP
Village Manager*



CITIZENS'
CRIME WATCH OF MIAMI-DADE CO., INC.

1515 N.W. 79th Avenue, Doral, Florida 33126-1103
Telephone: 305-470-1670 Facsimile: 305-470-1676
Email: cmcwatch@citizenscrimewatch.org
Web Site: www.citizenscrimewatch.org

Committed to preventing and reducing crime for over 39 years in our community.

EXECUTIVE COMMITTEE

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- Vice President
JD Patterson, Director
- Treasurer
Samuel Harte
- Secretary
Craig M. Dorne, Esq
- Executive Director
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Office of the State Attorney

May 28, 2014

Ms. Heidi Shafran
Village Manager
Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161

Dear Ms. Shafran:

Citizens' Crime Watch of Miami-Dade County is proudly celebrating its 39th year of service to our community. Each year we host an annual awards ceremony to recognize our citizens and law enforcement who work together for a safer community. This year, our theme is **"Declaring War on Breast Cancer; Support the Fight"**. At Citizens' Crime Watch we understand that we all know of someone who has been affected by this disease, and this year we are kicking off Breast Cancer Awareness month by donating the silent auction proceeds to the Susan G. Komen for the Cure Foundation.

We would like to invite you to participate in our 39th Annual Awards Ceremony, to be held on **Friday, September 19, 2014**, at the DoubleTree by Hilton Hotel Miami Airport & Convention Center. **Miami-Dade County Commissioner Jose "Pepe" Diaz will be our Honorary Event Chair, our Keynote Speaker is Florida Department of Law Enforcement Special Agent in Charge Addy Villanueva and Master of Ceremony is Brian Andrews with Channel 4 CBS Miami.**

Your donations can be in the form of ads for event journal, sponsorship of tables and financial contributions to help our organization with the cost of this wonderful event. You can also donate goods for the silent auction. As a sponsor you will be recognized at the event and in the journal which is given to over seven hundred attendees. The investment in our organization of donors such as you improves the safety of the residents we serve through our crime prevention efforts and the students we reach with our Youth Crime Watch program throughout Dade-County Schools and this year to support the fight against breast cancer.

Enclosed please find a sponsorship form, so you may choose your level of commitment. We look forward to you being a part of this wonderful celebration in recognizing our citizens as well as law enforcement, working together for a safer tomorrow and honoring and supporting our community's brave women fighting breast cancer. We will like to thank you for taking time to read our request and for your consideration.

Sincerely,

Carmen Caldwell
Executive Director

CC/vh



Miami-Dade Board of
County Commissioners



Miami-Dade
Police Department



Miami-Dade Schools
Police Department



Miami- Dade County
School Board



**CITIZENS' CRIME WATCH
OF MIAMI-DADE COUNTY, INC.**

Committed to preventing and reducing crime for 39 years in our community.

39TH ANNUAL AWARDS CEREMONY

THIS YEAR OUR THEME IS:

"DECLARING WAR ON BREAST CANCER; SUPPORT THE FIGHT"

Please indicate your commitment below:



SPONSORSHIP LEVELS:

- Platinum \$3,000.00
 - Full Page Ad in the Citizens' Crime Watch Event Program
 - Table Sponsorship
 - Public Acknowledgement at the Event
 - Special Recognition in our Event Program
 - Two Tickets to Attend the Awards Ceremony
 - A two year link on the Citizens' Crime Watch Website

- Gold \$2,000.00
 - Half a Page Ad in the Citizens' Crime Watch Event Program
 - Table Sponsorship
 - Special Recognition in our Event Program
 - Two Tickets to Attend the Awards Ceremony
 - A one year link on the Citizens' Crime Watch Website

- Silver \$1,000.00
 - Quarter Page Ad in the Citizens' Crime Watch Event Program
 - Special Recognition in our Event Program
 - Two Tickets to Attend the Awards Ceremony
 - A six month link on the Citizens' Crime Watch Website

ADS:

- Full Page Ad \$300.00
- Quarter Page Ad \$100.00
- Half Page Ad \$175.00
- Business Card Ad \$50.00

PLEASE INCLUDE A COPY or E-MAIL (vivian@citizenscrimewatch.org) OF WHAT YOU WOULD LIKE PLACED IN THE PROGRAM.
IF YOU DO NOT HAVE SOMETHING AVAILABLE, CCW WILL PROVIDE ONE FOR YOU.
Deadline for program advertisement is August 29, 2014

- Check enclosed.
- Please invoice me.
 - Name / Company _____
 - Address _____
 - City _____ State _____ Zip _____
 - Telephone _____ Fax _____
 - E-Mail _____

* Citizens' Crime Watch of Miami-Dade is a non-profit tax exempt organization under Section 501(c)(3) of the Internal Revenue Code Tax ID: 85-8012644546C-3



**CITIZENS' CRIME WATCH
OF MIAMI-DADE COUNTY, INC.**

Committed to preventing and reducing crime for 39 years in our community.

**39TH ANNUAL AWARDS CEREMONY
TABLE REGISTRATION FORM**

DoubleTree by Hilton Miami Airport and Convention Center
711 NW 72nd Avenue, Miami, FL 33126
Friday, September 19, 2014
6:00 PM Reception - 7:00 PM Awards Ceremony & Dinner

_____ \$50.00 per person

_____ Organization Table: \$500.00 (10 seats)

Please accept my contribution of \$ _____ to help support the
Susan G. Komen for the Cure Foundation.*

Name _____ Title _____

Company / Organization _____

Address _____

City / State / Zip _____

Telephone _____ Fax _____

E-Mail _____

Please return this form before **Friday, September 12, 2014** with payment to insure seating.

Payments in the form of Checks or Credit Cards:

Make check payable to:

CITIZENS' CRIME WATCH OF MIAMI-DADE COUNTY

1515 N.W. 79th Avenue, Doral, Florida 33126

Telephone: 305-470-1670 Fax: 305-470-1676

E-Mail: vivian@citizenscrimewatch.org

www.citizenscrimewatch.org

Or PayPal through our Website

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