



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
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, November 1, 2016 at 7:00pm



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

3 Pledge of Allegiance

4 Presentations

The Honorable Mayor Claudia Cubillos, Village of El Portal - Representing the

4.a Florida League of Cities in Honoring Commissioner Bob Anderson - 20 Years of Service

4.b Chuck Sennett, Athletic Director for Miami Country Day School



4.c Amy Raymond, Chair Public Art Advisory Board

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.

6.a Response to prior public comments and inquiries

7 Information / Updates

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
- ◆ October 13, 2016 Regular Commission Meeting

-  8.b Acceptance of Board Minutes
- ◆ Biscayne Park Foundation - September 12, 2016
 - ◆ Planning & Zoning - October 3, 2016
 - ◆ Planning & Zoning - October 17, 2016
 - ◆ Code Compliance Board - October 11, 2016

-  8.c **Resolution 2016-33**
RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT RENEWAL FOR THE TURF AND LANDSCAPE MAINTENANCE JOINT PARTICIPATION AGREEMENT** BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

< End of Consent >

9 Public Hearing

-  9.a Variance Request - Eric Mainade at 11711 Griffing Blvd
Side set back for accessory structure (shed)

10 Ordinances

< First Reading >

-  10.a **Ordinance 2016-09**
AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, **TO AMEND ORDINANCE 2015-07 ADOPTED ON SEPTEMBER 24, 2015, FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2015-16, BY AMENDING VARIOUS PARTS OF THE BUDGET** CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

-  10.b **Ordinance 2016-10**
AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING SECTION 14.1 OF THE LAND DEVELOPMENT CODE ENTITLED "COMPLIANCE PROCEDURE"**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

< *Second Reading* >



10.c **Ordinance 2016-08**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING VARIOUS PROVISIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE ENTITLED “TRANSPORTATION” TO PROVIDE REGULATIONS PERTAINING TO DRIVEWAYS, RIGHTS-OF-WAY, DEFINITIONS AND THE CREATION OF A SPECIAL EXCEPTION PROCESS**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

11 Resolutions



11.a **Resolution 2016-34**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **SUPPORTING GOVERNOR RICK SCOTT’S PROPOSAL TO PROVIDE FUNDING TO ASSIST LOCAL COMMUNITIES WITH CONVERTING FROM SEPTIC TANKS TO SEWER SYSTEMS**; AND URGING THE FLORIDA LEGISLATURE TO PROVIDE STATE FUNDING TO ASSIST LOCAL COMMUNITIES WITH ELIMINATING SEPTIC SYSTEMS AND CONVERTING TO SEWER SYSTEM CONNECTIONS, AS PROPOSED BY THE GOVERNOR; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Vice Mayor Ross)*



11.b **Resolution 2016-35**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **URGING MUNICIPALITIES WITHIN MIAMI-DADE COUNTY TO PARTNER WITH THE COUNTY TO SECURE STATE AND FEDERAL FUNDING TO ASSIST WITH THE ELIMINATION OF SEPTIC SYSTEMS AND CONVERSION TO SEWER SYSTEM CONNECTIONS**; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Vice Mayor Ross)*

12 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.a Code Review Board - Zoning review and proposed language regarding new builds *(first presented at June 7th. Asked to bring back at later date.)*

13 New Business

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



13.a Discussion of fiscal situation and exploring improved systems of checks and balances - As requested by Commissioner Watts *(Deferred from the October 13, 2016, meeting.)*



13.b Water quality issues - As requested by Mayor Coviello



- 13.c Proposed resolution supporting adequate funding for Low Income Home Energy Assistance (LIHEAP) - As requested by Vice Mayor Ross

15 Reports

15.a Village Manager

- ◆ Project updates

15.b Village Attorney

15.c Board / Committee Reports:

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

15.d Commissioner Comments

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

16 Announcements

Saturday, November 5th - Movie Night in the Park at 6:30pm

Monday, November 7th - Planning & Zoning at 6:30pm

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

Tuesday, November 8th - GENERAL ELECTIONS from 7:00am - 7:00pm

Wednesday, November 9th - Public Art Advisory Board at 6:00pm

Friday, November 11th - All Village Departments are closed in observance of Veteran's Day

Saturday, November 12th - Stormwater Master Plan Presentation/Workshop at 10:00am

Sunday, November 13th - AARP Smart Driver Course at 10:00am

Monday, November 14th - Code Compliance Board at 7:00pm

Tuesday, November 15th - Special Commission Meeting at 6:30pm

Wednesday, November 16th - Parks & Parkway Advisory Board at 7:00pm

Monday, November 21st - Planning & Zoning Board at 6:30pm

Thursday & Friday, November 24th & 25th - All Village Departments are closed for Thanksgiving

Monday, December 5th - Planning & Zoning Board at 6:30pm

Our next regular Commission meeting is Tuesday, December 6, 2016, at 7:00pm, followed by a Commissioner Orientation Workshop at 8:00pm

17 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.



Commission Agenda Report

Commission Meeting Date: November 1, 2016

Prepared By: Amy Raymond, Chair – Public Art Advisory Board

Title / Subject: Mural at the Ed Burke Recreation Center

Background:

Jorge Marinoni from the Biscayne Park Foundation is offering two designs for a mural to be placed on the parallel wall to the bird mural at the Ed Burke Recreation Center facing west, towards the Tot Lot.

The Foundation has donated \$500.00 for materials, paint, tools, etc. Volunteers from the Public Art Advisory Board and from the community will be recruited for the project to begin in December 2016, completion within one week of start date.

Fiscal / Budget Impact:

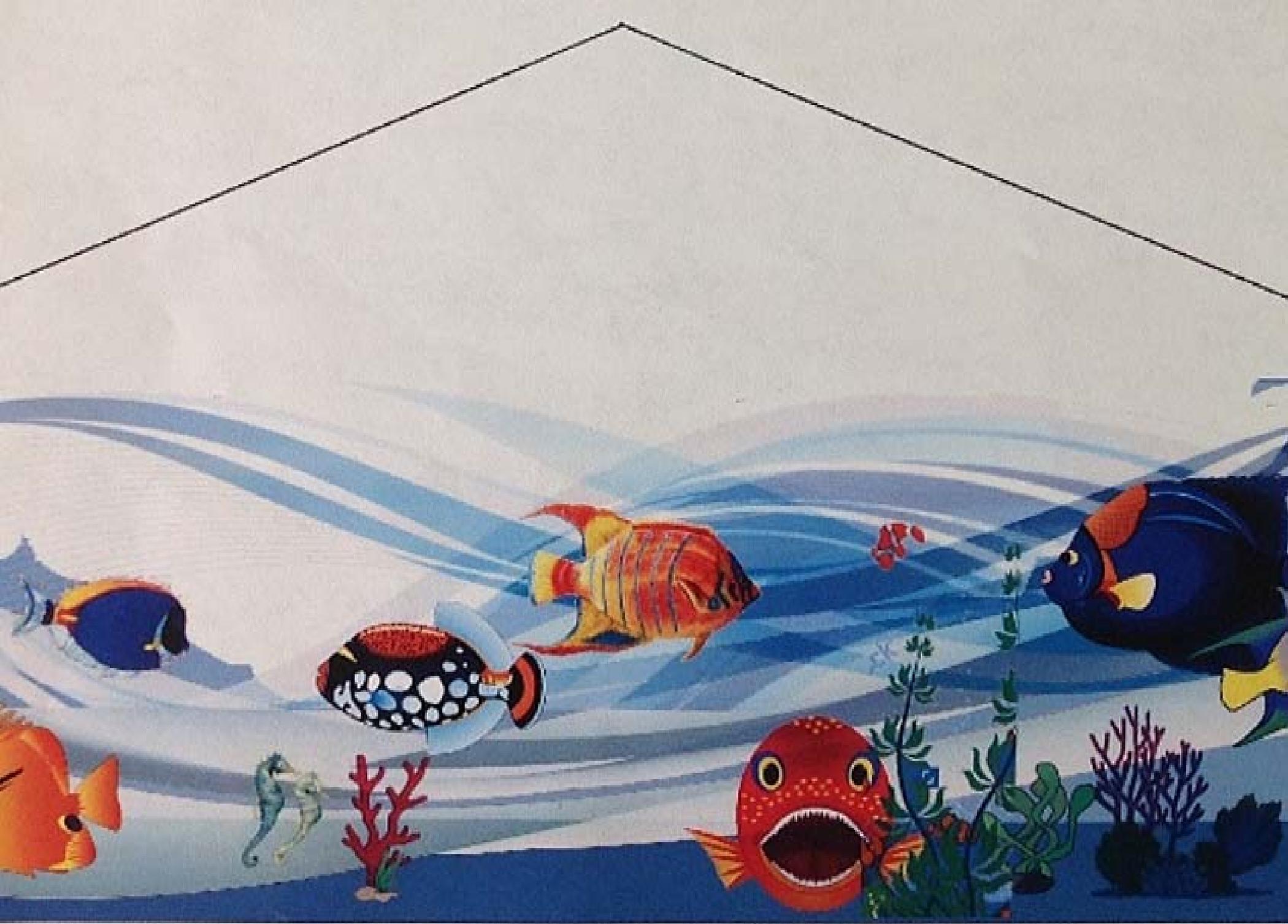
The Foundation has donated \$500.00 for materials, paint, tools, etc.

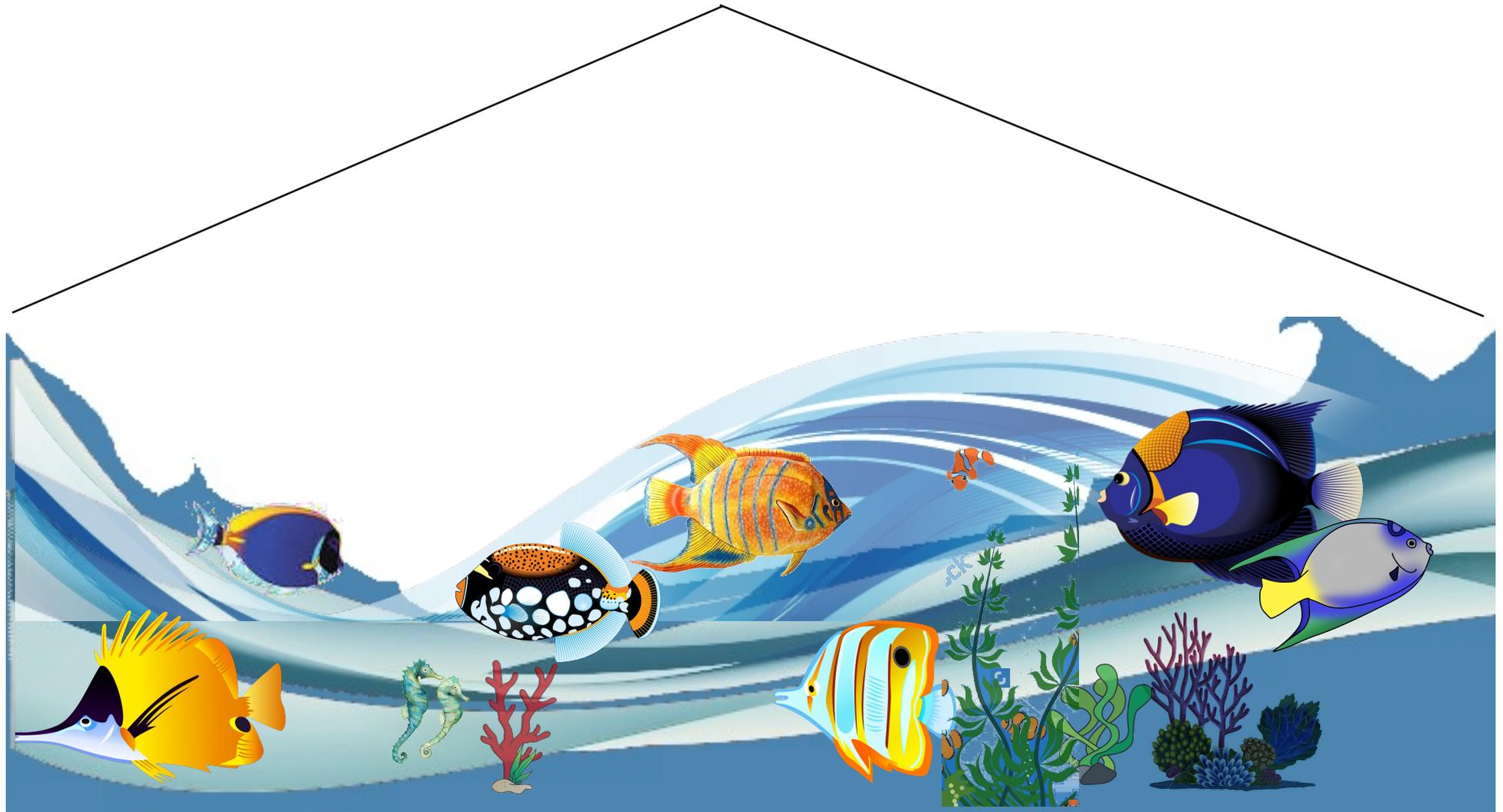
Request:

Commission approval of a design.

Attachments:

- Drawing 1
- Drawing 2







The Village of Biscayne Park

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8.a

Commission Agenda Report

Commission Meeting Date: November 1, 2016
Prepared By: Maria C. Camara, Village Clerk
Title / Subject: Approval of MINUTES

Background:

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

Recommendation:

Approval at Consent.

Attachments:

- October 13, 2016 Regular Commission Meeting



MINUTES
REGULAR COMMISSION MEETING
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Thursday, October 13, 2016 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:01pm.

2 Roll Call

Mayor David Coviello - present
Vice Mayor Roxanna Ross - present
Commissioner Bob Anderson - present
Commissioner Fred Jonas - present
Commissioner Barbara Watts - absent (*Arrived at 7:20pm*)

Present from staff were:

Village Manager Sharon Ragoonan
Village Clerk Maria C. Camara
Village Attorney John Hearn
Captain Hector Pineda
Finance Manager Claude Charles

3 Pledge of Allegiance

4 Presentations

4.a Proclamation - October is Breast Cancer Awareness Month

Proclamation - October 23rd to October 31 is Red Ribbon Week - Accepting are

4.b Lisbeth Colon and Gunnery Sgt. Garanda from the Young Marines, an organization that promotes a healthy and drug-free lifestyle.

4.d Kenny Rivera, Waste Pro - Provided monthly reports for May through September; statistics of volume collected for trash, garbage and recycling.

4.e Amy Raymond, Chair of the Public Art Advisory Board - requested and received approval to schedule an Art Show / Farmer's Market in February 2017, and to have an e-mail blast sent out calling artists and artisans in the Village to participate. Requested a waiver of the rental fees for the Log Cabin.

Commissioner Jonas makes a motion to waive the rental fees for the Log Cabin for the Art Show event and it is seconded by Vice Mayor Ross.

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

Opposed: None

Motion carries: 5/0

5 Additions, Deletions or Withdrawals to the Agenda

Vice Mayor Ross: Asks that Staff identify vendors used for recycling processing in other cities.

Commissioner Jonas: Discussion on tot lot resurfacing - Added as item 12.g

Commissioner Jonas: Discussion on street signs - Added as item 12.h

Manager Ragoonan: Biscayne Park Foundation - fee waiver request - Added immediately after Consent

6 Public Comments Related to Agenda Items / Good & Welfare

Jorge Marinoni - Reminder regarding Saturday's Oktoberfest on October 15th. Fundraising for a vita course.

Chester Morris: Thanks Commissioner Anderson and Commissioner Watts for their hard work as Commissioners.

Randy Wagoner: On swales, only one spot in front of house. We need to be able to park on swales, and for added cars for visitors or special events.

Janey Anderson: There is a fourth alley area in the Village. Between the property line and the roadway, the property owner must maintain. Regarding outside cats, would like to see an effort of education such as flyer or e-mail. A lot of cat people want cats outside. Need to better educate. There are issues of animal hoarding that needs to be looked into. Please, no more ordinances. Need to better enforce current code. Reminder about Meet the Candidates on October 18th.

Dan Keys: Bob and Barbara, thank you for your service. On cat issue, consider those that are pets. On Waste Pro, have seen improvement after two or three entries in TracEZ. But one that persists is the condition they leave after yard debris is collected. Need to improve. Needs to be raked. Still concerned with the language for using the swale for parking.

Chuck Ross: At last Crimewatch meeting, a representative from Miami Dade County 911 call center provided a presentation. Encourage everyone to come out to next meeting. On Saturday, October 15th, will be having Community Safety Day. Many agencies will be participating. On financials, like the new report format.

Dan Samaria: Wanted to acknowledge that Chuck Ross was selected as Crimewatch chairperson of the Year by Miami Dade County Crime Watch.

Morris Yomtov: On parking on swale, my understanding that you cannot park on the swale. This will reduce property values. Buyers will see this as a negative.

Mayor Coviello: The property you purchase does not include the swale. Swale is a part of the right-of-way. Confirmed by Attorney Hearn.

Mac Kennedy: On cats, all other animals there are regulations. There are none for cats. Have dealt with property damage due to cats. Other neighbors have also complained. They are also killing birds. Why re rules different for cats.

Sheroni Colimorio: On garbage, my property was missed the entire month of June. Has since been corrected. On bulk pick up, they have also missed. In regards to cats, have an issue with ruining cars. On tot lot, have twins and want to use it, but do not feel safe. The grounds are not clean enough. Use Miami Shores tot lot instead.

Amy Raymond: On tot lot issue, could not use mulch where I worked previously. You can get rashes from mulch. Kids get filthy from mulch. Need to do fund raising for non-toxic surface.

7 Information / Updates

- 7.a Manager Ragoonan provided recap of FY 2015-16 at month end, August 31, 2016. Also provided a new task list for purchases to show what has been spent to date.

8 Consent Agenda

- 8.a Approval of Minutes

September 13, 2016 Regular Commission Meeting
September 14, 2016 1st Public Hearing FY 2016-17
September 27, 2016 2nd Public Hearing FY 2016-17

- 8.b Acceptance of Board Minutes

Biscayne Park Foundation - August 15, 2016
Planning & Zoning Board - September 6, 2016
Planning & Zoning Board - September 19, 2016
Code Compliance Board - September 12, 2016

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

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

Opposed: None

Motion carries: 5/0

Agenda item added:

Jorge Marinoni, President of the Biscayne Park Foundation: A music ensemble group, which includes Village residents, will provide a free concert at the Log Cabin on December 17th. Requests a waiver of the rental fee for the log cabin.

Commissioner Jonas makes a motion to waive the rental fees for the Log Cabin for the Art Show event and it is seconded by Vice Mayor Ross.

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

Opposed: Commissioner Anderson

Motion carries: 4/1

9 Ordinances

9.a Ordinance 2016-08

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING VARIOUS PROVISIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE ENTITLED "TRANSPORTATION" TO PROVIDE REGULATIONS PERTAINING TO DRIVEWAYS, RIGHTS-OF-WAY, DEFINITIONS AND THE CREATION OF A SPECIAL EXCEPTION PROCESS**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

Attorney Hearn read the title.

Mayor Coviello opened the meeting for public comment:

Chuck Ross: 5.3.2 - Does this provision allows for temporary parking. Suggests that it is also clarified in 5.6.1.a.4. Should be delineated.

Grant Rawson: On landscaping, not clear what is allowed. Need to add certain limitations to allow someone to be able to walk off the street.

Gary Kuhl: Two years ago had a workshop with boards, commission and residents. Main concern was not to allow parking on lawn. Since then, Commission has made changes and created major flaws. Idea to allow temporary parking - what is definition of temporary? Who will enforce? Creating an administrative nightmare. Issue with inequity. All have different sized yards. Idea all will develop swale is ridiculous. I will be prohibited from improvements of my currently asphalted swale. Manager should be doing this.

Rolf Kretschmer: On swales, have friends stay for a month. What do I do? Keep going back and forth - ridiculous. Walkers and bikers use road, not swales.

Barbara Kuhl: Where is this coming from? No outcry from residents on swales. Commission did this. You just need to enforce current codes. Not create these ridiculous codes. No one wanted to prohibit parking on swales.

Mac Kennedy: You got it right. Could probably be even stricter. You look at worst case and determine goal and write an ordinance. All parking should be on the property. Not on swale. Using the term pervious or permeable can create confusion. On temporary parking, can do all sorts of things to allow temporary parking such as on certain holidays. Give parking permits. Swales are important. We are losing sight of what is special about this Village. Swales are important. One less tree to plant if there are no swales. Leave public green spaces alone. Don't want to create parking lots. Do your job you were elected to do. Walk to North Miami where there are no rules.

Dan Samaria: Do not rush. Pass off to the new Commission. If elected, and if this passes, I will want to change it.

Dan Keys: Original ordinance passed in 2015 after a pertinent change was made between 1st and 2nd reading. Want to preserve a right as a property owner; object to eliminate the right to park on the swale; will not allow visitors to park on my swale; this will hinder and encumber celebrations; there are no definitions for temporary parking; prohibition of future development is most troubling; what about growing families that will have greater parking needs; can you guarantee approaches will be more attractive than parking on swales; this is a solution looking for a problem. Ask that you go back to a workshop for further discussion. Current language difficult to interpret and understand. You will do damage to this community. Put language in to clearly state temporary parking is allowed.

Art Pyle: More worried about cars than people. People can no longer walk off the street. Also, problem with plantings in the swale right up to the road. This is not a car park. This is a people park. If you allow parking in the swale, then give us sidewalks.

Dan Schneiger: Confirms that temporary parking is not prohibited.

Brad Piper: Main purpose of swale is for safety. Preserve swales for walkers and bikers. Was approached by a couple who had to jump to swale to avoid a speeding car. Yes, families grow and you need to make the accommodation on your property. If it does not, you need to get a bigger house to allow for more parking. Swale belongs to the city. We are tree city and a bird sanctuary. Protect our aesthetics and property values and provide safety for our pedestrians.

Morris Yomtov: For those concerned with safety for pedestrians, there is plenty of room even if cars are parked on the swale.

Tracy Truppmann: Manager has greatest expertise. Have heard so many sides. There are parking issues. Needs more vetting. You are rushing this.

Robert Chandler: Chose to move here and where there are no associations. Now we have rules for everything. Have two kids. Walk to park and never worry about needing to move over to a swale area. Had to park on the swale for this meeting. So many rules now - don't appreciate it.

Charlie Easton: Have not had these rules for over 80 years, and we have not become North Miami. These rules fit for some, but not for all. Need to allow flexibility. Do it right with some sort of flexibility so as not to burden some.

Linda Dillon: Do not understand why such a major thing to do. Not a cookie cutter community and you are making it so. Do not understand the code. You have always allowed parking on the swale. Original intent was not to park on the lawn. Have created so much more unnecessarily.

After discussion, there is consensus from the Commission to have the Manager review the current language and report back.

Vice Mayor Ross: Add the word "Code" after "Miami-Dade County" in sections 5.1.3 and 5.3.2. Consensus to make the correction.

Vice Mayor Ross makes a motion to approve with these changes and it is seconded by Commissioner Jonas.

Roll call vote:

Commissioner Jonas: Yes

Vice Mayor Ross: Yes

Commissioner Watts: No

Commissioner Anderson: No

Mayor Coviello: Yes

Motion carries: 3/2

Dan Keys: How do you interpret the chart for required parking? Need clarification of the asterisks.

Attorney Hearn to review with the building official.

Mayor calls for a recess at 9:54pm.

Meeting resumes at 10:03pm

10 Resolutions

< None >

11 Old Business

11.a Landscaping requirements for new builds, major renovations / related Miami-Dade County Code

Language from the Miami Dade County code is limited in regards to Village properties.

Mayor Coviello: The Code Review Board spent a lot of time and the Commission did not properly consider their proposed language. Recommends to go back and review the Board's proposed language.

After discussion, there is consensus to bring back the Code Review Board language for the November 1st meeting.

12 New Business

12.a Discussion on passing an ordinance / resolution providing for the prohibition of balloon usage and balloon releases - As requested by Commissioner Watts

Commissioner Watts provided the background.

After discussion there is consensus to start off with providing educational information through Village newsletter and website; and for party rentals at the recreation center.

12.b Discussion on alleys and their maintenance - As requested by Mayor Coviello

After discussion, consensus for:

- Manager to look at ability to use CITT funds for road repair in the alleys.
- Manager and Attorney to look at plats and determine alley road and swale lines and possibility of private/public partnership.

12.c Discussion on feral cat issue - As requested by Mayor Coviello

After discussion, consensus to enforce current code, and to direct Attorney Hearn to draft an ordinance for first reading at the next meeting to add open feeding violation as part of the administrative citation process.

12.d Discussion of fiscal situation and exploring improved systems of checks and balances - As requested by Commissioner Watts

Deferred to November 1st meeting.

12.e Discussion of a ground plaque at the Log Cabin, recognizing all the partners that contributed to the restoration project - As requested by Vice Mayor Ross

After discussion, consensus to direct Staff to look at cost for different options, and to include the idea of personalized pavers to raise funds.

12.f Facility rental fee waiver for Relay for Life on April 8, 2017.

Motion made by Commissioner Watts to waive the rental fees and it is seconded by Commissioner Jonas.

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

Opposed: None

Motion carries: 5/0

12.g Discussion on tot lot resurfacing - Requested by Commissioner Jonas

After discussion, consensus to have Staff identify the proper surface and to do an RFP to get quotes; and to contact Miami-Dade County and the City of North Miami for information on what they have used in their parks.

12.h Discussion on street signage - Requested by Commissioner Jonas

After discussion, consensus to have Commissioner Jonas bring back with more information.

At 10:57pm, motion made by Vice Mayor Ross to extend the meeting 15 minutes and it is seconded by Commissioner Jonas.

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

Opposed: Commissioner Anderson and Commissioner Watts

Motion carries: 3/2

13 Request for placement of items on next meeting agenda.

Vice Mayor Ross: Discussion on septic systems.

Vice Mayor Ross: Discussion on orientation/reorganization meeting after the election.

Commissioner Watts: Discussion on use and disposal of plastic bags.

Commissioner Watts - discussion on residency requirements for Commissioners

14 Reports

14.a Village Manager:

- Provided information in the agenda on the FEMA audit results; and the start of a monthly police publication.
- Provided status of the audit for the period ending September 30, 2015.
- Hector Pineda promoted to Captain.

14.b Village Attorney:

Provided update that the legislation on workforce housing will exclude municipalities with population under 10,000.

15 Announcements

Saturday, October 15th - Celebrating Safe Communities / Community Safety Day at 10:00am

Saturday, October 15th - Okto"beer"fest Celebration at 6:30pm

Monday, October 17th - Planning & Zoning Board at 6:30pm

Tuesday, October 18th - Meet the Candidates at 7:00pm

Wednesday, October 19th - Parks & Parkway Advisory Board at 7:00pm

Saturday, October 22nd - Stormwater Master Plan Presentation / Workshop originally scheduled for October 22nd has been canceled and will be rescheduled in November.

Saturday, October 29th - Halloween Fun House from 4:00pm to 7:00pm

Our next regular Commission meeting is Tuesday, November 1, 2016, at 7:00pm

16 Adjournment

The meeting was adjourned at 11:04pm.

Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk



The Village of Biscayne Park

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

8.b

Commission Agenda Report

Commission Meeting Date: November 1, 2016

Prepared By: Maria C. Camara, Village Clerk

Title / Subject: Acceptance of Board/Committee Minutes

Background:

The board/committee 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.

Recommendation:

Acceptance at Consent.

Attachments:

- Biscayne Park Foundation – September 12, 2016
- Planning & Zoning Board – October 3, 2016
- Planning & Zoning Board – October 17, 2016 DRAFT
- Code Compliance Board – October 11, 2016 DRAFT



**MINUTES
BISCAYNE PARK FOUNDATION**

MONDAY SEPTEMBER 12, 2016

7:00 p.m.

**BISCAYNE PARK
FOUNDATION**

Jorge Marinoni
Erica Pettis
Marie Smith
Peter Trupia

Meeting called to order at 7:11 p.m.

ROLL CALL: Jorge Marinoni, Marie Smith, Erica Pettis and Peter Trupia.

ADDITIONS: 3(B) Vita Course – matching funds, Jorge.

APPROVAL OF MINUTES: Motion by Peter Trupia, seconded by Erica Pettis to approve the Minutes of August 15, 2016, Motion passed.

TREASURER'S REPORT: Jorge requested two checks one for the liquor permit for our next event and the other to pay the sales taxes to the Department of Revenue from our last Cinco de Mayo event.

PUBLIC COMMENT: Marie reported on attending Parks & Parkway meeting with Erica Pettis on the status of the removal of three Australian Pines on Griffing Blvd. on June 8th. Request was made to the board to bring the matter of obtaining the report of an independent arborist before an Australian Pine was removed.

Also, it had been promised by Miami-Dade to plant a diversity of tree canopy in the medians when the Aussies had been removed. This policy was not being adhered to as the majority of tree replacements have been oak. Parks will follow thru on diversity of canopy but will not support obtaining the services of an independent arborist when Miami Dade designates the removal of Australian pines on Griffing.

OLD BUSINESS 7(B) - Erica reported she had made requests to the various sporting clubs for donations of goods to raffle. She was informed it would take up to eight weeks to receive a reply. In the event we did not hear by OKTOBERFEST (Oct. 15) then the raffle could be held at the WINTERFEST 2016.

NOTE; While we were at meeting Erica received a text from Miami Dolphins that they would donate DEVENTE PARKERS autographed football (#14) to the Foundation. This will be raffled at the OKTOBERFEST event.

DAY OF GIVING: Erica will follow-up and report next meeting.

Jorge reported receiving information of matching funds grant for a VITA COURSE at the Rec. Center. The Foundation contribution would be \$7,500. Marie reported that the lighting of the Ed Burke Rec. Center should be our priority – the safety in lighting the



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park in the evenings will be welcomed by our residents. Also lighting is needed for the parking area at the log cabin.

NEW BUSINESS (8a): OKTOBEERFEST – Saturday, October 15- 7:00 – 9:00 p.m.

MUSIC: Peter to research.

Jorge : Cook sauerkraut

Peter & Jorge to decide on food menu: (sausages/ bratwurst/hot dogs, pretzels).

Beer: Beer Keg or bottles depending on weather report.

Erica: Donuts & snicker bars, soda and water.

Erica: To be in touch with Parks & Parkway to donate poincianas for their diversity of canopy program in the Village.

NOTE: Meet the candidates Tuesday, October 18, 2016 7:00 – 9:00 p.m.

MEETING ADJOURNED AT 8:02 p.m.

NEXT MEETING: Tuesday, October 11, 2016

Minutes Approved by the board on 10/11/2016

Jorge Marinoni, President

Marie Smith, Secretary



The Village of Biscayne Park

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

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

MINUTES PLANNING & ZONING BOARD MEETING LOG CABIN

**640 NE 114 ST – Biscayne Park, FL
Monday, October 3rd, 2016 at 6:30 p.m.**

PLANNING & ZONING BOARD

**Gage Hartung
Chairman**

**Andrew Olis
Vice Chairman**

**Elizabeth Hornbuckle
Dan Schneider
Doug Tannehill**

**Alternates
Mario Rumiano**

1. CALL TO ORDER

This meeting was called to order at 6:25 p.m.

2. ROLL CALL

Gage Hartung- Board Member- present
Andrew Olis- Board Member- present
Elizabeth Hornbuckle- Board Member- present
Doug Tannehill- Board Member- present
Dan Schneider- Board Member- present
Irwin Peterson- Staff- present
Sal Annese- Staff- arrived at 6:30 p.m.

3. OLD BUSINESS, DELETIONS OR DISCUSSIONS TO ORDER OF BUSINESS

- a. Goehl- 11625 NE 7 Ave- Windows/Doors
Motion by E. Hornbuckle, seconded by A. Olis. Approved 5-0
- b. Carrera USA LLC- 940 NE 120 St- Driveway
Contractor discussed calculations for driveway approach and swale area exceeding requirements and suggested materials to utilize.

4. APPROVAL OF MINUTES

September 19th, 2016

Motion to amend minutes by A. Olis, seconded by D. Tannehill. Approved 5-0

5. BUILDING PERMITS

- a. Baloyra- 1012 NE 117 St- Windows
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- b. Valencia Group Corp- 741 NE 114 St- Windows/Doors
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- c. Pacheco- 11230 NE 8 Ct- Pergola
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- d. Sanchez- 683 NE 117 St- Driveway
Tabled for more information.
- e. Waithe- 11930 NE 11 Ct- Garage Door
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- f. Debaldo & Dauy- 631 NE 114 St- Garage Enclosure/Addition/Window
Tabled for more information.



The Village of Biscayne Park

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

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

- f1. Debaldo & Dauy- 631 NE 114 St- Deck
Tabled for more information.
- g. Carrera USA LLC- 430 NE 121 St- Roof
Motion by E. Hornbuckle, seconded by A. Olis. Approved 5-0
- h. Morales- 941 NE 119 St- Driveway
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- j. Lux- 940 NE 116 St- CODE CASE- Fence Repair
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0

The next meetings of the Planning & Zoning Board are Monday, October 17th, 2016 and tba.

ADJOURNMENT

This meeting was adjourned at 7:03 p.m.

Minutes approved on: _____
(Date)

By: _____
Gage Hartung, Chair Planning & Zoning Board



The Village of Biscayne Park

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PLANNING & ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Elizabeth Hornbuckle
Dan Schneider
Doug Tannehill

Alternates
Mario Rumiano

MINUTES PLANNING & ZONING BOARD MEETING LOG CABIN

**640 NE 114 ST – Biscayne Park, FL
Monday, October 17th , 2016 at 6:30 p.m.**

1. CALL TO ORDER

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

2. ROLL CALL

Gage Hartung- Board Member- present
Andrew Olis- Board Member- present
Elizabeth Hornbuckle- Board Member- present
Doug Tannehill- Board Member- arrived at 6:33 p.m.
Dan Schneider- Board Member- present
John Hearn- Village Attorney-present
Irwina Peterson- Staff- present
Sal Annese- Staff- present

3. APPROVAL OF MINUTES

October 3rd, 2016

Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0

4. OLD BUSINESS, DELETIONS OR DISCUSSIONS TO ORDER OF BUSINESS

- a. Sanchez- 683 NE 117 St- Driveway
Motion by A. Olis, seconded by D. Schneider. Approved 4-0
- b. Candela- 472 NE 121 St- Addition
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- c. BP Apartments- 11659 Griffing Blvd- Windows
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- d. Lyndaker- 11940 NE 6 Ave- Driveway
Motion by A. Olis, seconded by D. Schneider. Approved 5-0
- e. Debaldo- 631 NE 114 St- Addition/ Window/Deck
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0

5. BUILDING PERMITS

- a. Childress- 780 NE 112 St- Wall
Motion by D. Tannehill, seconded by D. Schneider. Approved 5-0

6. NEW BUSINESS

Village Attorney John Hearn discussed Board's scope of review of applications and the Sunshine Law.



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161
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The next meetings of the Planning & Zoning Board are Monday, November 7th, 2016 and November 21st, 2016.

ADJOURNMENT

This meeting was adjourned at 8:22 p.m.

Minutes approved on: _____
(Date)

By: _____
Gage Hartung, Chair Planning & Zoning Board



CODE COMPLIANCE
BOARD

Gary Kuhl
Chairman

Dale Blanton
Vice-Chair

Harvey Bilt
Linda Dillon
Art Pyle

MINUTES
CODE COMPLIANCE BOARD
Log Cabin 640 NE 114 St, Biscayne Park, FL
Tuesday, October 11th, 2016 at 7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:00 P.M.

2. ROLL CALL

Gary Kuhl – Chair – Present
Dale Blanton – Vice Chair – Present
Harvey Bilt -Present
Linda Dillon – Present
Art Pyle- Present

3. APPROVAL OF MINUTES

a. September 12th, 2016
-Motion by Dale Blanton, Seconded by Art Pyle. Motion passed 5-0

4. NEW BUSINESS

- a. Case # 16-0642- Morris Yomtov-11650 NE 11th Pl-Property Maintenance violation
- Motion by Harvey Bilt, Seconded by Linda Dillon.
- Motion to find property in compliance and close case.
- Motion passes 5-0
- b. Case # 16-0643 – Morris Yomtov- 11650 NE 11th Pl- Wooden structure constructed without a permit.
- Motion by Dale Blanton, Seconded by Harvey Bilt.
- Motion for owner to pull permit or remove structure within 30 days.
- If owner not in compliance, \$50 fine and \$5 daily. Motion passes 5-0
- c. Case # 16-0658 – Maria J. Mithavayni- 1000 NE 120th St- Dilapidated fence.
-Motion by Dale Blanton, Seconded by Linda Dillon.
- Motion for owner to remove fence within 30 days.
- If owner not in compliance, \$50 fine and \$5 daily. Motion passes 5-0



The Village of Biscayne Park

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

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- d. Case # 16-0659- New Capital Real Estate Holdings LLC- 1010 NE 120th St-
 - Dilapidated fence.
 - Motion by Dale Blanton, Seconded by Harvey Bilt.
 - Motion for owners to remove fence within 30 days.
 - If owner not in compliance, \$ 50 fine and \$5 daily. Motion passes 5-0

- e. Case # Adam G. Phelan & Scott G. Clark TR- 11402 NE 8th Ct- Watercraft stored in the front yard.
 - Motion by Dale Blanton, Seconded by Linda Dillon.
 - Owner to remove watercraft with 10 days.
 - If owner not in compliance, \$ 50 fine and \$10 daily. Motion passes 5-0

- f. Case # 16-0656- Jean Serge Michel- 1001 NE 110th St.- Unused/Unsightly vehicle stored on the property.
 - Code Officer White advised property in compliance and case closed.

- g. Case # 16-0655- Joao Ramon Perez- 1020 NE 110th St- Unused/Unsightly vehicle.
 - Code Officer White advised property in compliance and case closed.

- h. Case # 16-0521- Jose V. Aleman- 11910 NE 11th Ct- Trash out on the wrong day.
 - Motion by Dale Blanton, Seconded by Harvey Bilt.
 - Motion to find property not in compliance and pay \$25 citation fee and \$35 administrative costs within 15 days.
 - Motion passes 5-0

- i. Case # 16-0518- 2014-1 IH Borrower LP- 11525 NE 9th Ave- Trash out on the wrong day.
 - Motion by Dale Blanton, Seconded by Linda Dillon.
 - Motion to find property not in compliance and pay \$25 citation fee within 15 days. If owner not in compliance, \$35 administrative costs will imposed.
 - Motion passes 5-0

- j. Case # 16-0517- Carlos Collazo- 11460 NE 10th Ave- Trash out on the wrong day.
 - Motion by Dale Blanton, Seconded by Art Pyle.
 - Motion to find property not in compliance and pay \$25 citation fee and \$35 administrative costs within 15 days.
 - Motion passes 5-0



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- k. Case # 16-0516- Patrick M. Ahern- 11849 Griffing Blvd- Trash out on the wrong day.
- Motion by Dale Blanton, Seconded by Harvey Bilt.
- Motion to find property not in compliance and pay \$25 citation fee within 15 days.
If owner not in compliance, \$35 administrative costs imposed.
- Motion passes 5-0
- l. Case # 16-0515- David Bernard- 11926 Griffing Blvd- Trash out on the wrong day.
- Motion by Harvey Bilt, Seconded by Linda Dillon.
- Motion to find property not in compliance and pay \$25 citation fee within 15 days.
If owner not in compliance, \$35 administrative costs imposed.
- Motion passes 5-0
- m. Case # 16-0570- Joyce Goulart De Silva- 11550 NE 11th Pl- Trash out on the wrong day.
- Motion by Dale Blanton, Seconded by Linda Dillon.
- Motion to close case and waive citation fee.
- Motion passes 5-0
- n. Case # 16-0546- Hazel E. Coyle- 11524 Griffing Blvd- Trash out on the wrong day.
- Motion by Dale Blanton, Seconded by Harvey Bilt.
- Motion to find property not in compliance and pay \$25 citation fee within 15 days.
If owner not in compliance, \$35 administrative costs imposed.
- o. Case # 16-0617- Roger E. Biamby- 703 NE 117th St- Recycling/Garbage container not stored properly.
- Motion by Dale Blanton, Seconded by Harvey Bilt.
- Motion to find property not in compliance and pay \$25 citation fee within 15 days.
If owner not in compliance, \$ 35 administrative costs imposed.
- p. Case # 16-0602- Roger E. Biamby- 703 NE 117th St- Trash out on the wrong day.
- Motion by Harvey Bilt, Seconded by Linda Dillon.
- Motion to find property not in compliance and pay \$25 citation fee within 15 days.
If owner not in compliance, \$35 administrative costs imposed.
- q. Case # 16-600- Maurice Serotta- 1102 NE 119 St- Overgrown grass, weeds and shrubberies.
-Motion by Dale Blanton, Seconded by Linda Dillon.
-Motion to find property not in compliance and pay \$25 citation fee within 15 days.
If owner not in compliance, \$35 administrative costs imposed.



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5. FINE REDUCTIONS

- a. Case # 15-0645 – Vladir Esteves & W Messias A F- 930 NE 120th St- Driveway not property maintained.
 - Motion by Dale Blanton ,Seconded by Harvey Bilt to accept offer of \$2500 to be paid within 15 days.
 - Motion passes 5-0.

- b. Case #16-0069- Fiona Harre- 1107 NE 117th St- Animals violation.
 - Motion by Dale Blanton, Seconded by Harvey Bilt to accept offer of \$100 to be paid Within 30 days.
 - Motion passes 5-0

6. DISCUSSIONS

Board addressed Village Manager on legal interest rates for fines not paid.

7. ADJOURNMENT

The meeting was adjourned at 9:00 pm.

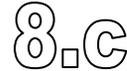
Minutes approved on _____

Gary Kuhl, Chair



The Village of Biscayne Park

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



Commission Agenda Report

Commission Meeting Date: November 1, 2016

Prepared By: Sharon P. Ragoonan, Village Manager

Title / Subject: **Resolution 2016-33** – Renewal of the Turf and Landscape Maintenance Joint Participation Agreement

Background:

The Florida Department of Transportation (FDOT) has jurisdiction over and maintains State Road (S.R.) 915, which is known in the Village as northeast Sixth Avenue ("Biscayne Park Way"). An agreement exists with the State that the Village of Biscayne Park maintains the Sixth Avenue medians and then the State reimburses the Village on a quarterly basis for a total annual reimbursement of \$1,416.00. The agreement must be renewed annually.

Fiscal / Budget Impact:

The annual reimbursement to the Village offsets the cost of maintenance which is budgeted.

Recommendation:

Approval of Resolution 2016-33

Attachments:

- Resolution 2016-33
- Turf and Landscape Maintenance Department Funded Agreement Between the Florida Department of Transportation and Village of Biscayne Park

**TURF AND LANDSCAPE MAINTENANCE
DEPARTMENT FUNDED AGREEMENT
BETWEEN THE
FLORIDA DEPARTMENT OF TRANSPORTATION
AND
VILLAGE OF BISCAYNE PARK**

This Agreement, is made and entered into this ____ day of _____, 20__, by and between the State of Florida Department of Transportation, a component agency of the State of Florida, hereinafter referred to as the ‘DEPARTMENT’, and the Village of Biscayne Park, a municipal corporation of the State of Florida, hereinafter referred to as the ‘LOCAL GOVERNMENT’.

RECITALS:

WHEREAS, the DEPARTMENT has jurisdiction and maintains State Road (S.R.) 915/NE 6th Avenue in the LOCAL GOVERNMENT; and

WHEREAS, the DEPARTMENT, at the LOCAL GOVERNMENT’s request, has agreed to compensate the LOCAL GOVERNMENT for the maintenance of turf and landscape, hereinafter referred to as the ‘PROJECT’, and

WHEREAS, the LOCAL GOVERNMENT recognizes that the State Right-of-Way contains turf and landscape, which requires ongoing maintenance; and

WHEREAS, the DEPARTMENT has programmed funding for the PROJECT under Financial Project Number **252372-2-78-03**, and has agreed to compensate the LOCAL GOVERNMENT for turf and landscape maintenance services as further described in Exhibit “A” – Scope of Services, and in accordance with the provisions of Exhibit “B”, Financial Summary, which exhibits are attached hereto, and incorporated by reference; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the parties are authorized to enter into this Agreement pursuant to **Section 339.08(e) and 339.12, Florida Statutes (F.S.)**;

NOW, THEREFORE, in consideration of the premises, the mutual covenants and other valuable considerations contained herein, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. INCORPORATION OF RECITALS

The foregoing recitals are true and correct and are incorporated into the body of this Agreement, as if fully set forth herein.

2. GENERAL REQUIREMENTS AND OBLIGATIONS OF THE PARTIES

- a. The LOCAL GOVERNMENT shall submit this Agreement to its LOCAL GOVERNMENT Council/Commission for ratification or approval by resolution. A copy of said resolution is attached hereto as Exhibit “D” - Local Government’s Resolution, and is herein incorporated by reference.
- b. The LOCAL GOVERNMENT shall not commence the PROJECT until the effective date of this Agreement, which shall be the date reflected on page 1, and the DEPARTMENT shall not compensate the LOCAL GOVERNMENT for any PROJECT work undertaken prior to the effective date of this Agreement.
- c. The LOCAL GOVERNMENT shall be responsible for the maintenance of all areas that have turf and landscape within the DEPARTMENT’s right-of-way (the project limits) as described in Exhibit “A”
- d. The LOCAL GOVERNMENT shall be responsible for performing the required maintenance within the project limits with the minimum frequencies stipulated in Exhibit “A”.
- e. All turf and landscape maintenance shall be in accordance with the latest edition of the State of Florida “Guide for Roadside Mowing” and the latest edition of the “Maintenance Rating Program”, and Index 546 of the latest FDOT Design Standards.
- f. Before the LOCAL GOVERNMENT starts the work, the DEPARTMENT shall be notified, via fax or e-mail. The fax or e-mail shall be sent to the attention of the North Miami-Dade Maintenance Engineer, Alex Perez, P.E. at (305)640-7165 or alex.perez@dot.state.fl.us
- g. The LOCAL GOVERNMENT shall not be responsible for the clean-up, removal and disposal of debris from the DEPARTMENT’s right of way following a natural disaster (i.e. hurricane, tornados, etc.). However, the cost of any cycle or part thereof impaired by any such event may be deducted from the DEPARTMENT’s affected quarterly payment to the LOCAL GOVERNMENT.
- h. It is understood between the parties hereto that all the landscaping covered by this Agreement may be removed, relocated or adjusted at any time in the future as found necessary by the DEPARTMENT in order that the adjacent state road be widened, altered or otherwise changed and maintained to meet with future criteria or planning of the DEPARTMENT.
- i. The LOCAL GOVERNMENT shall not plant additional landscaping within the limits of the PROJECT, without prior written approval by the DEPARTMENT, in accordance with Florida Administrative Code Rule 14-40.003. Such approval shall be in the form

of a separate written agreement that will require the LOCAL GOVERNMENT to properly construct and maintain the additional landscaping without compensation from the DEPARTMENT.

- j. This Agreement shall not obligate the DEPARTMENT to pay the LOCAL GOVERNMENT to maintain any additional landscaping, planted after the effective date of this Agreement, within the limits of the PROJECT, and shall not obligate the LOCAL GOVERNMENT to maintain any such additional landscaping.
- k. Payments to the LOCAL GOVERNMENT shall be made in accordance with Sections 3 and 5 of this Agreement.

3. FINANCIAL PROVISIONS

a. The DEPARTMENT agrees to compensate the LOCAL GOVERNMENT, up to the maximum participating annual amount of \$1,416.00 for completion of the services described in Exhibit “A” – Scope of Services. The method of compensation is included in Exhibit “B”.

b. The LOCAL GOVERNMENT shall provide quantifiable, measurable, and verifiable units of deliverables. Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion. The PROJECT, identified as PROJECT Number 252372-2-78-03 and the quantifiable, measurable, and verifiable units of deliverables, consisting of the performance measures services required to perform the PROJECT Scope of Services described in Exhibit “A”. (Section 287.058(1)(d) and (e), F.S.),

c. Invoices shall be submitted by the LOCAL GOVERNMENT in detail sufficient for a proper pre-audit and post audit based on the quantifiable, measurable and verifiable units of deliverables as established in Exhibit “A”, accompanied by the duly executed certification document in Exhibit “C”, thereby establishing that the Scope of Services described in Exhibit “A” have been completed. Deliverables must be received and accepted in writing by the DEPARTMENT’s PROJECT Manager prior to payments. (Section 287.058 (1)(a), F.S.)

d. Supporting documentation must establish that the deliverables were received and accepted in writing by the LOCAL GOVERNMENT, or performed by the LOCAL GOVERNMENT, and must also establish that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in Exhibit “A” – Scope of Services was met (see Exhibit “C” – Turf and Landscape JPA Certification Document).

e. There shall be no reimbursement or compensation for travel expenses under this Agreement.

f. Payment shall be made only after receipt and approval of goods and/or services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, F.S. If the DEPARTMENT determines that the performance of the LOCAL GOVERNMENT is unsatisfactory, the DEPARTMENT shall notify the LOCAL GOVERNMENT of the deficiency to be corrected, which correction shall be made within a time-frame to be specified by the DEPARTMENT.

The LOCAL GOVERNMENT shall, within five days after notice from the DEPARTMENT, provide the DEPARTMENT with a corrective action plan describing how the LOCAL GOVERNMENT will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the DEPARTMENT, the LOCAL GOVERNMENT shall be assessed a non-performance retainage equivalent to 10% of the total invoice amount. The retainage shall be applied to the invoice for the then-current billing period. The retainage shall be withheld until the LOCAL GOVERNMENT resolves the deficiency. If the deficiency is subsequently resolved, the LOCAL GOVERNMENT may bill the DEPARTMENT for the retained amount during the next billing period. If the LOCAL GOVERNMENT is unable to resolve the deficiency, the funds retained may be forfeited at the end of the Agreement's term. (Section 287.058(1)(h), F.S.).

The LOCAL GOVERNMENT providing goods and/or services to the DEPARTMENT should be aware of the following time frames. Inspection and approval of goods or services shall take no longer than 5 working days unless the bid specifications, purchase order, or contract specifies otherwise. The DEPARTMENT has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved. (Section 215.422(1), F.S.).

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to Section 55.03(1), F.S., will be due and payable, in addition to the invoice amount, to the LOCAL GOVERNMENT. Interest penalties of less than one (1) dollar will not be enforced unless the LOCAL GOVERNMENT requests payment. Invoices that have to be returned to LOCAL GOVERNMENT because of LOCAL GOVERNMENT preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the DEPARTMENT. (Section 215.422(3)(b), F.S.)

A Vendor Ombudsman has been established within the DEPARTMENT of Financial Services. The duties of this individual include acting as an advocate for LOCAL GOVERNMENT who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516. (Section 215.422(5) and (7), F.S.)

g. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the DEPARTMENT at all times during the period of this Agreement and for five (5) years after final payment is made. Copies of these documents and records shall be furnished to the DEPARTMENT upon request. Records of costs incurred include the LOCAL GOVERNMENT's general accounting records and the PROJECT records, together with supporting documents and records, of the contractor and all subcontractors performing work on the PROJECT, and all other records of the Contractor and subcontractors considered necessary by the DEPARTMENT for a proper audit of costs. (Section 287.058(4), F.S.)

h. In the event this contract is for services in excess of \$25,000.00 and a term for a period of more than 1 year, the provisions of Section 339.135(6)(a), F.S., are hereby incorporated:

"The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the DEPARTMENT that such funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year."

i. The DEPARTMENT's obligation to pay is contingent upon an annual appropriation by the Florida Legislature. (Section 216.311, F.S.)

j. The LOCAL GOVERNMENT shall:

i. Utilize the U.S. DEPARTMENT of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the LOCAL GOVERNMENT during the term of the contract; and

ii. Expressly require any contractors and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. DEPARTMENT of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term. (Executive Order Number 2011-02).

The LOCAL GOVERNMENT shall insert the above clause into any contract entered

into by the LOCAL GOVERNMENT with vendors or contractors hired by the LOCAL GOVERNMENT for purposes of performing its duties under this Agreement.

4. COMMUNICATIONS

All notices, requests, demands, consents, approvals, and other communication which are required to be served or given hereunder, shall be in writing and shall be sent by certified U.S. mail, return receipt requested, postage prepaid, addressed to the party to receive such notices as follows:

To DEPARTMENT: Florida Department of Transportation
1000 NW 111th Avenue, Room 6205
Miami, Florida 33172-5800
Attention: District Maintenance Engineer

To LOCAL GOVERNMENT: Village of Biscayne Park
640 NE 114th Street
Biscayne Park, Florida 33161
Attention: Village Manager

Notices shall be deemed to have been received by the end of five (5) business days from the proper sending thereof unless proof of prior actual receipt is provided.

5. INVOICING

- a. The LOCAL GOVERNMENT shall submit quarterly invoices for DEPARTMENT review, approval, and payment in accordance with this Agreement. Quarterly payments will be made upon invoice approval in an amount not to exceed one fourth of the eligible PROJECT costs. Each invoice shall include a completed Turf and Landscape JPA Work Certification Document (Exhibit "C") certifying that the goods and/or services to be completed and paid under this Agreement have been satisfactorily completed and delivered in accordance with the required Scope of Work in Exhibit "A".
- b. In the event temporary work by the DEPARTMENT's forces or by other Contractors temporarily prevent the LOCAL GOVERNMENT from performing the work described in this Agreement, the DEPARTMENT shall deduct from the affected quarterly payment(s) the acreage affected area and only compensate the LOCAL GOVERNMENT for the actual work it performs.
 - i. The DEPARTMENT shall initiate this procedure only if the temporary work prevents the LOCAL GOVERNMENT from performing its work for a period of one (1) month or longer.
- c. In the event this Agreement is terminated as established in Section 8 herein, payment

will be prorated within the quarter in which termination occurs. The prorated payment shall be for approved work meeting the requirements stipulated in this Agreement.

6. FINANCIAL CONSEQUENCES

Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under **Chapters 215 and 216, F.S.** Deliverable(s) must be received and accepted in writing by the Contract Manager on the DEPARTMENT's invoice transmittal forms prior to payment. If the DEPARTMENT determines that the performance of the LOCAL GOVERNMENT is unsatisfactory, the DEPARTMENT shall notify the LOCAL GOVERNMENT of the deficiency to be corrected, which correction shall be made within thirty (30) calendar days by the LOCAL GOVERNMENT. The LOCAL GOVERNMENT shall, within five (5) days after notice from the DEPARTMENT, provide the DEPARTMENT with a corrective action plan describing how the LOCAL GOVERNMENT will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the DEPARTMENT, the DEPARTMENT may, at its option, proceed as follows:

- a. The LOCAL GOVERNMENT shall be assessed a non-performance retainage equivalent to 10% of the total invoice amount. The retainage shall be applied to the invoice for the then-current billing period. The retainage shall be withheld until the LOCAL GOVERNMENT resolves the deficiency. If the deficiency is subsequently resolved, the LOCAL GOVERNMENT may bill the DEPARTMENT for the retained amount during the next billing period. If the LOCAL GOVERNMENT is unable to resolve the deficiency, the funds retained may be forfeited at the end of the Agreement period. (**Section 287.058(1)(h), F.S.**)
- b. Maintain the median or roadside area(s) declared deficient with DEPARTMENT and/or a Contractor's material, equipment and personnel. The actual cost for such work will be deducted from the DEPARTMENT's affected quarterly payment to the LOCAL GOVERNMENT; or
- c. Terminate this Agreement.

7. EXPIRATION/RENEWAL

This Agreement is for a term of one (1) year beginning on the effective date of this Agreement, which shall be the date reflected on page 1, and may be renewed twice, only if mutually agreed to in writing by the DEPARTMENT and the LOCAL GOVERNMENT. Any such renewal shall be subject to the same terms and conditions set forth in this Agreement, and shall be contingent upon both satisfactory LOCAL GOVERNMENT performance evaluations by the DEPARTMENT and the availability of funds.

This Agreement may be extended if mutually agreed in writing by both parties, for a period not to exceed six (6) months and shall be subject to the same terms and conditions set forth in this Agreement. There shall be only one (1) extension of this Agreement.

8. TERMINATION

This Agreement, or part hereof, is subject to termination under any one of the following conditions:

- a. In the event the DEPARTMENT exercises the option identified by Section 6 of this Agreement.
- b. As mutually agreed by both parties.
- c. In accordance with **Section 287.058(1)(c), F.S.**, the DEPARTMENT shall reserve the right to unilaterally cancel this Agreement if the LOCAL GOVERNMENT refuses to allow public access to any or all documents, papers, letters, or other materials made or received by the LOCAL GOVERNMENT pertinent to this Agreement which are subject to provisions of **Chapter 119, of the F.S.**

9. ENTIRE AGREEMENT

This Department Funded Agreement is the entire Agreement between the parties hereto, and it may be modified or amended only by mutual consent of the parties in writing.

10. GOVERNING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of Florida.

11. AMENDMENT

This Agreement may be amended by mutual agreement of the DEPARTMENT and the LOCAL GOVERNMENT expressed in writing, executed and delivered by each party.

12. INVALIDITY

If any part of this Agreement shall be determined to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, if such remainder continues to conform to the terms and requirements of applicable law.

13. INDEMNIFICATION

Subject to Section 768.28, Florida Statutes, as may be amended from time to time, the LOCAL GOVERNMENT shall promptly indemnify, defend, save and hold harmless the

DEPARTMENT, its officers, agents, representatives and employees from any and all losses, expenses, fines, fees, taxes, assessments, penalties, costs, damages, judgments, claims, demands, liabilities, attorneys fees, (including regulatory and appellate fees), and suits of any nature or kind whatsoever caused by, arising out of, or related to the LOCAL GOVERNMENT's negligent exercise or of its responsibilities as set out in this AGREEMENT, including but not limited to, any negligent act, negligent action, negligence or omission by the LOCAL GOVERNMENT, its officers, agents, employees or representatives in the performance of this AGREEMENT, whether direct or indirect, except that neither the LOCAL GOVERNMENT nor any of its officers, agents, employees or representatives will be liable under this provision for damages arising out of injury or damages caused or resulting from the negligence of the DEPARTMENT.

The LOCAL GOVERNMENT's obligation to indemnify, defend and pay for the defense of the DEPARTMENT, or at the DEPARTMENT's option, to participate and associate with the DEPARTMENT in the defense and trial of any claim and any related settlement negotiations, shall be triggered immediately upon the LOCAL GOVERNMENT's receipt of the DEPARTMENT's notice of claim for indemnification. The notice of claim for indemnification shall be deemed received if the DEPARTMENT sends the notice in accordance with the formal notice mailing requirements set forth in Section 5 of this AGREEMENT. The DEPARTMENT's failure to notify the LOCAL GOVERNMENT of a claim shall not release the LOCAL GOVERNMENT of the above duty to defend and indemnify the DEPARTMENT.

The LOCAL GOVERNMENT shall pay all costs and fees related to this obligation and its enforcement by the DEPARTMENT. The indemnification provisions of this section shall survive termination or expiration of this AGREEMENT, but only with respect to those claims that arose from acts or circumstances which occurred prior to termination or expiration of this AGREEMENT.

The LOCAL GOVERNMENT's evaluation of liability or its inability to evaluate liability shall not excuse the LOCAL GOVERNMENT's duty to defend and indemnify the DEPARTMENT under the provisions of this section. Only an adjudication or judgment, after the highest appeal is exhausted, specifically finding the DEPARTMENT was negligent shall excuse performance of this provision by the LOCAL GOVERNMENT.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, on the day and year above written.

VILLAGE OF BISCAYNE PARK:

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION:

BY: _____
LOCAL GOVERNMENT MANAGER

BY: _____
DISTRICT SECRETARY

ATTEST: _____
(SEAL) LOCAL GOVERNMENT CLERK

ATTEST: _____
(SEAL) EXECUTIVE SECRETARY

LEGAL REVIEW:

LOCAL GOVERNMENT ATTORNEY

DISTRICT CHIEF COUNSEL

Exhibit "A" Scope of Services

Maintenance Responsibilities of the LOCAL GOVERNMENT

The LOCAL GOVERNMENT shall be responsible for the maintenance of all turf and landscape areas within the DEPARTMENT's right of way on the State Roads below in accordance with all applicable DEPARTMENT guidelines, standards, and procedures, which shall include but shall not be limited to the Maintenance Rating Program Handbook, as may be amended from time to time. Additionally, the LOCAL GOVERNMENT shall maintain the all turf and landscape areas in accordance with the International Society of Arboriculture standards, the latest FDOT Design Standard, guidelines, and procedures, as may be amended from time to time.

State Road No.	Street Name	From	To
915	NE 6 th Avenue	Biscayne Canal	NE 121 ST Street

For each of the following work activities, the LOCAL GOVERNMENT shall be responsible for performing these minimum frequencies:

- Litter Pickup - twenty-four (24) times per year
- Mowing, including edging and sweeping - eighteen (18) times per year

The LOCAL GOVERNMENT shall perform a minimum of two cycles per quarter for each of the work activities described above.

The LOCAL GOVERNMENT's maintenance obligations shall include but not be limited to:

- a. Mowing, cutting and/or trimming and edging the grass and turf.
- b. Pruning all plant materials, which include trees, shrubs and ground covers, and parts thereof, including all material from private property encroaching into the DEPARTMENT'S right-of-way
- c. Maintaining existing decorative bricks, mulch and other aesthetic features currently found within these corridors.
- d. Fertilizing, insecticide, pesticide, herbicide and watering will be required to maintain the current landscape and turf in a healthy and vigorous growing condition.

- e. Paying for all water use and all costs associated therewith.
- f. Pruning such parts thereof which may present a visual or other safety hazard for those using or intending to use the right-of-way.
- g. Removing and disposing of all undesirable vegetation including but not limited to weeding of plant beds and removal of invasive exotic plant materials.
- h. Removing and properly disposing of dead, diseased or otherwise deteriorated plants in their entirety, and replacing those that fall below the standards set forth in all applicable DEPARTMENT guidelines, standards and procedures as may be amended from time to time.
- i. Removing and disposing of all trimmings, roots, branches, litter, and any other debris resulting from the activities described by (a) to (h).
- j. Submitting Lane Closure Requests to the DEPARTMENT when maintenance activities will require the closure of a traffic lane in the DEPARTMENT's right-of-way. Lane closure requests shall be submitted through the District Six Lane Closure Information System, to the DEPARTMENT's area Permit Manager and in accordance with the District Six Lane Closure Policy, as may be amended from time to time.

FDOT Financial Project Number: 252372-2-78-03

County: *Miami-Dade*

FDOT Project Manager: *Alex Perez, P.E. (305)640-7165 OR alex.perez@dot.state.fl.us*

LOCAL GOVERNMENT Project Manager: *Maria Camara, Interim Village Manager,
(305) 899-8000 OR villageclerk@biscayneparkfl.gov*

Exhibit "B"

Financial Summary

Financial Responsibilities of the LOCAL GOVERNMENT

The LOCAL GOVERNMENT shall submit invoices to the DEPARTMENT as described in Section 5 of this Agreement for the work described in Exhibit "A". The following are the maximum participating compensation amounts the DEPARTMENT will make annually for each of these work activities:

- **Litter Pickup:** **\$344.00**

- **Mowing, including edging and sweeping:** **\$1072.00**

TOTAL ANNUAL PROJECT AMOUNT ELIGIBLE FOR COMPENSATION BY THE DEPARTMENT: **\$1,416.00**

The LOCAL GOVERNMENT may choose to exceed the required minimum maintenance frequencies for each of the work activities described above at no additional cost to the DEPARTMENT.

Exhibit "D"
LOCAL GOVERNMENT's Resolution

To be herein incorporated once approved by the LOCAL GOVERNMENT Council/Commission.



Commission Agenda Report

Commission Meeting Date: November 1, 2016

Prepared By: Maria C. Camara, Village Clerk

Title / Subject: Public Hearing – Variance Request

Background:

Property owner Eric Mainade at 11711 Griffing Blvd. has submitted a request for a variance of the zoning code of the Village of Biscayne Park. The section of the code to be appealed is as follows:

11.2.1 Permitted accessory buildings, which include private garages, storage buildings, private workshops, utility buildings, and greenhouses...

The setback requirements are from Table A Residential Sectors...

Minimum setback for the side: 10'

The variance being requested is to allow an existing carport/storage currently located less than the required 10' setback and to make repairs and modifications to the structure. The property owner filled out the Variance Application and paid the fee for the variance, advertising and notices. Along with the application they have provided their letter of intent addressing the four required criteria, and other documents and exhibits.

Summary of events:

- On August 16, 2016, the property owner was issued a courtesy notice for doing work without a permit which were repairs and modifications to the existing accessory structure.
- On August 26, 2016, the property owner submitted a permit application and variance application.
- Notice of the September 6th meeting of the Planning & Zoning Board mailed to 11 properties in the immediate area on August 29, 2016.
- On September 6, 2016, the permit and variance application went before the Planning & Zoning Board where the property owner withdrew the request.
- Notice of the September 19th meeting of the Planning & Zoning Board mailed to 11 properties in the immediate area on September 14, 2016.
- On September 19, 2016, the permit and variance application went before the Planning & Zoning Board. A motion was made to deny the request. Motion passed 3 to 1.



The Village of Biscayne Park

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

- Notice of the November 1st Commission meeting was mailed to 46 properties within a 500' radius on October 11, 2016.
- Two public notices were advertised in the newspaper during the month of October.

Request:

Commission review and consideration of the variance request.

Attachments:

- Permit Application
- Variance Application
- Letter of intent
- Survey
- Applicant's supporting documents/exhibits
- Copy of the meeting notice for the September 6th Planning & Zoning Board meeting
- Minutes of the September 6th Planning & Zoning Board meeting
- Copy of the meeting notice for the September 19th Planning & Zoning Board meeting
- Minutes of the September 19th Planning & Zoning Board meeting
- Copy of the meeting notice for the November 1st Commission meeting
- Copy of the two newspaper advertisements in the DBR

VILLAGE OF BISCAIYNE PARK PERMIT APPLICATION

Fees set October 7, 2014



Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161
building@biscayneparkfl.gov

8/26/16

PERMIT #: _____

JOB ADDRESS: 11711 GIPPING BLVD, Biscayne Park

Park
FL 33161

PROPERTY OWNER INFORMATION

Name: ERIC MAINADE
 Address: 11711 GIPPING BLVD
 City: Biscayne Park FL Zip: 33161
 Telephone: 786 - 942 - 1972
 E-Mail: EMAINIAND@GMAIL.COM

CONTRACTOR INFORMATION

Company Name: Owner
 Address: _____
 City: _____ ST _____ Zip: _____
 Telephone: _____ - _____ - _____
 License No.: _____

PERMIT TYPE (Check ONLY one)

BUILDING
 ELECTRICAL
 MECHANICAL
 PLUMBING/GAS
 PAVING/DRAINAGE
 ROOFING

CHANGE CONTRACTOR
 EXTENSION
 RENEWAL
 SHOP DRAWING
 PAINTING (exterior only)
 FENCE

TYPE OF WORK (Check ONLY one)

NEW CONSTRUCTION
 ADDITION DETACHED
 ALTERATION EXTERIOR
 REPAIR / REPLACE
 ALTERATION INTERIOR
 ADDITION ATTACHED

Architectual plans must be provided in both hard copy and electronic format.

ESTIMATED JOB COST

1,000

SQUARE FOOTAGE

ARCHITECT / ENGINEER INFORMATION

Name: N/A (By owner)
 Address: _____
 City: _____ ST _____ Zip: _____
 Telephone: _____ - _____ - _____
 License No.: _____

PROPERTY INFORMATION

FOLIO NO: 17 - _____ - _____ - _____

SINGLE FAMILY DUPLEX
 OTHER: _____

DESCRIPTION OF WORK

Accessory Structure: Repair/Modification

APPLICATION IS HEREBY submitted to obtain a PERMIT to do work and installations as indicated. I certify that no work has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in the Village of Biscayne Park. If work has commenced without such permit, a double fee will be applied to the permit cost. I understand that separate permits must be secured for each permit type. **OWNER'S AFFIDAVIT:** I certify that all the foregoing information is accurate, and that all work will be done in compliance with all applicable laws regulating construction and zoning. Furthermore, I authorize the above-named contractor to do the work stated. **AGENT'S AFFIDAVIT:** If an agent is representing the owner, a separate affidavit must be completed and attached herewith authorizing this substitution. A tenant can submit on behalf of the owner with a notarized letter of acknowledgement. **WARNING TO OWNER:** Your failure to record a Notice of Commencement may result in paying twice for improvements to your property. If you intend to obtain financing, you must consult with your lender or an attorney BEFORE recording your Notice of Commencement.

Signature of Owner or Agent: _____ Date: 08/26/16
 Print Name (Owner or Agent): ERIC BARROCAS MAINADE
 STATE OF FLORIDA, COUNTY OF DADE
 Sworn to and subscribed before me this 26 day of August 2016.

Signature of Qualifier: _____ Date: _____
 Print Name (Qualifier): _____
 STATE OF FLORIDA, COUNTY OF _____
 Sworn to and subscribed before me this _____ day of _____ 20____.



PLANNING & ZONING BOARD REVIEW FEE \$25.00

Date: 9/19/16, 2016
 Approved
 Not Approved
 By: ARO

TOTAL FEE

Discipline	AP	DAP
Electrical		
Mechanical		
Plumbing		
Roofing		
Bldg Official		

\$ _____

PREPARED BY:

Land Surveyors, Inc.

www.exactland.com
Toll Free 866-735-1916 • F 866-744-2882

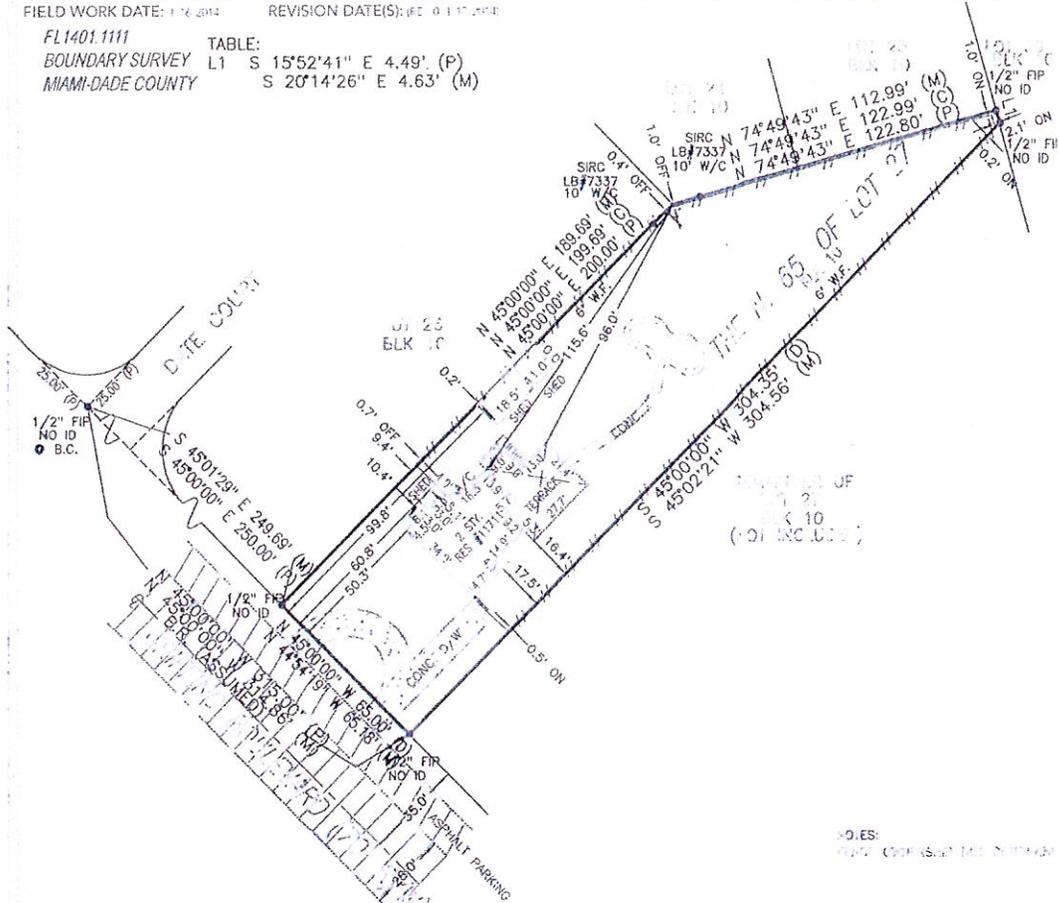


PROPERTY ADDRESS: 11711 GRIFFING BLVD BISCAYNE PARK, FLORIDA 33181

SURVEY NUMBER: FL1401.1111

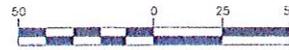
FIELD WORK DATE: 1/16/2014 REVISION DATE(S): (RC) 01/17/2014

FL1401.1111 TABLE:
 BOUNDARY SURVEY L1 S 15°52'41" E 4.49' (P)
 MIAMI-DADE COUNTY S 20°14'26" E 4.63' (M)



I hereby certify that this Boundary Survey of the hereon described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 of the Florida Administrative Code.

RONALD W. WALLING
 State of Florida Professional Surveyor and Mapper
 License No. 6473



GRAPHIC SCALE (In Feet)
 1 inch = 50' ft.



NOTES:
 (1) SEE LOT 27

Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor
 Nothing hereon shall be construed to Give ANY Rights or Benefits to Anyone Other than the Certified.

FLOOD INFORMATION:
 BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE (WITH A BASE FLOOD ELEVATION OF 7) THIS PROPERTY WAS FOUND IN THE VILLAGE OF BISCAYNE PARK, COUNTY UNITY NUMBER 120638, DATED 09/11/09.

POINTS OF INTEREST
 NONE VISIBLE

CLIENT NUMBER: 13-031 DATE: 1/17, 2014

BUYER: ERIC MAINADE

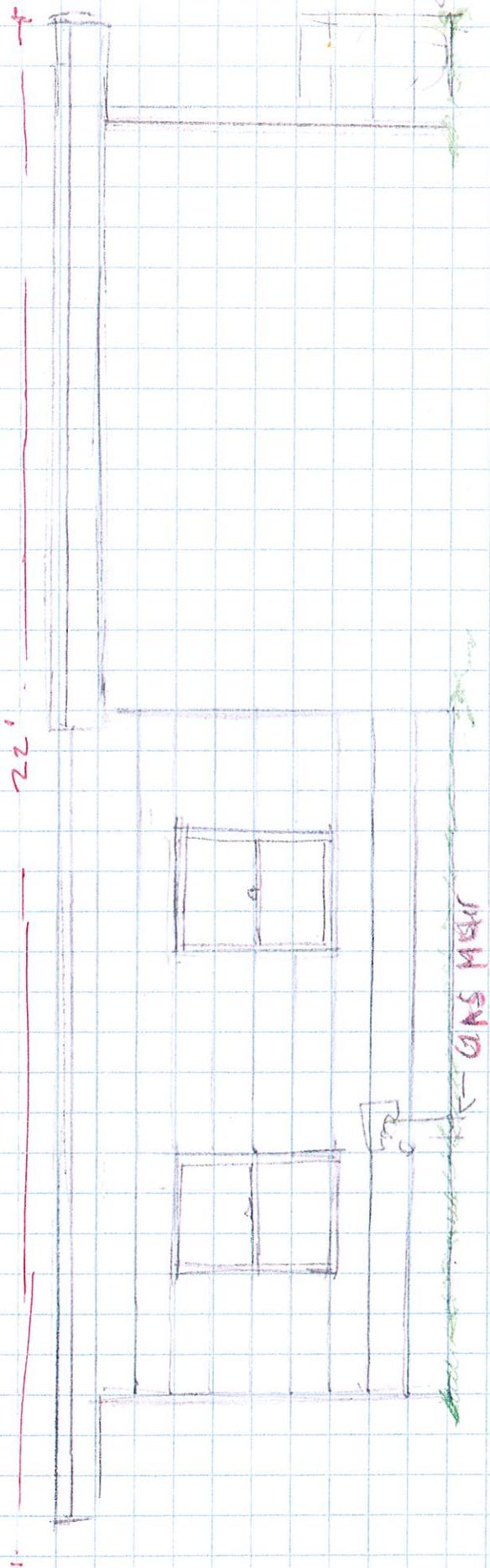
SELLER: MARION DANIELS

CERTIFIED TO: STATE OF FLORIDA OFFICE OF PROFESSIONAL SURVEYORS AND MAPPERS
 1000 N. W. 11th Street, Suite 1000, Ft. Lauderdale, FL 33304
 J.P. JACOBO, III, PRESIDENT
 DATED: DECEMBER 1, 2007. IN ACCORDANCE WITH CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

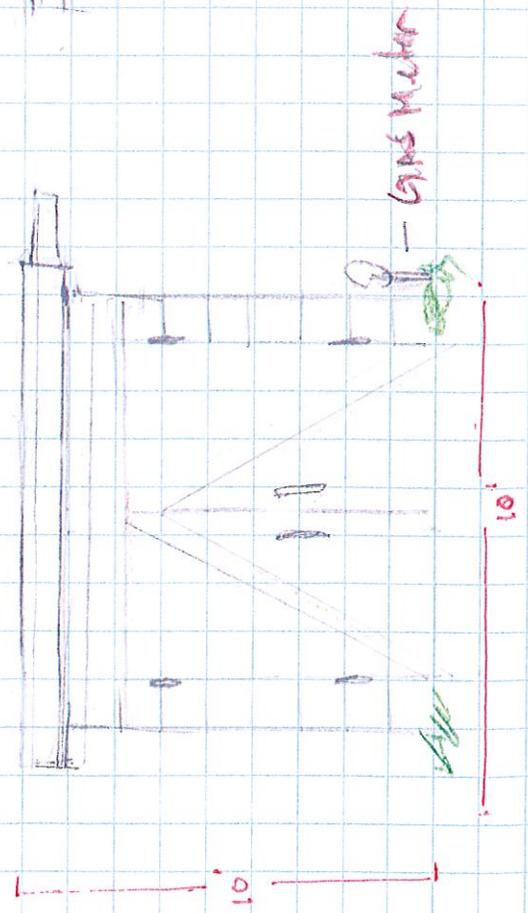


AFFILIATE MEMBERS

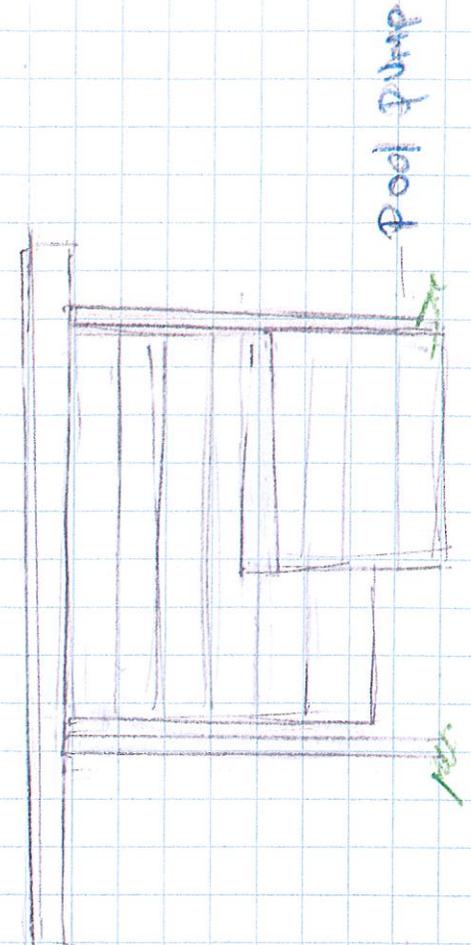
SIDE



FRONT



BACK







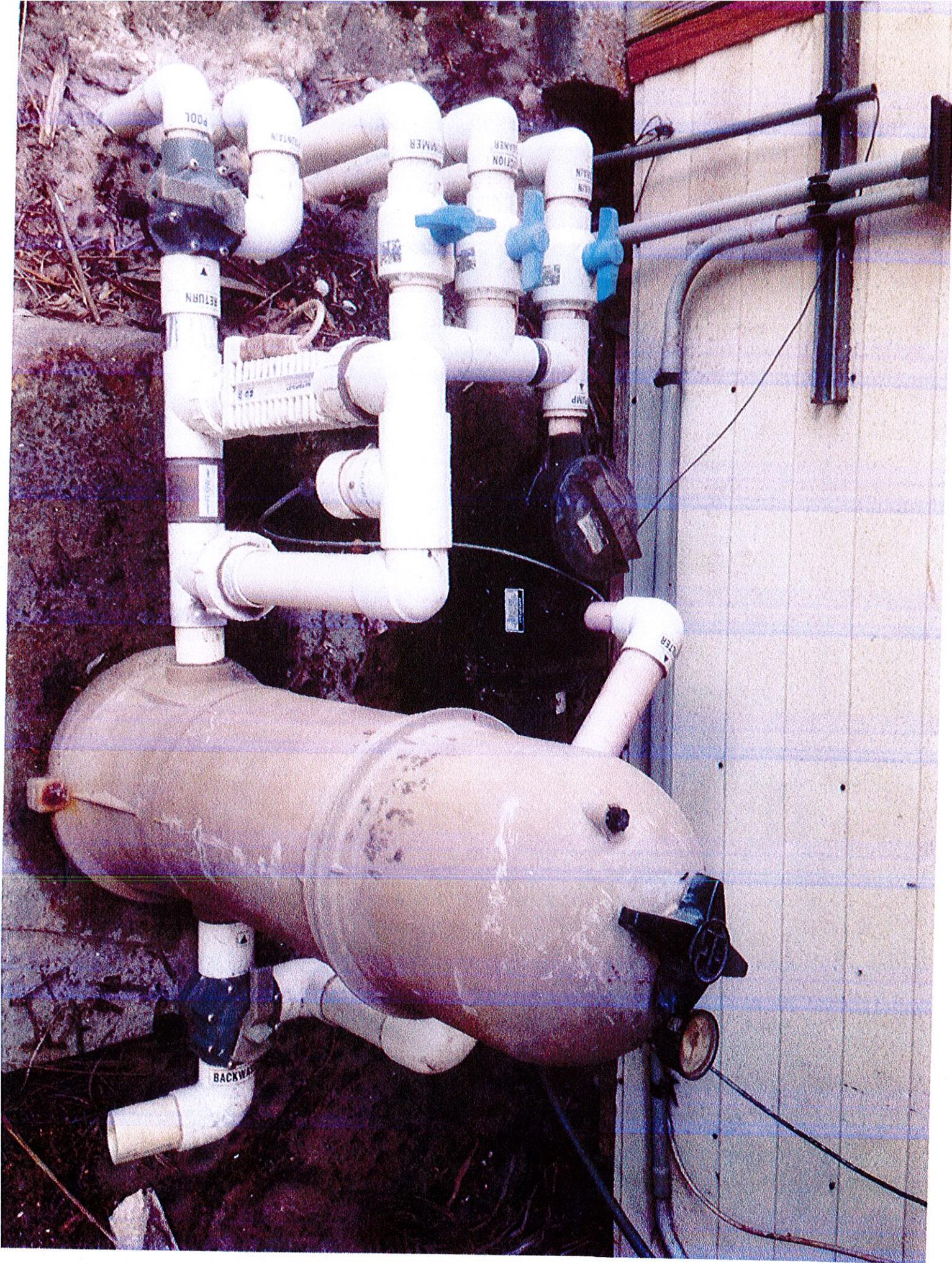














VILLAGE OF BISCAYNE PARK

640 NE 114th St. Biscayne Park, FL 33161

Tel: 305 899 8000 Fax: 305 891 7241

VARIANCE APPLICATION

Pursuant to Section 15.3 of the Code of Ordinances of the Village of Biscayne Park, Florida, a property owner may request a variance of the zoning code.

Date: 08/26/16

PROPERTY ADDRESS: 11711 Grilling Blvd BISCAYNE PARK, FL 33161

PROPERTY OWNER

Name: ERIC MAINADE

Mailing Address: 777 NE 62 St Apt # 108 City: Miami ST: FL Zip: 33138

Telephone: (786) 942-6972 [] Home [x] Cell [] Work

E-Mail Address: ERMAINADE@gmail.com

Application is made for (type of variance requested): Accessory structure (set Back)

OWNER AFFIDAVIT

I, ERIC MAINADE, being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed variance, and that all statements and representations made are true and correct.

I acknowledge that I am subject to penalties of law, including the laws on perjury, and to possible revocation of this variance for any false or misleading statements in this application.

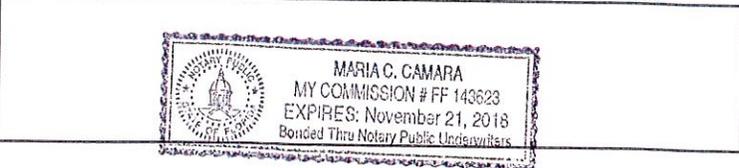
State of Florida County of DADE

Signature of Property Owner

On this 26 day of August, 2016, before me, the undersigned notary public, personally appeared ERIC MAINADE, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

Personally Known -OR- Produced ID - Type of ID: M530-202-82-1480

Maria C. Camara Notary Public



Date:

PROPERTY ADDRESS:

11711 Griffing Blvd

BISCAYNE PARK, FL 33161

PLANNING & ZONING BOARD REVIEW

Section(s) of the Code to be appealed for the variance request:

17.8

Table A

11.2.1

Minimum setbacks (feet)

10' sides

Date of Meeting:

9, 19, 16

APPROVAL:

gan

DENIED:

gan

ARZ

Q

REASON FOR DECISION:

DID NOT MEET 4 POINT

LETTER OF INTENT

RE: 11711 Griffing Boulevard, Biscayne Park Florida, 33161

Variance Request: Accessory Structure

BASIC BACKGROUND: We bought this house with the structure located in its current footprint and location (*see survey*). Furthermore, the previous owner bought the house with the structure in its current footprint.

There were no open violations nor was it ever discussed to be a problem in the past two years by any officers/inspectors who visited the property.

The structure was in need of repair and has been slightly (but not more than 50%) modified (by owner) to repair existing wood and roof damage in addition to a very minor enlargement of same by enclosing the front portion. The footprint as well as the roof remain exactly the same size as does the setback.

We have been informed that the setback is at issue. In accordance with The Village of Biscayne Park Code 13.4 (2), we submit the following findings and propose that strict compliance with code will cause undue hardship.

Thank you for your consideration of this matter.

Cordially,
Eric Mainade / Kristina Holland

1.) SPECIAL CIRCUMSTANCES OR CONDITIONS:

- As noted above, the structure existed at the time of our purchasing the home and did not have any open violations. Furthermore, there has never been any discussion as to it being a problem in over 2 years of owning the home.
- The subject structure has existed on the property prior to both our purchasing of same as well as the previous owner's purchasing of same. It was a point of discussion at some point that was dismissed in part and withdrawn in part. See Exhibit A attached hereto.
- The pump for the pool (properly permitted by the previous owner) was placed inside the structure. If the subject structure was going to be a

problem for the current or future owners, the pool pump should not have been permitted to be placed inside same.

- The electricity for the pool (also properly permitted by the previous owner) runs through the structure. Likewise, if the structure was going to be a problem for the current or future owners, the electricity should not have been permitted to run through same.
- The gas line (also permitted by a previous owner) also sits near the structure.
- The only neighbor affected by its existence (Laura Graves) does not object to our keeping the structure as it stands today.
- The character of the structure remains the same and has been repaired and, as noted above, only slightly enlarged by enclosing a portion that was unstable.
- Taking down the structure would require substantial costs including demolition costs in addition to the costs of moving gas lines and the pool's pump and electrical system.

2.) PRESERVATION AND ENJOYMENT OF SUBSTANTIAL PROPERTY RIGHT.

- We reiterate points above in addition to the following:
 - In accordance with Code 13.4 (2), "undue hardship may result from strict compliance" with existing codes for setback compliance.
 - In accordance with Code 13.4 (2), the structure is in keeping with the "character of land and buildings in the vicinity". See Exhibit B attached hereto.

3.) NOT DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY.

- The footprint/roof of the structure remains the same and is not a concern for the adjacent neighbor.

- As noted above, our neighbor (Laura Graves) who is directly adjacent to the structure has no objection to its existence or slight modification. Our other neighbors are hundreds of feet away and are not affected in any way.
- Our repairing of the structure has only decreased the possibility of injury to other properties. It has also improved the overall look and is pleasant to the eyes.
- Our structure is in keeping with Biscayne Park's look and character. As per the code, the board shall take into account the nature of the proposed use of land and the existing character of land and buildings in the vicinity.
- We have discovered that a great deal of neighbors have been granted variances for accessory structures that are not within the code's setbacks. It is therefore in keeping with our community's permissible variances to code. (*see Exhibit B*)

4.) MINIMUM VARIANCE FOR REASONABLE USE.

- The structure provides for a safe place to keep a car in the event of a hurricane. The other side of the property is not capable of such and has a small walkway opening.
- The structure is a safe place to keep items of value that are not necessarily suitable for the inside of a home. For example, a generator, lawnmower or tools.
- This structure, unlike some of our neighbor's structures, is not for use as a place of abode.

November 12, 2004

Marion Daniels
11711 Griffing Blvd.
Miami, Fl. 33161

Dear Commission,

This is about a shed that is in my yard which is too close to my neighbor's property. Here are the reasons why I think I should not have to move the shed:

1. The shed was there when I bought the property 12 years ago (survey attached).
2. I had a pool put in a year ago. At that time I had a survey done and it was submitted to Biscayne Park. It seems to me that that would have been the time to tell me about the shed, NOT after the pump/electrical for the pool was built around the shed. (survey attached).
3. The neighbor who is affected, Laura Graves has no objection to the shed being there, and is willing to put that in writing.
4. That same neighbor has meanwhile put up a six foot wooden fence, and the entire issue thereby seems to have become irrelevant anyway. (picture attached).

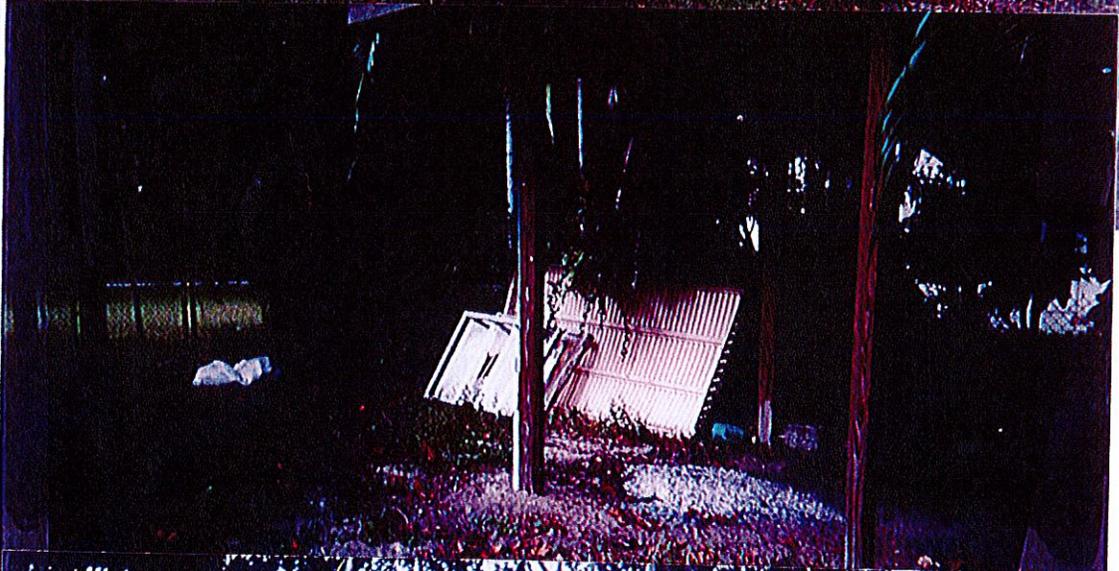
Thank you for your consideration in this matter.

Sincerely,

Marion Daniels

EXHIBIT
A

Photo Evidence





Village of Biscayne Park
Code Enforcement Department
Code Violation Courtesy Notice
(305) 899-8000 ext.3

COURTESY #: 03-300 DATE: 5-30-03

CODE OFFICER: S. RAMOS

ADDRESS OF VIOLATION: _____

(170) Griffing

VIOLATION TYPE: (CHECKED BELOW)

- High Grass/Weeds/Shrubbery 8.4.1 (ii)
- Property Maintenance 8.4.1 (b) (i)
- Unused / Unsightly Objects 8.4.2
- Property Maintenance—Paint—BP 4.1.1/MDC 17.25(5)
- Objects in Right-of-Way 5.3.4
- Garage Sale—No Permit 11.43
- Garbage/Trash out on Wrong Day
- Street Standard—Clear Visibility Triangle 5.4.1
- Permit Violation Work/Construction 16.2.1
- Dish Antenna to be in Rear of Building 11.5.1
- Oversized Real Estate Sign 12.2.3

OTHER: Shed installed without permit. Does not meet setback Requirements. Apply for permit OR Remove by 6-16-03

DATE OF COMPLIANCE: _____

VILLAGE OF BISCAYNE PARK
ORDER OF ENFORCEMENT

BEFORE THE SPECIAL HEARING MASTER in the Village of Biscayne Park came:

Hearing Master Case# 9 Hearing Date: Sept. 30, 2004 Time: 7:00pm
Code Violation Case# 03-300 Violation Date: 5-30-03 Officer: Ramos
Folio#:
Property Address: 11711 Griffing Blvd

Biscayne Park, FL 33161
Property Owner or Violator Name: Marion Daniels
Violation: Failure to maintain structure in good repair. Encroaching in set back
Section to wit: 17-28(1) & 17-64(1)

Taken Under Advisement

This cause came to be heard on the above noted date and time and based upon substantial competent evidence presented, the special Master enters the following findings of fact and conclusions of law order:

1. FINDING OF FACT: that the violations as cited by the code officer in the Notice of Violation referenced above continues to exist.
2. CONCLUSIONS OF LAW: that the violator(s) named above have violated the stated provisions of the code of the Village of Biscayne Park, Florida.
3. THE ORDER OF THE SPECIAL MASTER IS AS FOLLOWS:

Part One:

There shall be full compliance with the stated provisions of the Code by the _____ day of _____, 2004

On or about aforesaid date, the Code Officer shall revisit the subject property to determine if corrective measures have been completed and shall file with the clerk, an affidavit of compliance or Non-compliance. If there has been no compliance by the previously mentioned date, the special Master has the authority to assess a fine of up to \$250.00 per day for each day the violation is in existence.

The Administrative cost is in the amount of _____ for today's hearing is hereby _____

Part Two:

It shall be the responsibilities of the violator(s) named above to advise the code officer that the violation(s) has (have) been corrected. Code Officer can be reached by calling Village Hall at 305-899-8000, option 3.

In the event that an affidavit of Non-compliance is filed, a fine of \$ _____ per day for each day of non-compliance, is hereby imposed and shall commence from the _____ day of _____, 2004.

If a finding of a violation of this order, or a repeat violation, is made, an additional hearing shall not be necessary for the issuance for the second part of this order. A certified copy of this order shall be recorded in the Public Records of Miami- Dade county and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. The amount of the lien, along with the costs, interest and attorney's fees, shall continue to accrue until satisfied by full payment. After three (3) months from the date of filing said lien, the village Attorney is authorized to foreclose on said property.

DONE AND ORDERED this 30th day of September, 2004

By: James A. Reader
James A. Reader, Special Master

Jason Lichtenstein
Jason Lichtenstein, Special Master

Dale Blanton, Special Master

J. Davis

*copy of
O&E given to
M. Daniels at
Village Hall
10-1-04*

*10-1-04
Picked up
variance packet*

VILLAGE OF BISCAYNE PARK
ORDER OF ENFORCEMENT

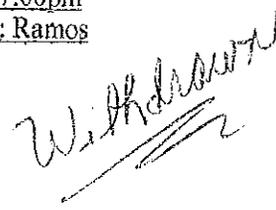
BEFORE THE SPECIAL HEARING MASTER in the Village of Biscayne Park came:

Hearing Master Case# 5 Hearing Date: Oct 21, 2004 Time: 7:00pm
Code Violation Case# 03-300 Violation Date: 10-3-03 Officer: Ramos
Folio#:
Property Address: 11711 Griffing Blvd

Property Owner or Violator Name: Marion Daniels

Violation: Shed in set back

Section to wit: 17-28 (1)/17-64 (1)



This cause came to be heard on the above noted date and time and based upon substantial competent evidence presented, the special Master enters the following findings of fact and conclusions of law order:

1. FINDING OF FACT: that the violations as cited by the code officer in the Notice of Violation referenced above continues to exist.
2. CONCLUSIONS OF LAW: that the violator(s) named above have violated the stated provisions of the code of the Village of Biscayne Park, Florida.
3. THE ORDER OF THE SPECIAL MASTER IS AS FOLLOWS:

Part One:

There shall be full compliance with the stated provisions of the Code by the _____ day of _____, 2004

On or about aforesaid date, the Code Officer shall revisit the subject property to determine if corrective measures have been completed and shall file with the clerk, an affidavit of compliance or Non-compliance. If there has been no compliance by the previously mentioned date, the special Master has the authority to assess a fine of up to \$250.00 per day for each day the violation is in existence.

The Administrative cost is in the amount of _____ for today's hearing is hereby _____

Part Two:

It shall be the responsibilities of the violator(s) named above to advise the code officer that the violation(s) has (have) been corrected. Code Officer can be reached by calling Village Hall at 305-899-8000, option 3.

In the event that an affidavit of Non-compliance is filed, a fine of \$ _____ per day for each day of non-compliance, is hereby imposed and shall commence from the _____ day of _____, 2004,

If a finding of a violation of this order, or a repeat violation, is made, an additional hearing shall not be necessary for the issuance for the second part of this order. A certified copy of this order shall be recorded in the Public Records of Miami- Dade county and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. The amount of the lien, along with the costs, interest and attorney's fees, shall continue to accrue until satisfied by full payment. After three (3) months from the date of filing said lien, the village Attorney is authorized to foreclose on said property.

DONE AND ORDERED this _____ day of _____, 2004

By:

James A. Reader, Special Master

Jason Lichtstein, Special Master

Dale Blanton, Special Master

VILLAGE OF BISCAYNE PARK
ORDER OF ENFORCEMENT

BEFORE THE SPECIAL HEARING MASTER in the Village of Biscayne Park came:

Hearing Master Case# 8 Hearing Date: 2-26-04 Time: 7:00pm
Code Violation Case# 03-300 Violation Date: 10-3-03 Officer: Ramos
Folio#:
Property Address: 11711 Griffing Blvd
Biscayne Park, FL 33161
Property Owner or
Violator Name: Marion Daniels
Violation: Failure to maintain structure in good repair. In set back
Section to wit: 17-28(1)/17-64(1)

*Continued
to
March*

This cause came to be heard on the above noted date and time and based upon substantial competent evidence presented, the special Master enters the following findings of fact and conclusions of law order:

1. FINDING OF FACT; that the violations as cited by the code officer in the Notice of Violation referenced above continues to exist.
2. CONCLUSIONS OF LAW; that the violator(s) named above have violated the stated provisions of the code of the Village of Biscayne Park, Florida.
3. THE ORDER OF THE SPECIAL MASTER IS AS FOLLOWS:

Part One:

There shall be full compliance with the stated provisions of the Code by the _____ day of _____, 2004

On or about aforesaid date, the Code Officer shall revisit the subject property to determine if corrective measures have been completed and shall file with the clerk, an affidavit of compliance or Non-compliance. If there has been no compliance by the previously mentioned date, the special Master has the authority to assess a fine of up to \$250.00 per day for each day the violation is in existence.

The Administrative cost is in the amount of _____ for today's hearing is hereby _____

Part Two:

It shall be the responsibilities of the violator(s) named above to advise the code officer that the violation(s) has (have) been corrected. Code Officer can be reached by calling Village Hall at 305-899-8000, option 3.

In the event that an affidavit of Non-compliance is filed, a fine of \$ _____ per day for each day of non-compliance, is hereby imposed and shall commence from the _____ day of _____, 2004.

If a finding of a violation of this order, or a repeat violation, is made, an additional hearing shall not be necessary for the issuance for the second part of this order. A certified copy of this order shall be recorded in the Public Records of Miami- Dade county and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. The amount of the lien, along with the costs, interest and attorney's fees, shall continue to accrue until satisfied by full payment. After three (3) months from the date of filing said lien, the village Attorney is authorized to foreclose on said property.

DONE AND ORDERED this _____ day of _____, 2004

By:

James A. Reader, Special Master

Drew Dillworth, Special Master

Dale Blanton, Special Master

Village of Biscayne Park

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

NOTICE OF ADMINISTRATIVE HEARING

Date: January 30, 2004

Name: ~~XXXX~~ *Marion Daniels*

Address: 11711 Griffing Boulevard
Biscayne Park, FL 33161

Department: Code Enforcement

Case #03-300, Description: Failure to maintain accessory structure in good repair and not in set back

Date of Citation: 10-3-03

Has been scheduled for a hearing before the Code enforcement Hearing Master as noted herein below:

Hearing Date: 2-26-04 Place: Biscayne Park Recreation Center Time: 7:00 pm
11400 N. E. 9 Court
Biscayne Park, Fl 33161

You have the right to legal representation and a right to present witnesses and submit evidence on your own behalf.

A Hearing Date shall not be postponed or continued unless the Hearing Master receives a request for continuance showing good cause for such continuance, in writing at least ten (10) calendar days prior to the date set for the hearing.

Your failure to attend the hearing on the date above shall constitute a waiver of your right to a hearing. Such a waiver shall constitute an admission of the violation and may result in additional penalties without the need for issuance of an additional Civil Violation notice.

If you are found guilty of the Civil Violation charged, a payment for both an administrative fee and the fine assessed is to be made to the Clerk in attendance unless otherwise ordered by the Hearing Master.

Americans with Disabilities Act of 1990: Persons needing special accommodations to participate in this proceeding may contact the Clerk of Court ADA Coordinator, no later than seven (7) days prior to the proceedings at (305) 375-2333 (voice), TDD Users, please phone via the Florida Relay Service at 1 800 955-8771 Note: Bring this notice with you to the hearing.

Village of Biscayne Park

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

NOTICE OF ADMINISTRATIVE HEARING

Date: October 4, 2004

Name: Marion Daniels

Address: 11711 Griffing Blvd.
Biscayne Park, FL 33161

Department: Code Enforcement

Case # 03-300 Description: Setback encroachment

Date of Citations: 10-3-03

Has been scheduled for a hearing before the Code enforcement Hearing Master as noted herein below:

Hearing Date: October 21, 2004 **Place:** Biscayne Park Recreation Center **Time:** 7:00 pm
11400 N. E. 9 Court
Biscayne Park, Fl 33161

You have the right to legal representation and a right to present witnesses and submit evidence on your own behalf.

A Hearing Date shall not be postponed or continued unless the Hearing Master receives a request for continuance showing good cause for such continuance, in writing at least ten (10) calendar days prior to the date set for the hearing.

Your failure to attend the hearing on the date above shall constitute a waiver of your right to a hearing. Such a waiver shall constitute an admission of the violation and may result in additional penalties without the need for issuance of an additional Civil Violation notice.

If you are found guilty of the Civil Violation charged, a payment for both an administrative fee and the fine assessed is to be made to the Clerk in attendance unless otherwise ordered by the Hearing Master.

Americans with Disabilities Act of 1990: Persons needing special accommodations to participate in this proceeding may contact the Clerk of Court ADA Coordinator, no later than seven (7) days prior to the proceedings at (305) 375-2333 (voice), TDD Users, please phone via the Florida Relay Service at 1 800 955-8771 Note: Bring this notice with you to the hearing.

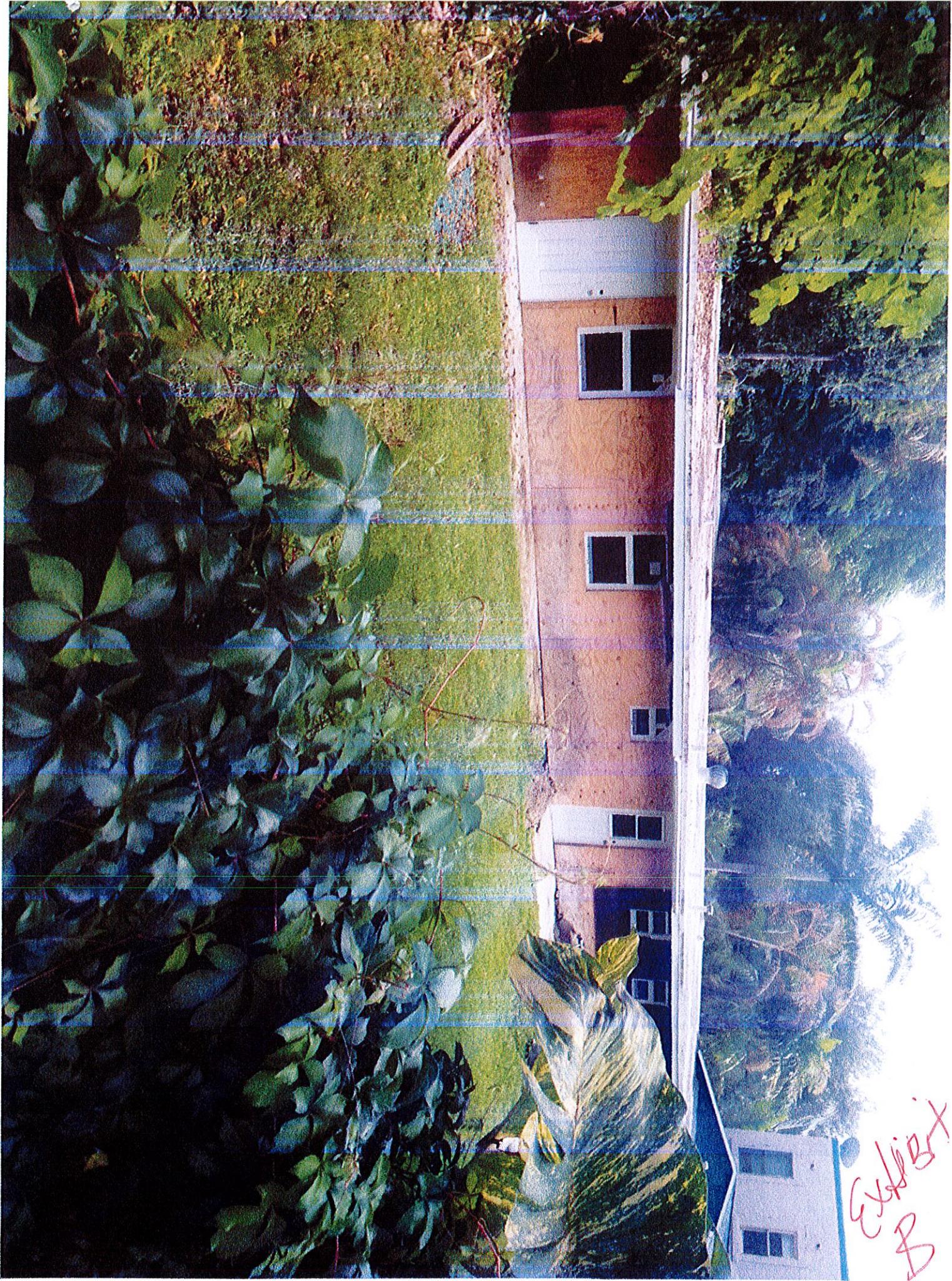


Exhibit B





9/14/16

ADDENDUM TO VARIANCE (11711 Griffing Blvd)

IN FURTHER SUPPORT OF THE SUBJECT VARIANCE, THE FOLLOWING
EVIDENCE/INFORMATION IS SUBMITTED

- CLARIFICATION ON THE IMPROVEMENTS MADE: Please note this accessory structure has not been expanded beyond the original footprint. This building has been partially refurbished.

ADDITIONAL EVIDENCE:

- EXHIBIT 1: 2004 Letter from previous owner indicating, "The shed was there when I bought the property 12 years ago (survey attached)".

*(*NOTE: This 2004 letter from the previous owner (Marion Daniels) was included once more to demonstrate that the accessory structure existed prior to 1993 Biscayne Park Code 3.4(2).*

In further support of Code 3.4 (2), please note this structure has been in continual use by virtue of it housing the pool pump and electrical equipment. All approvals for the pool pump/electrical equipment exist in the file)

- EXHIBIT 2: Survey from 2003 showing the structure in its current footprint.
- EXHIBIT 3: Photograph showing our neighbor's fence leaning into our property and subsequently the structure.
- EXHIBIT 4: 2004 Photograph from our file (prior to refurbishing) showing structure adjacent to the neighbor's wooden fence and the same proximity as exists today.

- **EXHIBIT 5:** Email response from Realtor Laura Graves who sold us the property describing the structure as permitted. (Incidentally the seller's realtor is our neighbor at odds with the structure). The email states,

"THERE IS NO CARPORT. THERE IS A SHED ON THE PROPERTY THAT WAS AGAIN PERMITTED AND SIGNED OFF ON BY THE PROPER CODE COMPLIANCE PARTIES AT THE TIME OF IT'S INSTALLATION."

- **EXHIBIT 6:** Biscayne Park Code 3.4 (2) : "Non-Conforming Uses"

"Nonconforming use discontinued. The lawful use of land or improvements existing at the time of the adoption of this code, although such use does not conform to the provision hereof, may be continued, but if discontinued for a period of six (6) months such nonconforming use shall not thereafter be re-established and the future use of such land or improvements shall be in conformity with the provisions of this code." (10-5-1993)

- **NOTE:** A video of the subject fence will be played to demonstrate how the structure is not and has never been "nailed" onto the neighbor's fence as alleged by board member (Andrew Olis) . The neighbor's fence shows partial collapse in certain areas where it is leaning into our property.

IN FURTHER SUPPORT OF "4: MINIMUM VARIANCE FOR REASONABLE USE",

- The minimal use of a variance of this structure is being requested inasmuch as the structure has existed in its current plat and footprint since prior to 1992. This is a unique request inasmuch as this isn't a new structure it is an old structure that existed before 1993 code was enacted and has been in continual use.

FOLLOWING OUR INITIAL P&Z MEETING OF TUESDAY, 9/6/16, WE NOTE THE FOLLOWING CHANGE TO THE VARIANCE:

November 12th, 2004

Marion Daniels
11711 Griffing Blvd.
Miami, Fl. 33161

Dear Commission;

This is about a shed that is in my yard which is too close to my neighbor's property. Here are the reasons why I think I should not have to move the shed:

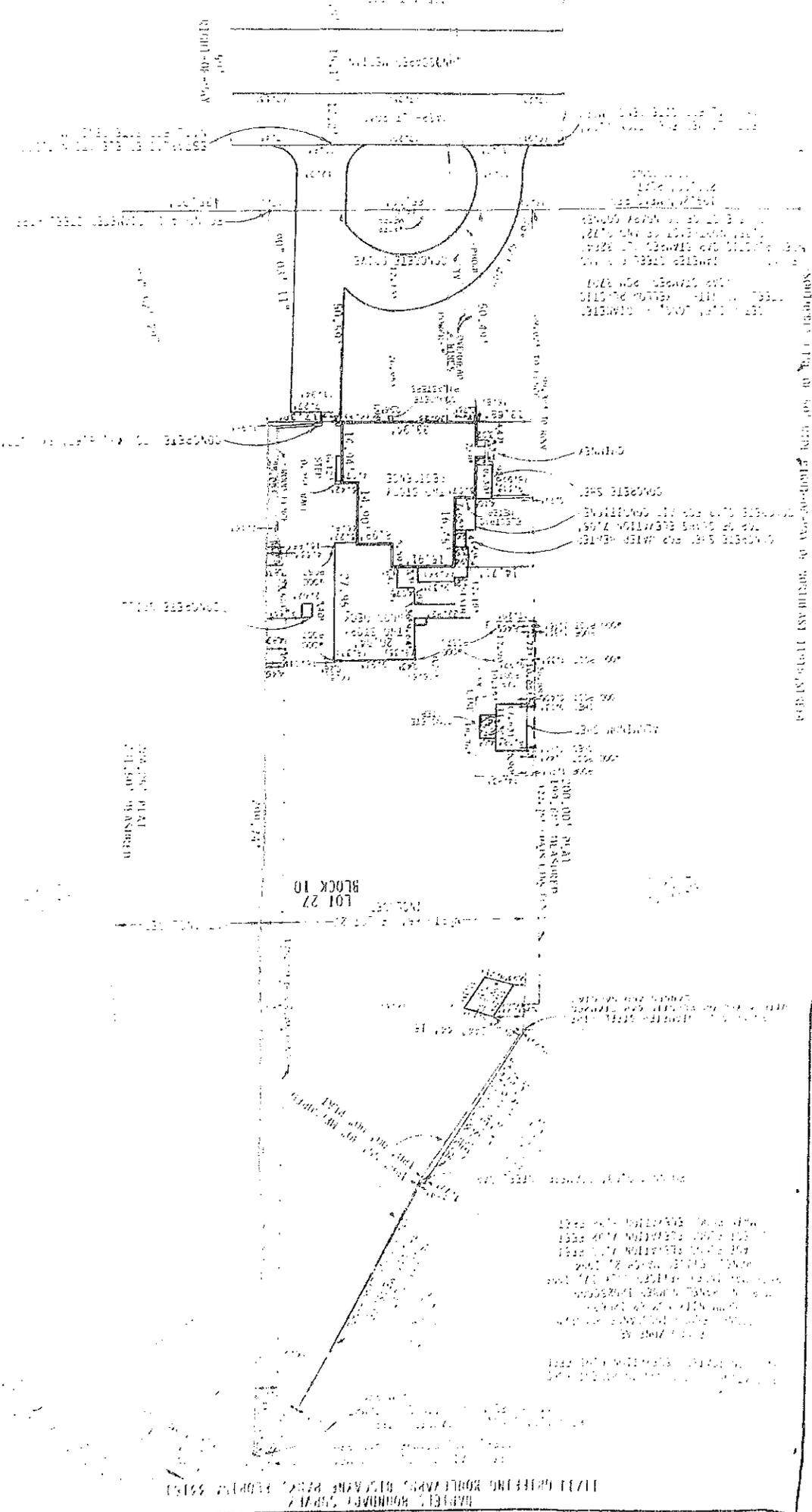
1. The shed was there when I bought the property 12 years ago (survey attached).
2. I had a pool put in a year ago. At that time I had a survey done and it was submitted to Biscayne Park. It seems to me that that would have been the time to tell me about the shed, NOT after the pump/electrical for the pool was built around the shed. (survey attached).
3. The neighbor who is affected, Laura Graves has no objection to the shed being there, and is willing to put that in writing.
4. That same neighbor has meanwhile put up a six foot wooden fence, and the entire issue thereby seems to have become irrelevant anyway. (picture attached).

Thank you for your consideration in this matter.

Sincerely,

Marion Daniels

1



AVENUE 40-000

11711 GREENING BOULEVARD, BIRMINGHAM, ALABAMA 35202

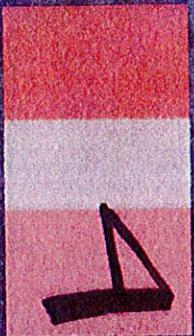
LOT 27
BLOCK 10

11711 GREENING BOULEVARD, BIRMINGHAM, ALABAMA 35202

SEE PLAN FOR DIMENSIONS AND NOTES



3



Fwd: As per the Mainade/Daniels contract on 11711 Giffing Blvd (2)

Peof

From: "Graves, Laura" <Laura.Graves@floridaproyes.com>

Date: January 2, 2014 at 12:39:53 PM EST

To: Cristina Butler <christina102@verizon.com>

Cc: "Eric J Mainade" <ericmainade@gmail.com>, cristina@imbourqirealty.com

Subject: Re: As per the Mainade/Daniels contract on 11711 Giffing Blvd

Cristina,

As per my text shortly ago please provide me with a valid copy of the inspection report and actual addendum requesting this credit from the buyer. Please note the following as well just so there is no confusion. As you know this home is being offered "as-is" with the right to inspect. I know you have done all you can to try and expedite this transaction in a timely fashion but to come back at the last hour and make a request such as this without any valid paperwork to substantiate any of these claims is not going to work.

Please note for the Record: (this is redundant as the sellers property disclosure statement already states all of these things)

1. The home is currently in livable condition. As you know the seller is living in it and has for the last 21 years.
2. A portion of the plumbing was replaced when the upstairs bathroom was put in. We don't know the condition of the other plumbing as your buyers inspector refused to come back and inspect the crawl space. He also chose not to inspect the attic at time of inspection. There is access to the attic and this was never inaccessible.
3. The Deck is up to code. There were permits pulled and signed off on in order to install this decking. *If possible repair work is needed then that is one thing but the Deck is up to code and always has been.
4. The electrical system as well is up to code and was permitted and signed off on by the proper code compliance parties.
5. There is no carport. There is a shed on the property that was again permitted and signed off on by the proper code compliance parties at the time of it's installation.
6. There is no lead based paint in this home. It is extremely irresponsible for the Appraiser to make any assumptions regarding this when he has

5

3.4. - Nonconforming uses.

3.4.1 *Prohibited uses.* The following uses are specifically prohibited and declared unlawful, but the enumeration of these specific uses shall not by implication grant the right to make any use not permitted by the terms of Ordinance No. 84 (11-21-1944).

(a) Garage apartment, tourist tent, trailers or trailer camps, truck trailers, mobile homes, amusement parks, bungalow courts, chicken houses, private or commercial dog kennels, rabbit hutches, night clubs, beer gardens, house boats, commercial boat houses or any use defined as commercial.

(b) Any use not consistent with the residential sector regulations (Table A).

3.4.2 *Nonconforming use discontinued.* The lawful use of land or improvements existing at the time of the adoption of this code, although such use does not conform to the provision hereof, may be continued, but if discontinued for a period of six (6) months such nonconforming use shall not thereafter be re-established and the future use of such land or improvements shall be in conformity with the provisions of this code.

(Ord. No. 283, § 2, 10-5-93)



◀ (2) Laura - Biscayne Par... Details

Hi Eric, We didnt have a problem with the shed. We got a letter from the Park about a varience hearing and thought it necessary for us to attend. What we do have a problem with is that Kristinas father, a man who neither Jeff nor I have ever met, thought it was ok on multiple occassions during this hearing to directly accuse us of moving our fence. We are really appauled and insulted by his behavior. We have been 100% supprtive of your project while ALL the neighbors have complained and we don't appreciate the cheap



Send



August 29, 2016

Property Owner
11659 Griffing Blvd
Biscayne Park, FL 33161

**NOTICE OF PUBLIC HEARING
NON-USE VARIANCE REQUEST**

Notice is hereby given that the Planning & Zoning Board of the Village of Biscayne Park, Florida, will hear the following non-use variance request at the Planning & Zoning Board Meeting to be held on **Tuesday, September 6, 2016, at 6:30** at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161.

**Eric Mainade – 11711 Griffing Blvd.
Variance Request: Accessory structure within the setback**

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinances.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Board 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 who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.



MINUTES

PLANNING & ZONING BOARD MEETING

Log Cabin

640 NE 114 St – Biscayne Park, FL
Tuesday , September 6th, 2016 at 6:30pm

PLANNING &
ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Elizabeth Hornbuckle

Dan Schneider
Doug Tannehill

Alternates
Mario Rumiano

1. CALL TO ORDER

This meeting was called to order at 6:33 P.M.

2. ROLL CALL

Gage Hartung – Board Member– present
Andrew Olis – Board Member – present
Elizabeth Hornbuckle – Board Member- present
Doug Tannehill – Board Member – present
Dan Schneider- Board Member- present
Irwina Peterson- staff- present
Sal Annese- staff- absent

3. APPROVAL OF MINUTES

August 15th, 2016

Motion by A. Olis, seconded by D. Schneider. Approved 5-0

4. NEW BUSINESS

- a. Mainade- 11711 Griffing Blvd- Variance request- Accesory Building
Withdrawn by Applicant

5. BUILDING PERMITS

- a. Schmidt- 1007 NE 118 St- Driveway
Tabled for more information
- b. Palomino- 11010 NE 10 Ave- Driveway
Motion by D.Tannedhill, seconded by A. Olis. Approved 5-0
- c. Pacheco- 11230 NE 8 Ct- Windows
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- c1. Pacheco- 11230 NE 8 Ct- Pool/Deck
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0



The Village of Biscayne Park

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

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

- d. Reid- 11315 NE 11 Pl- Driveway
Tabled for more information
- e. Shibi- 11831 NE 6 Ave- Windows/Doors
Motion by E. Hornbuckle, seconded by D. Tannehill. Approved 5-0
- f. Vargas- 841 NE 119 St- Windows/Doors
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- g. Romero- 731 NE 116 St- Windows/Doors
Motion by D. Tannehill, seconded by D. Schneiger. Approved 5-0
- h. Lyndaker- 11940 NE 6 Ave- Wood Panels
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- h1. Lyndaker- 11940 NE 6 Ave- Driveway
Tabled for more information
- i. Larsen- 845 NE 116 St- Addition/Renovation
Motion by D. Tannehill, seconded by D. Schneiger. Approved 5-0
- i1. Larsen- 845 NE 116 St- Windows/Doors
Tabled for more information.
- i2. Larsen- 845 NE 116 St- Roof
Tabled for more information
- j. Gamas- 11095 NE 8 Ave- Addition
Motion by D. Tannehill, seconded by A. Olis. Approved 5-0
- j1. Gamas- 11095 NE 8 Ave- Windows/Doors
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- j2. Gamas- 11095 NE 8 Ave- Roof
Motion by A. Olis, seconded by D. Schneiger. Approved 5-0
- k. Lajeune- 930 NE 119 St- REVISION to Driveway
Motion by A. Olis, seconded by D. Schneiger. Approved 5-0
- l. Scher- 955 NE 118 St- Windows/Doors
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- m. Goehl- 11625 NE 7 Ave- Windows/Doors
Tabled for more information
- n. Childress- 780 NE 112 St- Door
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0



The Village of Biscayne Park

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

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

- o. Hill- 660 NE 119 St- Door
Motion by E. Hornbuckle. Approved 5-0

- p. Mariano- 511 NE 119 St- Gravel/Swale
Tabled for more information

The next meetings of the Planning & Zoning Board are Monday, September 19th, 2016 and tba.

6. ADJOURNMENT

This meeting was adjourned at 08:22 p.m.

Minutes approved on : _____
(Date)

By: _____
Gage Hartung, Chair Planning & Zoning Board



September 14, 2016

Property Owner
11659 Griffing Blvd
Biscayne Park, FL 33161

**NOTICE OF PUBLIC HEARING
NON-USE VARIANCE REQUEST**

Notice is hereby given that the Planning & Zoning Board of the Village of Biscayne Park, Florida, will hear the following non-use variance request at the Planning & Zoning Board Meeting to be held on **Monday, September 19, 2016, at 6:30** at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161.

**Eric Mainade – 11711 Griffing Blvd.
Variance Request: Accessory structure within the setback**

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinances.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Board 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 who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.



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

Elizabeth Hornbuckle
Dan Schneiger
Doug Tannehill

Alternates
Mario Rumiano

MINUTES PLANNING & ZONING BOARD MEETING LOG CABIN

**640 NE 114 ST – Biscayne Park, FL
Monday, September 19th, 2016 at 6:30 p.m.**

1. CALL TO ORDER

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

2. ROLL CALL

Gage Hartung- Board Member- present
Andrew Olis- Board Member- present
Elizabeth Hornbuckle- Board Member- present
Doug Tannehill- Board Member- present
Dan Schneiger- Board Member- absent- Motion to excuse by D. Tannehill,
Seconded by A. Olis. Approved 4-0
Irwin Peterson- Staff- present
Sal Annese- Staff- absent

3. APPROVAL OF MINUTES

September 6th, 2016

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

4. OLD BUSINESS, DELETIONS OR DISCUSSIONS TO ORDER OF BUSINESS

- a. Scott- 1070 NE 120 St- Roof
Motion by D. Tannehill, seconded by E. Hornbuckle. Approved 4-0
- b. Wolven- 11305 NE 10 Ave- Windows/Doors
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- c. Schmidt- 1007 NE 118 St- Driveway
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- d. Larsen- 845 NE 116 St- Windows/Doors
Motion by D. Tannehill, seconded by A. Olis. Approved 4-0
- d1. Larsen- 845 NE 116 St- Roof Addition
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- e. Mariano- 511 NE 119 St- Swale Development
Tabled for more information
- f. Candela- 472 NE 121 St- Addition
Tabled for more information
- g. Gamas- 11095 NE 8 Ave- Revision to plans from P & Z 09-06-16
Motion by D. Tannehill, seconded by A. Olis. Approved 4-0



The Village of Biscayne Park

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

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

5. BUILDING PERMIT

- a. Hartung- 1029 NE 114 St- Windows/Doors
Motion by E. Hornbuckle, seconded by D. Tannehill. Approved 3-0
G. Hartung recused from vote.
- b. Nalepa- 775 NE 113 St- Pool
Motion by E. Hornbuckle, seconded by A. Olis. Approved 4-0
- c. Childress- 1019 NE 115 St- Fence
Motion by A. Olis, seconded by E. Hornbuckle. Denied 4-0
- d. Huff- 579 NE 118 St- Driveway
Motion by D. Tannehill, seconded by A. Olis. Approved 4-0
- e. Martinez- 11205 NE 8 Ave- Driveway/Walkway
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- f. Ederr- 11528 Griffing Blvd- Windows/Doors
Motion by D. Tannehill, seconded by E. Hornbuckle. Approved 4-0

6. Variance Request

- a. Mainade- 11711 Griffing Blvd- Accessory Building
Permit- Motion by D. Tannehill, seconded by A. Olis. Denied 4-0
Variance Request- Motion by A. Olis, seconded by D. Tannehill. Denied 3-1
E. Hornbuckle voted against.

The next meetings of the Planning & Zoning Board are Monday, October 3rd, 2016 and tba.

ADJOURNMENT

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.



October 11, 2016

Eric Mainade
11711 Griffing Blvd
Biscayne Park, FL 33161

**NOTICE OF PUBLIC HEARING
NON-USE VARIANCE REQUEST**

Notice is hereby given that the Village Commission of the Village of Biscayne Park, Florida, will hear the following non-use variance request at the regular Commission Meeting to be held on **Tuesday, November 1, 2016 at 7:00pm** at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161.

**Eric Mainade – 11711 Griffing Blvd
Variance Request: Accessory Structure within the Setback**

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinances.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Board 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 who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.

MIAMI, FL 33156

TELEPHONE (305) 670-1930

FACSIMILE (305) 670-1932

September 20, 2016

Mrs. Myrna P. Herbert
Registry of Corporate Affairs
BVI Financial Services Commission
Pasea Estate
Road Town, Tortola
British Virgin Islands

RE: DT Real Estate Ltd - BC N° 1778217
Notice of Winding-Up and Dissolution

Dear Ms. Herbert

Please be advised that my office represents DT Real Estate Ltd and its principals, Claudia Westmayr and Manfred Ecker. This letter is to inform you that the winding-up and dissolution of the above named company has been completed.

Please arrange for your files on DT Real Estate Ltd to be amended accordingly and proceed to strike the company off the Register and issue the respective Certificate of Dissolution.

Sincerely,

Giorgio L. Ramirez, Esq.
10/6-13

16-100/0000158560M

LEGAL NOTICE

THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES pursuant to Section 33.423 of the Code of Miami-Dade County hereby provides this notice of intent to issue a rock mining excavation permit in connection with the application described as follows:

Rock Mining Lake Excavation File Number: 370
Owners: Summit Limestone and Soils, Inc.
The aforementioned plans are on file and may be examined in the Information Section of the Department of Regulatory and Economic Resources.

SUBJECT PROPERTY: Lying between NW 201 St and NW 202 St. and between NW 177 Ave and NW 132 Ave.

The Northeast ¼ less the North 130 feet for Snake Creek Canal Right of Way and less the West 60 feet of the East 214 feet for canal purposes, of Section 2, Township 53 South, Range 39 East lying and being in Miami-Dade County.

Plans and other data are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, 11th Floor, 111 NW First Street, Miami, Florida. If further information is desired, call (305) 375-1474, Zoning Information Section. Please refer to the file/project number when making an inquiry.
10/13

16-125/0000161599M

Phone: (305) 237-0012
Fax: (305) 237-0737
Email: Rmartin9@mdc.edu

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. A copy of the agenda may be obtained by writing to: Miami Dade College, Office of the Purchasing Director, 11011 SW 104 Street, Room 9254, Miami, FL 33176 or by Calling (305) 237-2402.

10/13

16-126/0000161607M

HEARINGS



**NOTICE OF PUBLIC HEARING
VILLAGE OF BISCAYNE PARK**

NOTICE IS HEREBY GIVEN that the Village Commission of the Village of Biscayne Park, Florida will hear the following non-use variance request at the Regular Commission Meeting to be held on **Tuesday, November, 1 2016, at 7:00PM**, at the **Log Cabin located at 640 NE 114th Street, Biscayne Park, FL 33161.**

Pursuant to Section 15.3 of the Code of Ordinances of the Code Biscayne Park, Florida, the property owners hereby seek the following variance from the Village Code for their property-located at:

**Eric Malnade-11711 Griffing Blvd.
Variance Request: Accessory Structure within the Setback**

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance.

In accordance with the provision 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 who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than 48 hours prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request. Maria Camara, Village Clerk
10/13-18

16-127/0000161598M

received after this time will not be considered and no time extensions will be permitted. Bids will be publicly opened and read aloud immediately after specified closing time. All interested parties are invited to attend. Please clearly mark bids: **ITB NO. 15-16-039(A) Sidewalk Replacement And Installation Annual Contract Rebid**

SCOPE:

The City of Miami Gardens, acting as lead City for the Southeast Florida Governmental Purchasing Co-operative Group, is actively seeking sealed bids from licensed contractor(s) for an annual contract for the replacement and installation of new sidewalks on an as needed basis to the City and the Co-Op in full accordance with the specifications, terms and conditions herewith from a source(s) that will give prompt and efficient service.

PERFORMANCE BOND AND PAYMENT BOND

Bond Requirements: A 10% Bid Bond is a requirement of this Invitation to Bid (ITB). A 100% Performance and Payment Bond is a requirement of this project.

FURTHER INFORMATION

Bidders requiring additional information regarding any of the bid terms, conditions or administrative requirements and or technical clarifications should contact Scott Shaw of the Office of Procurement Management at 305-622-8000 Ext. 2492 or by email at sshaw@miamigardens-fl.gov. No change(s) and no interpretation(s) shall be considered binding unless provided to all bidders in writing by an addendum issued by the Office of Procurement Management.

The City is not obligated to respond to any questions received after the Deadline for submittal of questions, which is **Thursday, October 27, 2016.**

COPIES OF THIS PROPOSAL DOCUMENT May be obtained by contacting BidSync at www.bidsync.com or call 1-800-990-9339 and request Document 15-16-039(A), Sidewalk Replacement And Installation Annual Contract Rebid or may be found on the City's web site at www.miamigardens-fl.gov. Vendors who obtain specifications and plans from other sources other than www.bidsync.com are cautioned that the bid package may be incomplete. All addendums, tabulations, evaluation meetings, recommendation of award will be posted and disseminated by BidSync.

NON-MANDATORY PRE-BID MEETING Will be held on **Wednesday, October 19, 2016 at 10:00 A.M to 11 A.M E.S.T** at 18605 N.W. 27th Avenue, Miami Gardens, Florida.

10/13

16-122/0000161604M

**YOU DON'T
NEED TO REACH
EVERYONE.**

Just the right people

**Call 855.852.9562 (855-8LAWJOB)
to place your ad.**

Ellisa L. Horvath, MMC, City Clerk
10/18

16-68/0000162438M



**CITY OF AVENTURA
NOTICE OF PUBLIC HEARING**

Date and Time of Public Hearing: Tuesday, November 1, 2016
6:00 p.m.

Applicant Name/Number: Aventura IMP LLC
(04-VAR-99 REV3)

Applicant Request: Modification of Variance Approval granted through Resolution No. 99-39 as modified by Resolution No. 2001-01 and Resolution No. 2002-30 to delete Condition numbered "7" in Resolution No. 99-39 requiring construction and maintenance of 20 parking spaces in the FEC Railway right-of-way.

Location of Subject Property: 20601 East Dixie Highway, City of Aventura

Legal Description: Lots 12 through 30, Block 8 of Hallandale Park No. 8 according to the plat thereof recorded in Book 20, Page 49 of the Public Records of Miami-Dade County, City of Aventura, Florida

Plans are on file and may be examined during regular business hours at the City of Aventura Government Center, Community Development Department, 19200 West Country Club Drive, Aventura, Florida, 33180. Plans may be modified at or before the Public Hearing. The application may change during the hearing process.

The Public Hearing will be held in the City Commission Chamber at City of Aventura Government Center at 19200 West Country Club Drive, Aventura,



**CITY OF AVENTURA
NOTICE OF PUBLIC HEARING**

Date and Time of Public Hearing: Tuesday, November 1, 2016
6:00 p.m.

Applicant Name/Number: Parcel Cove LLC
(03-SV-16)

Applicant Request: Variance from Section 31-191(j)(2)a. of the City Code to permit a second wall sign for the Bagel Cove restaurant, where one wall sign is permitted by Code.

Location of Subject Property: 19001 Biscayne Boulevard, City of Aventura

Legal Description: Part of the Northeast ¼ of the Northwest ¼ of the Southwest ¼ of Section 3, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida (complete legal description available at the Community Development Department)

Plans are on file and may be examined during regular business hours at the City of Aventura Government Center, Community Development Department, 19200 West Country Club Drive, Aventura, Florida, 33180. Plans may be modified at or before the Public Hearing. The application may change during the hearing process.

The Public Hearing will be held in the City Commission Chamber at City of Aventura Government Center at 19200 West Country Club Drive, Aventura, Florida, 33180. Your comments may be made in person at the hearing or filed in writing prior to the hearing date. Refer to applicant/property on correspondence and mail same to City of Aventura Government Center,



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VILLAGE OF BISCAYNE PARK**

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10/13-18

16-127/0000161598M

PLANNING & ZONING

SIZE OF PROPERTY: 2905 sq. ft.



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

#10.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Sharon P. Ragoonan, Village Manager

DATE: November 1, 2016

TITLE: Ordinance 2016-09 Budget Amendment for Fiscal Year 2015-2016

Background and Analysis

With the completion of the 2015-2016 fiscal year, a summary of the revenues and expenditures as of September 30, 2016 is provided below.

General Fund:

The General Fund shows an excess of \$187,909 over the amount of revenues that was projected for the year. The majority of it came from Ad Valorem taxes, Utility taxes, Charges for Services and Franchise fees.

We were able to finish the fiscal year at 1.19 % below the projected expenses in the General Fund. The net revenue over expenses is \$218,677. (Exhibit 2)

Revenues and Expenditures:

1. Village Commission. The department closed the year at almost 25% under budget. The difference is attributed to:
 - a) Commission Compensation earmarked for one Commissioner was not expended in the amount of \$2,000.
 - b) Audit for Biscayne Park Foundation amounting to \$3,500 was not needed.
 - c) Education & Training in the amount of \$1,329 was not expended.
2. Administration. The department closed the year at 19% under the budget. It is attributed to:
 - a) Regular Salary is over the budget by \$10,191. It is due to the change in salary for the period the Village Clerk served as Interim Manager. That amount is compensated by the savings of \$24,209 in Administrative Salaries.
 - b) Other Charges for Services. The amount of \$4,590 for ball player reimbursement was not budgeted.
3. Finance. The department finished the year at 8% under the budget.
 - a) Contract Service increased by \$9,247 for payment made to Estrada Hinojosa and the temporary clerk
4. Planning & Zoning. The department closed the year 25% (or \$3,500) under budget.

5. General Government. The department was able to close the year 6% under budget as follows:
 - a) Regular Salary yielded a savings of \$30,392 due to departure of the Public Works Manager.
 - b) Florida Retirement System increased by \$7,844 for payment of 2010 cases.
 - c) Professional Legal Services exceeded the budget by \$6,007 for attorney's fees.
 - d) Professional Medical exceeded the budget by \$2,338 attributed to the executive search for the Village Manager, and the expense for drug testing of Golden Gates staffing applications, of which those charges are reimbursed to the Village.
 - e) Professional Services-IT increased by \$3,080 due to the installation of a separate server for the police department.
 - f) Operating Supplies increased by \$4,388 mostly for the purchase of the chairs for the log cabin.

6. Police Department. The police department exceed budget projections by 6%.
 - a) Although the Regular Salaries showed an excess of \$28,334, we realized savings in Other Salaries and Wages (\$15,000), Special Pay (\$4,207), and Court Pay (\$5,348).
 - b) Overtime line increased by \$59,482 and consequently the FRS went up as well by \$21,605.
 - c) Repairs and Maintenance Vehicles increased by \$11,514 due to maintenance of older vehicles.
 - d) Gasoline showed a savings of \$22,313.

7. Building Department. The department closed the year 11% over the budget. The increase was due to the following:
 - a) Professional Inspectors exceed projections by \$19,983. However, the amount was compensated in the increase of revenue showing in Charge for Services for the rise in building permit revenue.

8. Code Enforcement. The department finished the year 9% under budget. The highlights are:
 - a) Repairs & Maintenance Vehicles went over the budget by \$1,035 due to the repair for the Code Car
 - b) Professional fees showed a saving of \$5,323. The amount allocated for the temporary Code Officer was not fully used.

9. Public Works. The department closed the year under the budget by 8%.
 - a) Contract Services Janitorial up by \$1,957.
 - b) Electric Village Hall up by \$1,030.
 - c) Repairs & Maintenance Building showed a savings of \$14,255.
 - d) Repairs and Maintenance Tree Trimming was over the budget by \$6,183.

10. Parks & Recreation. The department closed the year 8% under budget.
 - a) Other Salaries and Wages-Part-time showed a saving of \$15,678.
 - b) Repairs and Maintenance Equipment went over the budget by \$3,550.
 - c) Repairs and Maintenance Vehicles went over the budget by \$1,947.

Special Funds:

1. **Road Fund 101:** The Road Fund yielded a total revenue of \$127,078 while the expenses were \$129,281. The loss of \$2202 is attributed to:
 - a) Repairs & Maintenance Equipment was over the budget by \$648.
 - b) Repairs & Maintenance Vehicles exceeded the line item by \$1,129.
 - c) Repairs & Maintenance-Sidewalks & Median up by \$2,925.
2. **CITT-Transportation 103:** Revenues generated were \$94,279 while the expenses incurred were \$24,039 as follows:
 - a. New Street Address Signs. A total of \$41,213 was allocated and was not used.
 - b. Professional Services-Road Repair. The projection for this line item was \$25,000 and only a fraction of the amount (\$1,178) was expended.
 - c. Storm Drainage. The projected expense of \$6,000 was not used.

Overall, the CITT Transportation showed a net revenue/expense of \$70,240.

3. **CITT Transit 104:** In fiscal year 2015-2016, there was no activity as 98% of projected revenue was collected by the Village in the amount of \$23,030 while no expenses were schedule or incurred for the year.
4. **Police Forfeiture Account 105:** There were no revenues projected. However, there were expenses that occurred for the rental car that the police department was using. The total expense, including bank charges, was \$8,003.
5. **Capital Improvements 302:** The revenues were projected at \$192,400 in order to complete the log cabin renovation project. The projected revenues include:
 - a) General Fund transfer to CIP for log cabin phase 4 \$135,000.
 - b) The annual commercial loan payment \$32,400.
 - c) Historic log cabin match 50% \$25,000.

The non-budgeted amount of revenues for the year was \$125,793. It is comprised of:

- a) Historical Resources Grant of \$50,000 for log cabin construction.
- b) Matching Grant \$25,000 from the Villagers for log cabin restoration.
- c) Grant for Biscayne Park Community Signs for \$50,793.

The expenditures incurred during that year were \$475,342, which includes:

- a) \$126,573 for the development of the Storm Water Master Plan that will be reimbursed in fiscal year 2016-2017.
- b) Payments to Bejar Construction \$62,104.
- c) Payments to McKenzie Construction \$277,286.
- d) Payments to R.J. Heisenbottle \$9,379.

The net revenue/expense was -\$157,149. (Exhibit 3). The final number will be -\$30,576 after the reimbursement of the \$126,753 from the State of Florida for the Storm Water Master Plan.

6. **Sanitation Fund 402:** The Sanitation fund showed a total revenue of \$475,802 while the expenses were at \$502,884. The difference is attributed to \$42,562 in sanitation fees that are yet to be remitted by the Office of the Property Appraiser. However, we expect to receive them at a later date.

The budget amendments highlighted above for each department are in line with the required amendments shown in the table in Exhibit 4 for all funds.

Overall, with the combination of all funds the Village showed net revenues of \$3,811,753 and net expenses at \$3,693,703. The net revenue/expense shows a surplus of \$118,050. (Exhibit 4)

Recommendation

It is recommended the Village Commission approve Ordinance 2016-09 Budget Amendment for fiscal year 2015-2016 at first reading.

Attachment

Exhibit 1 – Ordinance 2016-09

Exhibit 2 – General Fund and Special Fund 4th Quarter Summary

Exhibit 3 – End of Year Detail for Capital Fund, Sanitation Fund and Police Forfeiture.

Exhibit 4 – Budget Amendment Detail

Exhibit 5 – Bank Balances as of September 30, 2016

Prepared by: Claude Charles, Finance Manager

Commissioner Anderson: ____

Commissioner Jonas: ____

Commissioner Watts: ____

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Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

EXHIBIT 2

FINANCIAL REPORT VILLAGE OF BISCAYNE PARK
FISCAL YEAR 2015-2016

DESCRIPTION	1ST QUARTER BUDGET COMPLETION 25.00%				2ND QUARTER BUDGET COMPLETION 50.00%				3RD QUARTER BUDGET COMPLETION 74.86%				4th QUARTER BUDGET COMPLETION 100.00%			
	2015-16 AMENDED BUDGET	YTD BAL. DEC. 2015	AVAILABLE BALANCE	% BDGT USED	2015-16 AMENDED BUDGET	YTD BAL. MARCH 2016	AVAILABLE BALANCE	% BDGT USED	2015-16 AMENDED BUDGET	YTD BAL. JUNE 2016	AVAILABLE BALANCE	% BDGT USED	2015-16 AMENDED BUDGET	YTD BAL. SEPT. 2016	AVAILABLE BALANCE	% BDGT USED
ESTIMATED REVENUES																
AD VALOREM TAXES	1,474,664	1,250,756	223,908.00	84.82%	1,474,664	1,355,812	118,852	91.94%	1,474,664	1,512,518	-37,854	102.57%	1,474,664	1,557,820	-83,156	105.64%
UTILITY TAXES	278,626	99,179	179,447.00	35.60%	278,626	159,523	119,103	57.25%	278,626	222,611	56,015	79.90%	278,626	343,752	-65,126	123.37%
CHARGE FOR SERVICES	196,153	37,945	158,208.00	19.34%	196,153	98,000	98,153	49.96%	196,153	173,950	22,203	88.68%	196,153	234,258	-38,105	119.43%
FRANCHISE FEES	169,339	48,094	121,245.00	28.40%	169,339	86,460	82,880	51.06%	169,339	127,188	42,151	75.11%	169,339	183,643	-14,303	108.45%
OPERATING CONTRIBUTIONS	7,600	4,258	3,342.00	56.03%	7,600	6,694	906	88.08%	7,600	8,386	-786	110.34%	7,600	10,014	-2,414	131.76%
INTERGOVERNMENTAL REVENUES	289,406	82,175	207,231.00	28.39%	289,406	166,447	122,958	57.51%	289,406	242,149	47,257	83.67%	289,406	294,484	-5,079	101.75%
JUDGEMENT & FINES	62,669	16,995	45,674.00	27.12%	62,669	43,839	18,830	69.95%	62,669	46,857	15,812	74.77%	62,669	60,979	1,690	97.30%
MISCELLANEOUS REVENUES	9,500	3,192	6,308.00	33.60%	9,500	3,548	5,952	37.35%	9,500	4,123	5,377	43.39%	9,500	3,771	5,729	39.69%
TRANSFERS IN	96,964	0	96,964.00	0.00%	96,964	0	96,964	0.00%	96,964	0	96,964	0.00%	96,964	84,111	12,853	86.74%
TOTAL ESTIMATED REVENUES	2,584,921	1,542,594	1,042,327	59.68%	2,584,921	1,920,325	664,596	74.29%	2,584,921	2,337,782	247,139	90.44%	2,584,921	2,772,830	-187,909	107.27%
EXPENDITURES																
TRANSFER OUT	192,400	0	192,400.00	0.00%	192,400	0	192,400	0.00%	192,400	0	192,400	0.00%	192,400	192,400	0	100.00%
Totals for dept 511-Village Commission	23,818	4,809	19,009.00	20.19%	23,818	10,450	13,368	43.87%	23,818	10,420	13,398	43.75%	23,818	17,927	5,891	75.27%
Totals for dept 512-Administration	212,449	50,990	161,459.00	24.00%	212,449	96,267	116,182	45.31%	212,449	159,660	52,789	75.15%	212,449	194,004	18,445	91.32%
Totals for dept 513-Finance	108,418	24,222	84,196.00	22.34%	108,419	45,754	62,666	42.20%	108,419	71,560	36,859	66.00%	108,419	99,501	8,918	91.77%
Totals for dept 519-General Government	407,876	94,243	313,633.00	23.11%	407,876	188,471	219,405	46.21%	407,876	283,378	124,498	69.48%	407,876	383,036	24,840	93.91%
Totals for dept 515-Planning & Zoning	14,000	10,500	3,500.00	75.00%	14,000	10,500	3,500	75.00%	14,000	14,000	0	100.00%	14,000	10,500	3,500	75.00%
Totals for dept 524- Building Department	124,366	19,958	104,408.00	16.05%	124,365	51,765	72,600	41.62%	124,365	85,636	38,729	68.86%	124,365	138,262	-13,897	111.17%
Totals for dept 521-Police	1,009,816	271,381	738,435.00	26.87%	1,009,816	471,809	538,007	46.72%	1,009,816	786,985	222,831	77.93%	1,009,816	1,071,202	-61,386	106.08%
Totals for dept 529-Code Enforcement	75,759	14,194	61,565.00	18.74%	75,759	28,384	47,374	37.47%	75,759	49,817	25,942	65.76%	75,759	68,920	6,839	90.97%
Totals for dept 539-Public Works	281,334	70,240	211,094.00	24.97%	281,334	132,786	148,547	47.20%	281,334	193,225	88,108	68.68%	281,334	260,144	21,190	92.47%
Totals for dept 572-Parks and Recreation	134,685	31,428	103,257.00	23.33%	134,684	64,009	70,676	47.52%	134,684	92,073	42,611	68.36%	134,684	118,257	16,427	87.80%
TOTAL EXPENDITURES	2,584,921	591,965	1,992,956	22.90%	2,584,921	1,100,195	1,484,726	42.56%	2,584,921	1,746,754	838,166	67.57%	2,584,921	2,554,153	30,767	98.81%
NET OF REVENUES/EXPENDITURES		950,629				820,130				591,028				218,677		

EXHIBIT 2

BUDGET REPORT FOR VILLAGE OF BISCAYNE PARK
Calculations as of 09/30/2016

		1ST QUARTER BUDGET COMPLETION				2ND QUARTER BUDGET COMPLETION				3RD QUARTER BUDGET COMPLETION				4TH QUARTER BUDGET COMPLETION			
		25.00%				50.00%				75.00%				100.00%			
GL NUMBER	DESCRIPTION	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 12/31/2015	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 3/31/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 6/30/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 9/30/2016	remaining	% Used
Fund 101 - Road Fund																	
ESTIMATED REVENUES																	
Local Option Gas Tax																	
101-000-3124100.000	Local Option Gas Taxes-6 Cent	56521	14642	41879	25.91%	56521	28376	28145	50.20%	56521	41895	14626	74.12%	56521	56687	-166	100.29%
101-000-3124200.000	Local Option Gas Tax (5 Cent)	21885	5605	16280	25.61%	21885	11003	10882	50.28%	21885	16239	5646	74.20%	21885	21870	15	99.93%
Total Local Option Gas Tax		78406	20247	58159	25.82%	78406	39379	39027	50.22%	78406	58134	20272	74.14%	78406	78558	-152	100.19%
CHARGE FOR SERVICES																	
101-000-3342100.000	FDOT 6 Ave Median Maintenance	0	354	-354	0.00%	0	708	-708	0.00%	0	354	-354	0.00%	0	708	-708	0.00%
101-000-3491010.000	Admin Fees-Sanitation	23173	0	23173	0.00%	23173	0	23173	0.00%	23173	0	23173	0.00%	23173	23173	0	100.00%
TOTAL CHARGE FOR SERVICES		23173	354	22819	1.53%	23173	708	22465	3.06%	23173	354	22819	1.53%	23173	23881	-708	103.06%
INTERGOVERNMENTAL REVENUES																	
101-000-3344900.000	Fuel Tax Refund	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-000-3351200.000	Revenue Sharing	25555	7982	17573	31.23%	25555	13132	12423	51.39%	25555	16556	8999	64.78%	25555	22580	2975	88.36%
101-541-3351200.000	State Revenue Sharing	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	2060	0	0.00%
TOTAL INTERGOVERNMENTAL REVENUES		25555	7982	17573	31.23%	25555	13132	12423	51.39%	25555	16556	8999	64.78%	25555	24640	2975	96.42%
TRANSFERS IN																	
101-000-3810000.000	Transfers In	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-3810000.000	Transfers In	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
TOTAL TRANSFERS IN		0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
MISCELLANEOUS REVENUES																	
101-000-3830000.000	Proceeds From Capital Lease	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-3830000.000	Proceeds From Capital Lease	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
TOTAL MISCELLANEOUS REVENUES		0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
TOTAL REVENUES FUND 101		127134	28583	98551	22.48%	127134	53219	73915	41.86%	127134	75043	52091	59.03%	127134	127078	2116	99.96%
EXPENDITURES																	
Dept 541-Streets and Roads																	
101-541-5120000.000	Regular Salaries	61213	14130	47083	23.08%	61213	26393	34820	43.12%	61213	45572	15641	74.45%	61213	61194	19	99.97%
101-541-5120000.210	Employee Bonuses	1000	1000	0	100.00%	1000	1000	0	100.00%	1000	1000	0	100.00%	1000	1000	0	100.00%
101-541-5140000.000	Overtime	2000	246	1754	12.29%	2000	246	1754	12.29%	2000	246	1754	12.29%	2000	1930	70	96.52%
101-541-5210000.000	Fica/Medicare	4912	1176	3736	23.95%	4912	2093	2819	42.61%	4912	3566	1346	72.60%	4912	4881	31	99.37%
101-541-5220000.000	Florida Retirement System	4662	1019	3643	21.85%	4662	1645	3017	35.29%	4662	3189	1473	68.41%	4662	4473	189	95.94%
101-541-5230000.000	Health Insurance	14979	4839	10140	32.30%	14979	8520	6459	56.88%	14979	12315	2664	82.22%	14979	15953	-974	106.50%
101-541-5240000.000	Workers Compensation	5274	1319	3956	25.00%	5274	2637	2637	50.00%	5274	3963	1311	75.14%	5274	4713	561	89.36%
101-541-5320000.000	Professional Services-Audit Fees	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5410000.100	Communications -Telephone	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5430000.160	Utilities-Roads	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5450000.100	Insurance-Liability	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5450000.300	Insurance-Vehicles	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5460000.200	Repairs & Maintenance-Equipment	2000	735	1265	36.77%	2000	1948	52	97.40%	2000	2219	-219	110.93%	2000	2648	-648	132.38%
101-541-5460000.250	Repairs & Maintenance-Vehicles	1500	1049	451	69.96%	1500	1049	451	69.96%	1500	1114	386	74.29%	1500	2629	-1129	175.24%
101-541-5460000.300	pairs & Maintenance-Sidewalks & Med	2594	3029	-435	116.77%	2594	5519	-2925	212.76%	2594	5519	-2925	212.76%	2594	5519	-2925	212.76%
101-541-5520000.000	Miscellaneous Operating Supplies	1300	573	727	44.06%	1300	890	410	68.46%	1300	1124	176	86.44%	1300	1566	-266	120.48%
101-541-5520000.201	Gas/Oil/Grease	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5520000.205	Uniforms & Cleaning	1500	551	949	36.76%	1500	1160	340	77.33%	1500	1793	-293	119.54%	1500	1793	-293	119.54%
101-541-5520000.210	Gasoline	3000	354	2646	11.80%	3000	425	2575	14.17%	3000	721	2279	24.03%	3000	1231	1769	41.02%
101-541-5520000.211	Diesel	2000	762	1238	38.10%	2000	1036	964	51.80%	2000	1583	417	79.15%	2000	3182	-1182	159.12%
101-541-5530000.000	Road Materials	4000	508	3492	12.70%	4000	3054	946	76.35%	4000	3054	946	76.35%	4000	3969	31	99.24%
101-541-5550000.000	Education and Training	200	0	200	0.00%	200	0	200	0.00%	200	0	200	0.00%	200	0	200	0.00%

		1ST QUARTER BUDGET COMPLETION				2ND QUARTER BUDGET COMPLETION				3RD QUARTER BUDGET COMPLETION				4TH QUARTER BUDGET COMPLETION			
		25.00%				50.00%				75.00%				100.00%			
GL NUMBER	DESCRIPTION	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 12/31/2015	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 3/31/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 6/30/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 9/30/2016	remaining	% Used
101-541-5640000.000	Capital Acquisitions-Equipment	15000	3150	11850	21.00%	15000	6300	8700	42.00%	15000	9450	5550	63.00%	15000	12600	2400	84.00%
101-541-5701000.200	Debt Service-JD Tractor-Principal	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5701100.100	Debt Servng-Principal Dodge Ram	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5720500.100	Debt Service-Interest Dodge Ram	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5720500.200	Debt Service-JD Tractor-Interest	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5930000.900	Administration Fee	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-6400000.000	Capital Acquisitions-Equipment	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
101-541-5810000.000	Transfers Out-Admin Fee	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
TOTAL EXPENDITURES		127134	34440	92694	27.09%	127134	63915	63219	50.27%	127134	96428	30706	75.85%	127134	129281	-2147	101.69%
IF REVENUES/APPROPRIATIONS - FUND 101			-5857				-10696				-21385				-2202		

EXHIBIT 2

BUDGET REPORT FOR VILLAGE OF BISCAYNE PARK
Calculations as of 09/30/2016

		1ST QUARTER BUDGET COMPLETION				2ND QUARTER BUDGET COMPLETION				3RD QUARTER BUDGET COMPLETION				4TH QUARTER BUDGET COMPLETION			
		25.00%				50.00%				75.00%				100.00%			
GL NUMBER	DESCRIPTION	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 12/31/2015	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 3/31/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 6/30/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 9/30/2016	remaining	% Used
Fund 104 - CITT-Transit																	
ESTIMATED REVENUES																	
INTERGOVERNMENTAL REVENUES																	
104-000-3382000.000	Transit Surtax Revenues	24030	2672	21358	11.12%	24030	8102	15928	33.72%	24030	14717	9313	61.24%	24030	23570	460	98.08%
TOTAL INTERGOVERNMENTAL REVENUES		24030	2672	21358	11.12%	24030	8102	15928	33.72%	24030	14717	9313	61.24%	24030	23570	460	98.08%
TOTAL REVENUES		24030	2672	21358	11.12%	24030	8102	15928	33.72%	24030	14717	9313	61.24%	24030	23570	460	98.08%
EXPENDITURES																	
104-000-5690000.000	General Contingencies	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
TOTAL EXPENDITURES		0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
NET OF REVENUES/EXPENSES - FUND 104			2672				8102				14717				23570		

EXHIBIT 2

BUDGET REPORT FOR VILLAGE OF BISCAYNE PARK
Calculations as of 06/30/2016

GL NUMBER	DESCRIPTION	1ST QUARTER BUDGET COMPLETION				2ND QUARTER BUDGET COMPLETION				3RD QUARTER BUDGET COMPLETION				4th QUARTER BUDGET COMPLETION			
		25.00%				50.00%				75.00%				75.00%			
		2015-16 APPROVED BUDGET	2015-16 ACTIVITY 12/31/2015	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 3/31/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 6/30/2016	remaining	% Used	2015-16 APPROVED BUDGET	2015-16 ACTIVITY 9/30/2016	remaining	% Used
Fund 103 - CITT-Transportation																	
ESTIMATED REVENUES																	
Dept 541-Streets and Roads																	
INTERGOVERNMENTAL REVENUES																	
103-541-3382100.000	Transportation Surtax Revenues	96123	10688	85435	11.12%	96123	32409	85435	33.72%	96123	58867	37256	61.24%	96123	94279	1844	98.08%
TOTAL INTERGOVERNMENTAL REVENUES		96123	10688	85435	11.12%	96123	32409	85435	33.72%	96123	58867	37256	61.24%	96123	94279	1844	98.08%
MISCELLANEOUS REVENUES																	
103-541-3611000.000	Interest Earnings	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
TOTAL MISCELLANEOUS REVENUES		0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%	0	0	0	0.00%
TOTAL REVENUES		96123	10688	85435	11.12%	96123	32409	85435	33.72%	96123	58867	37256	61.24%	96123	94279	1844	98.08%
EXPENDITURES																	
Dept 541-Streets and Roads																	
103-541-5300000.200	New Street Address Signs	41123	0	41123	0.00%	41123	0	41123	0.00%	41123	0	41123	0.00%	41123	0	41123	0.00%
103-541-5310000.350	Professional Services-Road Repair	25000	0	25000	0.00%	25000	0	25000	0.00%	25000	0	25000	0.00%	25000	1178	23822	4.71%
103-541-5310000.450	Storm Drainage	6000	0	6000	0.00%	6000	0	6000	0.00%	6000	0	6000	0.00%	6000	0	6000	0.00%
103-541-5430000.100	Utilities-Street Lights	24000	5683	18317	23.68%	24000	9427	18317	39.28%	24000	17091	6909	71.21%	24000	22861	1139	95.25%
TOTAL EXPENDITURES		96123	5683	90440	5.91%	96123	9427	90440	9.81%	96123	17091	79032	17.78%	96123	24039	72084	25.01%
IF REVENUES/APPROPRIATIONS - FUND 103			5005				22982				41776				70240		

EXHIBIT 3

09/30/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK

PERIOD ENDING 09/30/2016

% Fiscal Year Completed: 100.00

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 09/30/2016	AVAILABLE BALANCE	% BDGT USED
Fund 402 - Sanitation Fund					
	Charge For Services	502,343	475,802	26,541	94.72
TOTAL Revenues		502,343	475,802	26,541	94.72
	534-Garbage/Solid Waste	502,343	502,884	(541)	100.11
TOTAL Expenditures		502,343	502,884	(541)	100.11
Fund 402 - Sanitation Fund:					
TOTAL REVENUES		502,343	475,802	26,541	94.72
TOTAL EXPENDITURES		502,343	502,884	(541)	100.11
NET OF REVENUES & EXPENDITURES		0	(27,082)	27,082	

EXHIBIT 3

09/30/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK

PERIOD ENDING 09/30/2016

% Fiscal Year Completed: 100.00

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 09/30/2016	AVAILABLE BALANCE	% BDGT USED
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Fund 105 - Police Forfeiture Fund

Revenues

Miscellaneous Revenues

105-541-3611000.000	Interest Earnings	0	0	0	0.00
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TOTAL Revenues		0	0	0	0.00
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Expenditures

105-513-5300000.000	Bank Service Charges	0	186	-186	100.00
105-521-5440000.450	Vehilce Rentals	0	7817	-7817	100.00
105-521-5520000.000	Operating Supplies	500	0	500	0.00

TOTAL Expenditures		500	8003	-7503	
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Fund 105 - Police Forfeiture Fund:

TOTAL REVENUES		0	0	0	0.00
TOTAL EXPENDITURES		500	8003	-7503	
NET OF REVENUES & EXPENDITURES		-500	-8003	7503	

EXHIBIT 3

09/30/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK
 PERIOD ENDING 09/30/2016
 % Fiscal Year Completed: 100.00

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 09/30/2016	AVAILABLE BALANCE	% BDGT USED
Fund 302 - Capital Improvements Fund					
	Operating Grants	0	125,793	(125,793)	100.00
	Total Revenue:	0	125,793	(125,793)	100.00
	Transfers In	192,400	192,400	0	100.00
	Total Transfers-In:	192,400	192,400	0	100.00
	539-Public Works	192,400	318,193	(125,793)	165.38
	TOTAL Revenues	192,400	318,193	(125,793)	165.38
	Total Expenditure:	192,400	475,342	(282,942)	247.06
	539-Public Works	192,400	475,342	(282,942)	247.06
TOTAL Expenditures		192,400	475,342	(282,942)	247.06
Fund 302 - Capital Improvements Fund:					
	TOTAL REVENUES	192,400	318,193	(125,793)	165.38
	TOTAL EXPENDITURES	192,400	475,342	(282,942)	247.06
	NET OF REVENUES & EXPENDITURES	0	(157,149)	157,149	100.00

EXHIBIT 4

09/30/2016 REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK
 PERIOD ENDING 09/30/2016
 % Fiscal Year Completed: 100.00

BUDGET AMENDMENTS
 2015-2016

GL NUMBER	DESCRIPTION	2015-16 BUDGET	YTD BALANCE 09/30/2016	AVAILABLE BALANCE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
						ORIGINAL BUDGET	BUDGET AMENDMENT		REVISED FINAL BUDGET	ACTIVITY THRU 09/30/16
Fund 001 - General Fund										
Revenues										
Ad Valorem Taxes										
001-000-3110000.000	Ad Valorem Taxes	1474664	1557820	-83156	106%	1474664	83156	Surplus in Ad Valorem taxes	1557820	
Ad Valorem Taxes		1474664	1557820	-83156	106%	1474664	83156		1557820	
Utility Fees										
001-000-3141000.000	Electric Utility Tax	118000	171946	-53946	146%	118000	53946	Surplus in Utility taxes	171946	
001-000-3143000.000	Water Utility Tax	34000	59001	-25001	174%	34000	25001	Surplus in Utility taxes	59001	
001-000-3144000.000	Gas/Propane Utility Tax	8000	6311	1689	79%	8000	-1689		6311	
001-000-3150000.000	Communications Service Tax	118626	106493	12133	90%	118626	-12133		106493	
Utility Fees		278626	343752	-65126	123%	278626	65126		343752	
Charge For Services										
001-000-3221000.000	Building Permits	73000	97956	-24956	134%	73000	24956	Increase in Permits issued	97956	
001-000-3222000.000	Electric Permits	9560	14001	-4441	146%	9560	4441	Increase in Permits issued	14001	
001-000-3223000.000	Plumbing Permits	12448	22157	-9709	178%	12448	9709	Increase in Permits issued	22157	
001-000-3224000.000	A/C Mechanical Permits	5604	10650	-5046	190%	5604	5046	Increase in Permits issued	10650	
001-000-3226000.000	Painting Permits	1500	1719	-219	115%	1500	219		1719	
001-000-3227000.000	Garage Sale Permits	500	582	-82	116%	500	82		582	
001-000-3228000.000	Plan Review	40375	15645	24730	39%	40375	-24730	Over Budgeted	15645	
001-000-3229000.000	Permit Admin/Application Fees	8500	17455	-8955	205%	8500	8955	Increase in Permits issued	17455	
001-000-3229100.000	Contractor Registration	6000	9663	-3663	161%	6000	3663		9663	
001-000-3290500.000	Home Occupation Fee	450	2150	-1700	478%	450	1700		2150	
001-000-3291000.000	Home Re-Occupancy Fee	5000	1300	3700	26%	5000	-3700	Over Budgeted	1300	
001-000-3292500.000	Variance Application Fee	600	790	-190	132%	600	190		790	
001-000-3292750.000	Local Home Business Fee	0	0	0	0%	0	0		0	
001-000-3293000.000	Landlord Permit Fee	1500	1960	-460	131%	1500	460		1960	
001-000-3342100.000	FDOT 6 Ave Median Maintenance	1416	708	708	50%	1416	-708		708	
001-000-3472100.000	Program Fees	14000	18930	-4930	135%	14000	4930		18930	
001-000-3472200.000	Concession Sales	500	3864	-3364	773%	500	3364		3864	
001-000-3472250.000	Facility Rental	4000	8278	-4278	207%	4000	4278	Increase in facility rental	8278	
001-000-3490000.000	Administrative Fees	0	0	0	0%	0	0		0	
001-000-3490000.100	Police Services	500	320	180	64%	500	-180		320	
001-000-3490000.200	Film Revenue	0	250	-250	0%	0	250		250	
001-000-3490000.300	Notary Fees	200	62	138	31%	200	-138		62	
001-000-3490000.400	Special Event Fees	0	225	-225	0%	0	225		225	
001-000-3610000.100	Recreation Program Sponsorship	5000	0	5000	0%	5000	-5000		0	
001-000-3611500.000	Lien Search and Copies	5500	5594	-94	102%	5500	94		5594	
Charge For Services		196153	234258	-38105	119%	196153	38105		234258	
Franchise Fees										
001-000-3230000.700	Franchise Fee -Waste Pro	42783	42783	0	100%	42783	0		42783	
001-000-3231000.000	Electric Franchise Fees	125056	137433	-12377	110%	125056	12377	Increase in franchise fees	137433	
001-000-3231500.000	Franchise Fee-Gas/Propane	1500	3427	-1927	228%	1500	1927		3427	
Franchise Fees		169339	183643	-14304	108%	169339	14304		183643	

EXHIBIT 4

09/30/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK
PERIOD ENDING 09/30/2016
 % Fiscal Year Completed: 100.00

BUDGET AMENDMENTS
2015-2016

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE		ORIGINAL	BUDGET		REVISED	ACTIVITY
						BUDGET	AMENDMENT		FINAL BUDGET	THRU 09/30/16
Operating Grants										
001-000-3342000.000	Grant-Byrne	2600	2625	-25	101%	2600	25		2625	
001-000-3343200.100	Grants & Foundations	2000	0	2000	0%	2000	-2000	Project put on hold	0	
001-000-3610000.000	Miscellaneous & Donations	1000	5119	-4119	512%	1000	4119	Increase in Donations	5119	
001-000-3660000.000	Contributions-Other	2000	2270	-270	114%	2000	270		2270	
Operating Grants		7600	10014	-2414	132%	7600	2414		10014	
Intergovernmental Revenues										
001-000-3344900.000	Fuel Tax Refund	2961	0	2961	0%	2961	-2961		0	
001-000-3351200.000	State Revenue Sharing	70445	91325	-20880	130%	70445	20880		91325	
001-000-3351800.000	Half-Cent Sales Tax	216000	203159	12841	94%	216000	-12841	decrease in revenue	203159	
Intergovernmental Revenues		289406	294484	-5078	102%	289406	5078		294484	
Judgements & Fines										
001-000-3515000.000	Traffic Fines	7500	3234	4266	43%	7500	-4266	Over budgeted	3234	
001-000-3515500.000	School Crossing Guard Revenue	100	370	-270	370%	100	270		370	
001-000-3516000.000	Law Enforcement Training Fund	1500	768	732	51%	1500	-732		768	
001-000-3518000.000	Vehicle Impound Fees	500	0	500	0%	500	-500	No revenues	0	
001-000-3519000.000	Code Compliance Fines	53069	56606	-3537	107%	53069	3537		56606	
Judgements & Fines		62669	60979	1690	97%	62669	-1690		60979	
Miscellaneous Revenues										
001-000-3517000.000	Towing Revenue	500	0	500	0%	500	-500	No revenues	0	
001-000-3611000.000	Interest Earnings	1000	475	525	48%	1000	-525		475	
001-000-3611200.000	Newsletter Advertising	1500	1196	304	80%	1500	-304		1196	
001-000-3613000.000	Reimbursements - Prior Year Exp.	1500	0	1500	0%	1500	-1500	No activities	0	
001-000-3690120.000	Insurance Proceeds	5000	2099	2901	42%	5000	-2901	Over budgeted	2099	
Miscellaneous Revenues		9500	3771	5729	40%	9500	-5729		3771	
Transfers In										
001-000-3810000.000	Transfers In	96964	84111	12853	87%	96964	-12853		84111	
Total Transfers-In:		96964	84111	12853	87%	96964	-12853		84111	
TOTAL Revenues		2584921	2772830	-187909	107%	2584921	187910		2772831	
Expenditures										
001-000-5810000.000	Transfers Out	192400	192400	0	100%					
Total Transfers-Out:		192400	192400	0	100%					
Dept 511-Village Commission										
001-511-5110000.000	Commission Compensation/Reimbursement	12000	10000	2000	83%	12000	-2000	No Comp. for 1 Commissioner	10000	
001-511-5210000.000	Fica/Medicare	918	765	153	83%	918	-153		765	
001-511-5310000.000	Professional Fees	3500	0	3500	0%	3500	-3500	No audit for the foundation	0	
001-511-5400000.000	Travel & Per diem	1500	1050	450	70%	1500	-450		1050	

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**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE		ORIGINAL	BUDGET		REVISED	ACTIVITY
001-511-5480000.000	Promotional Activities	2500	2351	149	94%	2500	-149	Over Budgeted	2351	
001-511-5490000.150	Misc Special Events	0	851	-851	0%	0	851		851	
001-511-5490000.410	VOBP 80th Anniversary	0	0	0	0%	0	0		0	
001-511-5540000.200	MEMBERSHIPS	900	1739	-839	193%	900	839		1739	
001-511-5550000.000	Education & Training	2500	1171	1329	47%	2500	-1329		1171	
Total Dept 511-Village Commission		23818	17927	5891	75%	23818	-5891		17927	
Dept 512-Administration										
001-512-5110000.000	Administrative Salaries	90351	66142	24209	73%	90351	-24209	Savings on Previous V. Mgr.	66142	
001-512-5120000.000	Regular Salaries	52067	62258	-10191	120%	52067	10191	Increase in Salary for Int. Mgr.	62258	
001-512-5120000.000	Fica/Medicare	10895	9823	1072	90%	10895	-1072		9823	
001-512-5220000.000	Florida Retirement System	23142	23269	-127	101%	23142	127		23269	
001-512-5230000.000	Health Insurance	15299	12336	2963	81%	15299	-2963		12336	
001-512-5240000.000	Workman Compensation	260	260	0	100%	260	0		260	
001-512-5310000.000	Professional Fees	3000	2670	330	89%	3000	-330		2670	
001-512-5400000.010	Car Allowance	4800	2800	2000	58%	4800	-2000	Expense thru April 2016	2800	
001-512-5400000.200	Travel & Per Diem	1500	575	925	38%	1500	-925		575	
001-512-5410000.010	Phone Stipend	2160	1460	700	68%	2160	-700		1460	
001-512-5480000.000	Promotional Activities	2000	1317	683	66%	2000	-683		1317	
001-512-5490000.000	Other Charge For Services	0	4590	-4590	0%	0	4590	Reimbursement ball player	4590	
001-512-5490000.100	Legal Advertising	3000	3352	-352	112%	3000	352		3352	
001-512-5490000.300	Municipal Elections	0	120	-120	0%	0	120		120	
001-512-5520000.000	Operating Supplies	250	263	-13	105%	250	13		263	
001-512-5520000.210	Gasoline	0	99	-99	0%	0	99		99	
001-512-5540000.200	Memberships	1725	1676	49	97%	1725	-49		1676	
001-512-5550000.000	Education and Training	2000	994	1006	50%	2000	-1006		994	
Total Dept 512-Administration		212449	194004	18445	91%	212449	-18444		194005	
Dept 513-Finance										
001-513-5120000.000	Regular Salaries	49440	48000	1440	97%	49440	-1440		48000	
001-513-5210000.000	Fica/Medicare	3872	3672	200	95%	3872	-200		3672	
001-513-5220000.000	Florida Retirement System	3589	3518	71	98%	3589	-71		3518	
001-513-5230000.000	Health Insurance	7182	7303	-121	102%	7182	121		7303	
001-513-5240000.000	Workman Compensation	90	91	-1	101%	90	1		91	
001-513-5300000.000	Bank Service Charges	500	113	387	23%	500	-387		113	
001-513-5320000.000	Professional Services-Audit Fees	22000	6300	15700	29%	22000	-15700	Audit fees	6300	
001-513-5340000.010	Payroll Processing Fees	2860	3243	-383	113%	2860	383		3243	
001-513-5340000.100	Contract Services-Finance	15000	24247	-9247	162%	15000	9247	Temp. Clerk	24247	
001-513-5340000.300	Annual Maintenance Fees-Accounting Softw	3225	2805	420	87%	3225	-420		2805	
001-513-5540000.200	Memberships	160	160	0	100%	160	0		160	
001-513-5550000.000	Education & Training	500	49	451	10%	500	-451		49	
Total Dept 513-Finance		108418	99501	8917	92%	108418	-8917		99501	
Dept 515-Planning & Zoning										

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**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE	USED	ORIGINAL	BUDGET		REVISED	FINAL BUDGET
						BUDGET	AMENDMENT		THRU 09/30/16	
001-515-5310000.000	Professional Fees	14000	10500	3500	75%	14000	-3500		10500	
Total Dept 515-Planning & Zoning		14000	10500	3500	75%	14000	-3500		10500	
Dept 519-General Government										
001-519-5120000.000	Regular Salaries	82077	51685	30392	63%	82077	-30392	Part of PW Manager Salary	51685	
001-519-5210000.000	Fica/Medicare	6279	3954	2325	63%	6279	-2325		3954	
001-519-5220000.000	Florida Retirement System	5959	13803	-7844	232%	5959	7844	2010 FRS Cases	13803	
001-519-5230000.000	Health Insurance	14365	11243	3122	78%	14365	-3122		11243	
001-519-5240000.000	Workman Compensation	150	151	-1	101%	150	1		151	
001-519-5310000.101	Professional Services-Medical	1770	4108	-2338	232%	1770	2338	New Village Manager search	4108	
001-519-5310000.102	Professional Services-IT	10255	13335	-3080	130%	10255	3080		13335	
001-519-5310000.135	Professional Sevices-Lobbyist	24000	23500	500	98%	24000	-500		23500	
001-519-5310000.150	Professional Services-Legal	70000	76007	-6007	109%	70000	6007	Attorney's fees	76007	
001-519-5310000.160	Professional Services-Other Legal	0	784	-784	0%	0	784		784	
001-519-5400000.200	Travel & Per Diem	100	0	100	0%	100	-100		0	
001-519-5410000.010	Phone Stipend	480	200	280	42%	480	-280		200	
001-519-5410000.100	Telephone/Communiations	19787	23429	-3642	118%	19787	3642	Under Budgeted	23429	
001-519-5420000.000	Postage	5000	3456	1544	69%	5000	-1544		3456	
001-519-5430000.301	Electric-Village Hall	0	0	0	0%	0	0		0	
001-519-5430000.315	Water & Sewer	0	0	0	0%	0	0		0	
001-519-5440000.100	Leased Equipment	3600	3280	320	91%	3600	-320		3280	
001-519-5440000.420	Rental Storage Facility	3300	2969	331	90%	3300	-331		2969	
001-519-5450000.050	Insurance-FMIT	121364	119674	1690	99%	121364	-1690		119674	
001-519-5450000.200	Insurance-Old Workers Comp Claim	15000	6115	8885	41%	15000	-8885	Old worker's comp. cases	6115	
001-519-5450000.400	Flood Insurance	3725	4263	-538	114%	3725	538		4263	
001-519-5460000.200	Repairs & Maintenance-Equipment	0	880	-880	0%	0	880		880	
001-519-5460000.250	Repairs & Maintenance-Vehicles	900	0	900	0%	900	-900		0	
001-519-5470000.000	Printing	1200	884	316	74%	1200	-316		884	
001-519-5480000.100	Promotional Activities-Newletter	4000	2435	1565	61%	4000	-1565		2435	
001-519-5490000.000	Other Charge For Services	1000	0	1000	0%	1000	-1000		0	
001-519-5490000.200	Filing Fees-Liens	1000	410	590	41%	1000	-590		410	
001-519-5490000.500	Licences and Permits	0	979	-979	0%	0	979		979	
001-519-5510000.000	Office Supplies	5000	4775	225	95%	5000	-225		4775	
001-519-5520000.000	Operating Supplies	2000	6388	-4388	319%	2000	4388		6388	
001-519-5520000.210	Gasoline	250	143	107	57%	250	-107		143	
001-519-5540000.410	Subscriptions	300	385	-85	128%	300	85		385	
001-519-5540000.420	MEMBERSHIPS	165	599	-434	363%	165	434		599	
001-519-5550000.000	Education & Training	750	0	750	0%	750	-750		0	
001-519-5640000.200	Capital Acquisitions-IT Project	0	703	-703	0%	0	703		703	
001-519-5820000.100	Aid to Private Organizations	2500	2500	0	100%	2500	0		2500	
001-519-5890000.120	Collections Fee Ad	1600	0	1600	0%	1600	-1600		0	
Total Dept 519-General Government		407876	383036	24840	94%	407876	-24840		383036	
Dept 521-Police										
001-521-5120000.000	Regular Salaries	519061	547395	-28334	105%	519061	28334	Under budgeted	547395	
001-521-5130000.000	Other Salaries & Wages	15000	0	15000	0%	15000	-15000	Not used	0	

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**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE		ORIGINAL	BUDGET		REVISED	ACTIVITY
001-521-5130000.100	Other Salaries & Wages-Part Time Salarie	20306	16559	3747	82%	20306	-3747		16559	
001-521-5140000.000	Overtime	24150	83632	-59482	346%	24150	59482	Short of 1 officer	83632	
001-521-5150000.000	Special Pay	4207	0	4207	0%	4207	-4207		0	
001-521-5160000.000	Court Pay	12000	6652	5348	55%	12000	-5348		6652	
001-521-5210000.000	Fica/Medicare	45176	49837	-4661	110%	45176	4661		49837	
001-521-5220000.000	Florida Retirement System	101252	122857	-21605	121%	101252	21605	Due to increase in OT	122857	
001-521-5230000.000	Health Insurance	75972	69301	6671	91%	75972	-6671		69301	
001-521-5240000.000	Workman Compensation	15762	15798	-36	100%	15762	36		15798	
001-521-5400000.200	Travel & Per Diem	600	582	18	97%	600	-18		582	
001-521-5410000.000	Telephone/Communiations	0	0	0	0%	0	0		0	
001-521-5410000.100	Telephone Stipends & Air Cards	5280	3716	1564	70%	5280	-1564		3716	
001-521-5430000.302	Electric-Police	0	0	0	0%	0	0		0	
001-521-5440000.900	Financing Lease Copier	1200	1979	-779	165%	1200	779	Copies color and black	1979	
001-521-5460000.200	Repairs & Maintenance-Equipment	3400	3190	210	94%	3400	-210		3190	
001-521-5460000.225	Repairs & Equipment-Radios	7000	7452	-452	106%	7000	452		7452	
001-521-5460000.250	Repairs & Maintenance-Vehicles	35000	46514	-11514	133%	35000	11514	Mintenance of older vehicles	46514	
001-521-5490000.250	Prosecution/Police Arrest Forms	1500	430	1070	29%	1500	-1070		430	
001-521-5490000.350	Police Facility Retro Fit	0	0	0	0%	0	0		0	
001-521-5520000.000	Miscellaneous Operating Supplies	6200	7821	-1621	126%	6200	1621		7821	
001-521-5520000.205	Uniforms & Cleaning	6450	7338	-888	114%	6450	888		7338	
001-521-5520000.210	Gasoline	65000	42687	22313	66%	65000	-22313	Over Budgeted	42687	
001-521-5520000.300	Vests and Non-Leathal Weapons	700	715	-15	102%	700	15		715	
001-521-5540000.200	Memberships	1100	1010	90	92%	1100	-90		1010	
001-521-5550000.000	Education & Training	4300	1967	2333	46%	4300	-2333		1967	
001-521-5701000.000	Debt Serving-Principal	30300	29863	437	99%	30300	-437		29863	
001-521-5720500.000	Debt Serving-Interest	6300	1931	4369	31%	6300	-4369		1931	
001-521-5800000.100	Byrne Grant	2600	1890	710	73%	2600	-710		1890	
001-521-6400000.000	Capital Acquisitions-Equipment	0	87	-87	0%	0	87		87	
Total Dept 521-Police		1009816	1071202	-61386	106%	1009816	61387		1071203	
Dept 524-Building Department										
001-524-5120000.000	Regular Salaries	37131	32668	4463	88%	37131	-4463	Savings on Salary of New Hire	32668	
001-524-5210000.000	Fica/Medicare	2841	2499	342	88%	2841	-342		2499	
001-524-5220000.000	Florida Retirement System	2696	1625	1071	60%	2696	-1071		1625	
001-524-5230000.000	Health Insurance	7182	7575	-393	105%	7182	393		7575	
001-524-5240000.000	Workman Compensation	68	65	4	95%	68	-4		65	
001-524-5310000.120	Professional Services-Inspectors	73848	93831	-19983	127%	73848	19983	Increase in number of permits	93831	
001-524-5540000.200	Memberships	100	0	100	0%	100	-100	Not used	0	
001-524-5550000.000	Education & Training	500	0	500	0%	500	-500	Not used	0	
Total Dept 524-Building Department		124366	138262	-13896	111%	124366	13896		138262	
Dept 529-Code Enforcement										
001-529-5120000.000	Regular Salaries	40912	39848	1064	97%	40912	-1064		39848	
001-529-5210000.000	Fica/Medicare	3130	3039	91	97%	3130	-91		3039	
001-529-5220000.000	Florida Retirement System	2970	2789	181	94%	2970	-181		2789	
001-529-5230000.000	Health Insurance	7182	7365	-183	103%	7182	183		7365	

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**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE		ORIGINAL	BUDGET		REVISED	ACTIVITY
001-529-5240000.000	Workers Compensation	75	76	-1	101%	75	1		76	
001-529-5310000.000	Professional Fees	17000	11676	5324	69%	17000	-5324	Code Officer savings	11676	
001-529-5400000.000	Telephone/Communiations	480	480	0	100%	480	0		480	
001-529-5460000.250	Repairs & Maintenance-Vehicles	2000	3035	-1035	152%	2000	1035	Repairs Code Car	3035	
001-529-5520000.000	Operating Supplies	500	107	393	21%	500	-393		107	
001-529-5520000.205	Uniforms & Cleaning	100	0	100	0%	100	-100		0	
001-529-5520000.210	Gasoline	500	316	184	63%	500	-184		316	
001-529-5540000.200	Memberships	110	0	110	0%	110	-110		0	
001-529-5550000.000	Education & Training	800	188	612	24%	800	-612		188	
Total Dept 529-Code Enforcement		75759	68920	6839	91%	75759	-6839		68920	
Dept 539-Public Works										
001-539-5120000.000	Regular Salaries	96577	95341	1236	99%	96577	-1236		95341	
001-539-5120000.210	Employee Bonuses	1000	1000	0	100%	1000	0		1000	
001-539-5140000.000	Overtime	2000	0	2000	0%	2000	-2000	Unused OT	0	
001-539-5210000.000	Fica/Medicare	7465	7388	77	99%	7465	-77		7388	
001-539-5220000.000	Florida Retirement System	7011	6748	263	96%	7011	-263		6748	
001-539-5230000.000	Health Insurance	22161	23293	-1132	105%	22161	1132	Under Budgeted	23293	
001-539-5240000.000	Workman Compensation	8178	8356	-178	102%	8178	178		8356	
001-539-5310000.000	Professional Services Landscaping	0	0	0	0%	0	0		0	
001-539-5340000.000	Contract Services Janitorial	10156	12113	-1957	119%	10156	1957	Under Budgeted	12113	
001-539-5410000.100	Telephone Stipend & Other Communications	480	440	40	92%	480	-40		440	
001-539-5430000.301	Electric-Village Hall	13260	14290	-1030	108%	13260	1030		14290	
001-539-5430000.303	Electric-Public Works	0	0	0	0%	0	0		0	
001-539-5430000.304	Electric-Entrance Sign	0	0	0	0%	0	0		0	
001-539-5430000.305	Electric-Street Lights	0	0	0	0%	0	0		0	
001-539-5430000.315	Water & Sewer	9296	8682	614	93%	9296	-614		8682	
001-539-5440000.100	Leased Equipment	1500	1143	357	76%	1500	-357		1143	
001-539-5460000.100	Repairs & Maintenance-Landscaping	33000	25672	7328	78%	33000	-7328	Over Budgeted	25672	
001-539-5460000.160	Repairs & Maintenance-Log Cabin	0	0	0	0%	0	0		0	
001-539-5460000.200	Repairs & Maintenance-Equipment	3000	3796	-796	127%	3000	796		3796	
001-539-5460000.250	Repairs & Maintenance-Vehicles	0	0	0	0%	0	0		0	
001-539-5460000.275	Repairs & Maintenance-Buildings	36060	21805	14255	60%	36060	-14255	Over budgeted	21805	
001-539-5460000.280	Repairs & Maintenance-Tree Trimming & Re	11000	17183	-6183	156%	11000	6183	Under budgeted	17183	
001-539-5460000.300	Repairs & Maintenance-Sidewalks & Median	3000	1408	1593	47%	3000	-1593		1408	
001-539-5520000.000	Miscellaneous Operating Supplies	2000	2608	-608	130%	2000	608		2608	
001-539-5520000.205	Uniforms & Cleaning	2500	3346	-846	134%	2500	846		3346	
001-539-5520000.210	Gasoline	3500	2459	1041	70%	3500	-1041		2459	
001-539-5520000.215	Janitorial Supplies	5000	2726	2274	55%	5000	-2274		2726	
001-539-5540000.200	Memberships	180	0	180	0%	180	-180		0	
001-539-5550000.000	Education and Training	510	349	161	68%	510	-161		349	
001-539-5640000.000	Capital Acquisitions-Equipment	2500	0	2500	0%	2500	-2500		0	
Total Dept 539-Public Works		281334	260144	21190	92%	281334	-21190		260144	
Dept 572-Parks and Recreation										
001-572-5120000.000	Regular Salaries	42230	41710	520	99%	42230	-520		41710	

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**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE		ORIGINAL	BUDGET		REVISED	ACTIVITY
001-572-5130000.100	Other Salaries & Wages-Part Time Salarie	42373	26695	15678	63%	42373	-15678	Only 3 part -time employees	26695	
001-572-5140000.000	Overtime	0	0	0	0%	0	0		0	
001-572-5210000.000	Fica/Medicare	6090	5233	857	86%	6090	-857		5233	
001-572-5220000.000	Florida Retirement System	5779	4875	904	84%	5779	-904		4875	
001-572-5230000.000	Health Insurance	7182	7431	-249	103%	7182	249		7431	
001-572-5240000.000	Workman Compensation	171	169	2	99%	171	-2		169	
001-572-5340000.900	Other Contractual Services	1500	835	665	56%	1500	-665		835	
001-572-5410000.110	Telephone Stipend	480	480	0	100%	480	0		480	
001-572-5430000.120	Utilities-Recreation Center	0	0	0	0%	0	0		0	
001-572-5440000.100	Leased Equipment	720	430	290	60%	720	-290		430	
001-572-5460000.200	Repairs & Maintenance-Equipment	2600	6150	-3550	237%	2600	3550	Repairs Bongo Pod	6150	
001-572-5460000.250	Repairs & Maintenance-Vehicles	1150	958	192	83%	1150	-192		958	
001-572-5460000.275	Repairs & Maintenance-Buildings	8100	10047	-1947	124%	8100	1947		10047	
001-572-5490000.905	Concession Expenses	500	632	-132	126%	500	132		632	
001-572-5490000.915	Miscellaneous Special Events	13500	11819	1681	88%	13500	-1681	Over Budgeted	11819	
001-572-5520000.000	Miscellaneous Operating Supplies	1000	900	100	90%	1000	-100		900	
001-572-5520000.205	Uniforms & Cleaning	300	0	300	0%	300	-300		0	
001-572-5540000.200	Memberships	160	160	0	100%	160	0		160	
001-572-5550000.000	Education and Training	850	-267	1117	-31%	850	-1117		-267	
Total Dept 572-Parks and Recreation		134685	118257	16428	88%	134685	-16428		118257	
TOTAL Expenditures		2584921	2554153	30768	99%	2584921	30768			
Fund 001 - General Fund:										
TOTAL REVENUES		2584921	2735338	-150417	106%					
TOTAL EXPENDITURES		2584921	2554153	30768	99%					
NET OF REVENUES & EXPENDITURES		0	181185	-181185						
Fund 101 - Road Fund										
Revenues										
Charge For Services										
101-000-3342100.000	FDOT 6 Ave Median Maintenance	0	708	-708	0%	0	708		708	
101-000-3491010.000	Admin Fees-Sanitation	23173	23173	0	100%	23173	0		23173	
Charge For Services		23173	23881	-708	103%	23173	708		23881	
Intergovernmental Revenues										
101-000-3124100.000	Local Option Gas Taxes-6 Cent	56521	56687	-166	100%	56521	166		56687	
101-000-3124200.000	Local Option Gas Tax (5 Cent)	21885	21870	15	100%	21885	-15		21870	
101-000-3351200.000	Revenue Sharing	25555	22580	2975	88%	25555	-2975		22580	
101-541-3351200.000	State Revenue Sharing	0	2060	-2060	10000%	0	2060		2060	
Total Revenue:		103961	103197	764	99%	103961	-764		103197	
TOTAL Revenues		127134	127078	56	100%	127134	-56		127078	
Expenditures										
101-541-5120000.000	Regular Salaries	61213	61194	19	100%	61213	-19		61194	

EXHIBIT 4

09/30/2016 REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK
 PERIOD ENDING 09/30/2016
 % Fiscal Year Completed: 100.00

**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE	USED	ORIGINAL BUDGET	BUDGET AMENDMENT		REVISED	ACTIVITY THRU 09/30/16
101-541-5120000.210	Employee Bonuses	1000	1000	0	100%	1000	0		1000	
101-541-5140000.000	Overtime	2000	1931	69	97%	2000	-69		1931	
101-541-5172050.100	Debt Servicing- Dodge Ram-Interest	0	0	0	0%	0	0		0	
101-541-5210000.000	Fica/Medicare	4912	4881	31	99%	4912	-31		4881	
101-541-5220000.000	Florida Retirement System	4662	4473	189	96%	4662	-189		4473	
101-541-5230000.000	Health Insurance	14979	15954	-975	107%	14979	975		15954	
101-541-5240000.000	Workers Compensation	5274	4713	561	89%	5274	-561		4713	
101-541-5460000.200	Repairs & Maintenance-Equipment	2000	2648	-648	132%	2000	648		2648	
101-541-5460000.250	Repairs & Maintenance-Vehicles	1500	2629	-1129	175%	1500	1129	Equipment repairs	2629	
101-541-5460000.275	Repairs & Maintenance-Buildings	0	0	0	0%	0	0		0	
101-541-5460000.300	Repairs & Maintenance-Sidewalks & Median	2594	5519	-2925	213%	2594	2925	Drainage Structure 121 street	5519	
101-541-5520000.000	Miscellaneous Operating Supplies	1300	1566	-266	120%	1300	266		1566	
101-541-5520000.201	Gas/Oil/Grease	0	0	0	0%	0	0		0	
101-541-5520000.205	Uniforms & Cleaning	1500	1793	-293	120%	1500	293		1793	
101-541-5520000.210	Gasoline	3000	1231	1769	41%	3000	-1769		1231	
101-541-5520000.211	Diesel	2000	3182	-1182	159%	2000	1182		3182	
101-541-5530000.000	Road Materials	4000	3969	31	99%	4000	-31		3969	
101-541-5550000.000	Education and Training	200	0	200	0%	200	-200		0	
101-541-5640000.000	Capital Acquisitions-Equipment	15000	12600	2400	84%	15000	-2400		12600	
101-541-5695000.000	Return to Reserves	0	0	0	0%	0	0		0	
TOTAL Expenditures		127134	129282	-2148	102%	127134	2148		129282	
Fund 101 - Road Fund:										
TOTAL REVENUES		127134	127078	56	100%	127134	-127134			
TOTAL EXPENDITURES		127134	129282	-2148	102%	127134	-127134			
NET OF REVENUES & EXPENDITURES		0	-2203	2203		0	0			
Fund 103 - CITT-Transportation										
Revenues										
Intergovernmental Revenues										
103-541-3382100.000	Transportation Surtax Revenues	96123	94279	1844	98%	96123	-1844		94279	
Intergovernmental Revenues		96123	94279	1844	98%	96123	-1844		94279	
TOTAL Revenues		96123	94279	1844	98%	96123	1844		94279	
Expenditures										
103-541-5300000.200	New Street Address Signs	41123	0	41123	0%	41123	-41123	Unused	0	
103-541-5310000.350	Professional Services-Road Repair	25000	1178	23822	5%	25000	-23822	Only 5 % was used	1178	
103-541-5310000.450	Storm Drainage	6000	0	6000	0%	6000	-6000	unused	0	
103-541-5430000.100	Utilities-Street Lights	24000	22861	1139	95%	24000	-1139		22861	
103-541-5695000.000	Return to Reserves	0	0	0	0%	0	0		0	
TOTAL Expenditures		96123	24039	72084	25%	96123	-72084		24039	
Fund 103 - CITT-Transportation:										
TOTAL REVENUES		96123	94279	1844	98%	96123	1844		97967	

EXHIBIT 4

09/30/2016 REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK
 PERIOD ENDING 09/30/2016
 % Fiscal Year Completed: 100.00

**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16 BUDGET	YTD BALANCE 09/30/2016	AVAILABLE BALANCE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
						ORIGINAL BUDGET	BUDGET		REVISED	ACTIVITY THRU 09/30/16
TOTAL EXPENDITURES		96123	24039	72084	25%	96123	72084		168207	
NET OF REVENUES & EXPENDITURES		0	70240	-70240		0	-70240		-70240	
Fund 104 - CITT-Transit										
Revenues										
Intergovernmental Revenues										
104-000-3382000.000	Transit Surtax Revenues	24030	23570	460	98%	24030	-460		23570	
Intergovernmental Revenues		24030	23570	460	98%	24030	-460		23570	
TOTAL Revenues		24030	23570	460	98%	24030	460		23570	
Expenditures										
104-000-5690000.000	General Contingencies	0	0	0	0%	0	0		0	
104-541-5695000.000	Return to Reserves	0	0	0	0%	0	0	No Expenses were projected	0	
TOTAL Expenditures		0	0	0	0%	0	0			
Fund 104 - CITT-Transit:										
TOTAL REVENUES		24030	23570	460	98%	24030	460			
TOTAL EXPENDITURES		0	0	0	0%	0	0			
NET OF REVENUES & EXPENDITURES		24030	23570	460		24030	460			
Fund 105 - Police Forfeiture Fund										
Revenues										
		0	0	0	0%	0	0		0	
Expenditures										
105-513-5300000.000	Bank Service Charges	0	186	-186	0%	0	186		186	
105-521-5440000.450	Vehicle Rentals	0	7817	-7817	0%	0	7817	Police rental car	7817	
105-521-5520000.000	Operating Supplies	500	0	500	0%	500	-500		0	
TOTAL Expenditures		500	8003	-7503		500	7503		8003	
Fund 105 - Police Forfeiture Fund:										
TOTAL REVENUES		0	0	0						
TOTAL EXPENDITURES		500	8003	-7503						
NET OF REVENUES & EXPENDITURES		-500	-8003	7503						
Capital Improvements 302										
Operating Grants										
302-539-3342500.000-DOHR	Grant-Historical Resources (Log Cabin)	0	50000	-50000	0%	0	50000	Grant payment received	50000	
302-539-3342500.000-VILL	Grant-Historical Resources (Log Cabin)	0	25000	-25000	0%	0	25000	Grant payment received	25000	
302-539-3343200.000-CDBG	Local Grants-CDBG Sign Grant	0	50793	-50793	0%	0	50793	Grant for signs	50793	

EXHIBIT 4

09/30/2016 REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK
 PERIOD ENDING 09/30/2016
 % Fiscal Year Completed: 100.00

**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16	YTD BALANCE	AVAILABLE	% BDGT USED	2015-16	FINAL	AMENDMENT DESCRIPTION	2015-2016	2015-2016
		BUDGET	09/30/2016	BALANCE		ORIGINAL	BUDGET		REVISED	ACTIVITY
						BUDGET	AMENDMENT		FINAL BUDGET	THRU 09/30/16
302-539-3344000.000-DOEO	State Appropriations-DOEO Grant	0	0	0	0%	0	0		0	
Operating Grants		0	125793	-125793	0%	0	125793		125793	
Transfers In										
302-539-3810000.000-CDBG	Transfers In	0	0	0	0%	0	0		0	
302-539-3810000.000-DOHR	Transfers In	192400	192400	0	0%	192400	0	Loan, Matching grant etc	192400	
Transfers In		192400	192400	0	0%	192400	0		192400	
TOTAL Revenues		192400	318193	-125793	165%	192400	-125793		318193	
Expenditures										
302-539-5800000.210-CDBG	Design & Engineering-	0	0	0	0%	0	0		0	
302-539-5800000.210-DOEO	Design & Engineering-DOEO Grant	25000	21490	3510	86%	25000	-3510		21490	
302-539-5800000.210-DOHR	Design & Engineering-DOHR Grant	0	0	0	0%	0	0		0	
302-539-5800000.211	Stormwater Expenses	0	126573	-126573	0%	0	126573	Will be reimbursed	126573	
302-539-5800000.220-CDBG	Construction Costs-CDBG Sign Entrance	0	0	0	0%	0	0		0	
302-539-5800000.220-DOEO	Construction Costs-DOEO	135000	40614	94386	30%	135000	-94386		40614	
302-539-5800000.220-DOHR	Construction Costs-DOHR Grant	32400	60772	-28372	188%	32400	28372		60772	
302-539-5800000.240-CDBG	Construction Project Management-CDBG	0	0	0	0%	0	0		0	
302-539-5800000.240-DOEO	Construction Project Management-DOEO	0	225894	-225894	0%	0	225894		225894	
302-539-5800000.240-DOHR	Construction Project Management-DOHR	0	0	0	0%	0	0		0	
TOTAL Expenditures		192400	475342	-282942	0%	192400	-282942		475342	
Fund 302 - Capital Improvements Fund:										
TOTAL REVENUES		192400	318193	-125793	165%					
TOTAL EXPENDITURES		192400	475342	-282942	247%					
NET OF REVENUES & EXPENDITURES		0	-157149	157149	0%					
Fund 402 - Sanitation Fund										
Revenues										
Charge For Services										
402-000-3432010.000	Waste Fees - Prior Years	0	0	0	0%	0	0		0	
402-000-3434100.000	Sanitation Assessment	502343	459781	42562	92%	502343	-42562	Sanitation Taxes	459781	
402-000-3434200.000	Special Trash Pick Up	0	16021	-16021	0%	0	16021	Unbudgeted expense	16021	
Charge For Services		502343	475802	26541	95%	502343	-26541		475802	
TOTAL Revenues		502343	475802	26541	95%	502343	26541		475802	
Expenditures										
402-534-5340000.700	Contractual Services-Outsourced Refuse	388933	395600	-6667	102%	388933	6667		395600	
402-534-5490000.125	Advertising-Special Pick Up	1000	0	1000	0%	1000	-1000		0	
402-534-5930000.800	Administrative Fee-Miami Dade County	5126	0	5126	0%	5126	-5126		0	
402-534-5930000.930	Administrative Fees-General Fund	41394	41394	0	100%	41394	0		41394	
402-534-5930000.939	Administrative Fees-Public Works	42717	42717	0	100%	42717	0		42717	
402-534-5930000.940	Administrative Fees-Road Fund	23173	23173	0	100%	23173	0		23173	

EXHIBIT 4

09/30/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK
 PERIOD ENDING 09/30/2016
 % Fiscal Year Completed: 100.00

**BUDGET AMENDMENTS
 2015-2016**

GL NUMBER	DESCRIPTION	2015-16 BUDGET	YTD BALANCE 09/30/2016	AVAILABLE BALANCE	% BDGT USED
TOTAL Expenditures		502343	502884	-541	100%
Fund 402 - Sanitation Fund:					
TOTAL REVENUES		502343	475802	26541	95%
TOTAL EXPENDITURES		3502921	502884	-541	14%
NET OF REVENUES & EXPENDITURES		0	-27082	27082	0%
TOTAL REVENUES - ALL FUNDS		3526951	3811753	-284802	108%
TOTAL EXPENDITURES - ALL FUNDS		3503421	3693703	-190282	105%
NET OF REVENUES & EXPENDITURES		23530	118050	-94520	

2015-16 ORIGINAL BUDGET	FINAL BUDGET AMENDMENT	AMENDMENT DESCRIPTION	2015-2016 REVISED FINAL BUDGET	2015-2016 ACTIVITY THRU 09/30/16
502343	541		502884	

Bank Balances as of September 30, 2016

	9/30/15	9/30/16
General Fund	440,127	264,525
Money Market	400,198	400,612
Forfeiture Account Federal	27,205	27,020
Forfeiture Account State	8,690	8,690
Debt Service	13,500	13,914
CITT Transportation	309,565	400,774
CITT Transit	77,391	100,194
Total CITT	386,957	500,968
Total all Funds	1,276,676	1,215,728
Florida Prime Investment	11,216	11,216



The Village of Biscayne Park

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

10.b

Commission Agenda Report

Commission Meeting Date: November 1, 2016
Prepared By: Maria C. Camara, Village Clerk
Title / Subject: Ordinance 2016-10

Background:

At the October 13th Commission meeting, there was a discussion on a feral cat issue in the Village. The discussion included that our current code prohibits outdoor open feeding and the ability to add such violation to be eligible for a civil citation under the Village's recently adopted ordinance.

At the conclusion of the discussion, there consensus to direct the Village Attorney to draft an ordinance for first reading to include this violation as a civil citation for the November 1st meeting.

Attachments:

- Ordinance 2016-10

- 1 (c) If the violation is corrected and then recurs or if the violation is not corrected by the
2 time specified for correction by the code compliance officer, the case may be presented
3 to the code compliance board even if the violation has been corrected prior to the board
4 hearing, and the notice shall so state. If a repeat violation is found, the code compliance
5 officer shall notify the violator but is not required to give violator a reasonable time to
6 correct the violation. The code compliance officer, upon notifying the violator of a
7 repeat violation, shall notify the code compliance board and request a hearing. The code
8 compliance board shall schedule a hearing and shall provide notice pursuant to section
9 14.1.12. The case may be presented to the code compliance board even if the repeat
10 violation has been corrected prior to the board hearing, and the notice shall so state.
11 "Repeat violation" means a violation of a provision of a code or ordinance by a person
12 who has been previously found, through a code compliance board or other quasi-
13 judicial or judicial process, to have violated or has admitted violating the same
14 provision within five (5) years prior to the violation.
- 15 (d) If the code compliance officer has reason to believe a violation presents a serious threat
16 to the public health, safety and welfare, the code compliance officer may proceed
17 directly to the procedure in subsection 14.1.7(b) without notifying the violator.
- 18 (e) If the owner of the property which is subject to an enforcement proceeding before a
19 code compliance board, or if the court, transfers ownership of such property between
20 the time the initial pleading was served and the time of the hearing, such owner shall:
- 21 (1) Disclose, in writing, the existence and the nature of the proceeding to the
22 prospective transferee.
- 23 (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other
24 materials relating to the code enforcement proceeding received by the transferor.
- 25 (3) Disclose, in writing, to the prospective transferee that the new owner will be
26 responsible for compliance with the applicable code and with orders issued in the
27 code enforcement proceeding.
- 28 (4) File a notice with the code compliance department of the transfer of the property,
29 with the identity and address of the new owner and copies of the disclosures
30 made to the new owner, within five (5) days after the date of the transfer. A
31 failure to make the disclosures described in this subsection before the transfer
32 creates a rebuttable presumption of fraud. If the property is transferred before the
33 hearing, the proceeding shall not be dismissed, but the new owner shall be
34 provided a reasonable period of time to correct the violation before the hearing is
35 held.
- 36
- 37 (f) The Village Commission finds that aesthetics are paramount to maintaining an attractive
38 and marketable community. The violations enumerated below severely damage the
39 aesthetics and livability of the community immediately upon their commission. Such
40 damage cannot be repaired or reversed. Therefore, the Village Commission hereby
41 deems a violation of this Section an irreparable and irreversible violation. As a result,
42 the Village of Biscayne Park adopts supplemental and alternative code enforcement
43 procedures pursuant to Sections 162.13 and 162.22, Florida Statutes, as amended, to
44 authorize code compliance officers to issue administrative citations for review before the

1 code compliance board. A code compliance officer shall have the sole discretion in
2 determining whether to issue an administrative citation or a notice of violation for the
3 following offenses:
4

5 (i) open feeding that causes a gathering of more than four (4) dogs or four (4) cats or
6 combination thereof totaling four (4), in violation of Section 3-4 of the Code;

7 (ii)(i)excessive barking or howling of dogs, in violation of Section 3-21 of the Code;

8 (iii)(ii)parking not on an approved surface where there is an approved parking surface
9 as required by Section 5.6.1 of the Land Development Code;

10 (iv)(iii)garbage cans and trash receptacles not placed behind face of building and
11 screened from view, in violation of Section 6.3.2 of the Land Development Code;

12 (v)(iv)domestic trash and recycling materials placed at the property line and/or not
13 removed under the requirements of Section 6.3.3 of the Land Development Code;

14 (vi)(v)trees and garden refuse placed at the property line and/or not removed under the
15 requirements of Section 6.3.4 of the Land Development Code;

16 (vii)(vi)overgrown grass in violation of Section 8.4.1 of the Land Development Code;

17 (viii)(vii)offensive noise, in violation of Section 10-1 of the Code.

18
19 In the issuance of an administrative citation, the following procedures shall be used:
20

21 (1) For the offenses enumerated above, a code compliance officer who, upon personal
22 investigation, has reasonable cause to believe that there is a violation, shall have the
23 authority to issue an administrative citation to the alleged violator and/or owner of the
24 property.
25

26 (2) The administrative citation issued shall be in a form approved by the Village
27 Manager and shall contain:
28

29 (i) The date and time of issuance.
30

31 (ii) The name and address of the person to whom the administrative
32 citation is issued.
33

34 (iii) The facts constituting reasonable cause.
35

36 (iv) The section of the Code that is violated.
37

38 (v) The name of the code compliance officer.
39

40 (vi) The procedure for the person to follow in order to pay or contest the
41 administrative citation.
42

1 (vii) The penalty, including administrative costs, if the person elects
2 to contest the administrative citation and is found in violation.

3
4 (viii) The penalty if the person elects to pay the administrative citation.

5
6 (ix) A conspicuous statement that if the person fails to pay the penalty
7 within the time allowed, or fails to appear before the code compliance
8 board, that the person shall be deemed to have waived his or her right to
9 contest the administrative citation and that, in such case, a final order
10 and/or judgment may be entered against the person up to \$500.

11
12 (3) After issuing the administrative citation, the code compliance officer shall deposit
13 an original with the Village Manager or their designee.

14
15 (4) A person who has been served with an administrative citation shall elect either to:

16
17 (i) Correct the violation immediately and pay within fourteen (14) days of
18 service of the administrative citation the penalty in the manner indicated
19 on the administrative citation; or

20
21 (ii) Request a hearing before the code compliance board.
22

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

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

31 **Section 5.** **Codification.** It is the intention of the Village Commission of the Village of
32 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
33 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be

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

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

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

8 PASSED AND ADOPTED upon first reading this ____ day of _____, 2016.

9 PASSED AND ADOPTED upon second reading this ____ day of _____, 2016.

**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: _____

10 _____
11 David Coviello, Mayor

12
13
14
15
16
17
18
19 Attest:

20
21
22 _____
23 Maria C. Camara, Village Clerk

24
25 Approved as to form:

26
27
28
29 _____
30 John J. Hearn, Village Attorney



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

#10.c

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Sharon P. Ragoonan, Village Manager

DATE: November 1, 2016

TITLE: Amendment to Chapter 5 Transportation to regulate off-street parking
and rights-of-way

Background

At the October 6, 2016 Village Commission meeting, Ordinance 2016-08 was adopted on first reading to provide for the regulation of private driveways and rights-of-ways. Staff was directed to review and provide feedback on the language and enforcement aspects of the Ordinance in order to facilitate the legislative process.

Staff Review

The chart attached as Exhibit 1, Chapter 5 – Transportation At-A-Glance, consolidates the various elements of the ordinance into categories. It serves as a guide to ascertain the compliance requirements for the different kinds of parking arrangements in the Village. For example, the first category indicates that all residential properties are required to have off-street parking facilities (e.g. driveway) on an approved surface and vehicles must be parked on the approved surface. The table will also be used by Village staff to assist residents in obtaining the proper building permit to meet both the parking requirements and the design standards.

A list of frequently asked questions (FAQs), Exhibit B, is provided as a supplement to At-A-Glance to address questions that were raised by the community during the public hearing process. It further clarifies the restrictions, prohibitions, and appeals related to driveways and improvements on the public rights-of-way.

The At-A-Glance chart and FAQs will be posted on the Village's website, residents who are affected by the ordinance will receive an informational letter, and administrative staff will assist residents with obtaining the required driveway permits and right-of-way release agreement for any improvements in the swale area. As an added measure of convenience, a resident can receive a list of contractors who have installed driveways in the Village to facilitate the permitting and construction process. However, the Village is not requiring or promoting any specific contractor to be used and the contractor list is merely a convenience tool. The goal is to achieve voluntary compliance with the Ordinance.

Staff Findings

The Ordinance supports the original intended purpose of the legislation: to preserve green space and rights-of-ways, deter parking of vehicles on the grass, provide for uniform guidelines for off-street parking facilities, and provide a prescribed corrective action to achieve compliance in an effort to preserve public safety and the attractiveness of the Village. In conclusion, the regulations stipulate:

- All residential properties must have a driveway and approach.
- Any properties with an approved paved surface on the swale area may remain until there is at least 50% deterioration of the paved surface.
- If there is no driveway and no approved parking surface on the swale, then the property owner must install a driveway and driveway approach as well as discontinue parking on the swale area.
- Residents may apply for a variance process if they are unable to meet off-street parking requirements of the code.
- The swale area can be used for non-regular, temporary parking of vehicles provided no damage occurs to the grass and landscaped areas.

Resource Impact

There is no fiscal impact associated with the adoption of the ordinance.

Attachment

Exhibit 1 – Chapter 5 – Transportation At-A-Glance

Exhibit 2 – Frequently Asked Questions (FAQs)

Exhibit 3 – Timetable of Public Communication and Workshops

Prepared by: Sharon P. Ragoonan, Village Manager

Exhibit 1
Chapter 5 – Transportation
At-A- Glance

Description:	Properties:	Required Action:
All residential properties	1,094	<ul style="list-style-type: none"> • Off-street parking facilities required within each property [Section 5.6.1] • All vehicles much be parked on an approved parking surface using approved parking surface materials [Section 5.6.1(a) and 5.6.6] • Off-street parking (within the lot lines of all properties) shall only be permitted on approved surfaces by the Village. In no circumstance shall grass or sod be an approved surface [Section 5.6.8] • Vehicles must be parked on impervious or pervious surfaces, but the driveway shall not exceed 40% of the front yard, excluding the right-of-way [Section 5.6.8] • Remaining 60% of the front yard must be landscaped consistent with Village code. • Parking surfaces shall only be constructed with concrete, paver, brick, gravel, asphalt, cut stone or turf block [Section 5.6.8(e)] • Gravel parking surfaces require a border adjacent to the road and the length of the parking surface [Section 5.6.8(f)] • Pervious and impervious area of the swale area of the right-of-way must be limited to no more than 40% of the swale area [Section 5.3.4€ • Construction of or maintaining a portion of the swale or right-of-way requires a hold harmless agreement to indemnify the Village from any actions related to the improvement completed in the

		right-of-way [Section 5.6.8]
Ribbon driveway	48	<ul style="list-style-type: none"> • Must be properly maintained and have a driveway approach that connects the ribbon driveway to the road [Section 5.6.1(a)(2)] • The combination of the driveway approach and landscaping in the swale shall not exceed 40% of total area and must be maintained in good condition [Section 5.3.4(e)].
Existing nonconforming parking surfaces permitted by the village (e.g. parking surface on swale)	68	<ul style="list-style-type: none"> • Vehicles must be parked on an approved surface [Section 5.6.1(a) and 5.6.1(a)(3)] • Remain unless a substantial portion, 50% or greater, requires repair or an addition to the parking surface occurs [Section 5.6.1(a)(6); otherwise substantial repair or addition requires compliance with Section 5.3.4, 5.6.1 and 5.6.8
Driveway and right-of-way (e.g. approach or paved right-of-way)	194	<ul style="list-style-type: none"> • Install approach if none provided. 5.6.8(b) • 50% or greater deterioration of swale parking area requires compliance with Section 5.3.4, 5.6.1 and 5.6.8
No driveway on the private lot and no parking surface on the swale area.	40	<ul style="list-style-type: none"> • Compliance with Section 5.3.4, 5.6.1 and 5.6.8 [See All residential properties category] • Occupants of residential property shall not be allowed to utilize the swale for regular parking [Section 5.6.1(a)(4)] • No new improvements of swale area allowed, except for driveway approach [Section 5.6.1(a)(4)] • No encroachment shall be permitted into the existing rights-of-way, except for temporary uses authorized by the Village [Section 5.3.2(a) and 5.6.1(a)(4)]

		<ul style="list-style-type: none">• Compliance by June 1, 2017 [Section 5.6.1(a)(5)]
Lot unable to accommodate required parking facilities.	N/A	<ul style="list-style-type: none">• Apply for special exception through the variance process [Section 5.6.1(7)] and Section 5.7]

Exhibit 2
Frequently Asked Questions

What is the purpose for the ordinance?

To preserve green space and rights-of-ways, deter parking of vehicles on the grass, provide for uniform guidelines for off-street parking facilities, and provide a prescribed corrective action to achieve compliance in an effort to preserve public safety and the attractiveness of the Village.

How many public meetings were held to discuss the legislation and amendments to Chapter 5?

The first public meeting on the topic was October 7th, 2014. To date, there have been 22 public meetings and workshops, as well as notifications to the affected property owners. See Exhibit 3 for detail.

Who owns the public right-of-way?

The public right-of-way is the area of land used for public travel, such as roads, sidewalks and swale area. For example, the area between front property line of a private lot to the front property line of the lot on the opposite side of the roadway is the public right-of-way.

The Village of Biscayne Park owns the public rights-of-way. However, private property owners adjacent to the right-of-way are responsible for the maintenance of the swale area, including the alley way [Section 5.3.4(i)]. The Village may remove all or any portion of any parking surface on the swale if it is necessary to achieve a public purpose [Section 5.6.1(a)(3)]

If the swale is currently developed (e.g. a paved swale surface), can I park on the paved surface on the swale?

Yes, until 50% of the parking surface requires repair [Section 5.6.1(a)(3)]. However, if the swale area is not paved, no new improvement of swale area is allowed, except for driveway approach [Section 5.6.1(4)].

If I currently use my swale for parking, which is not paved or improved with an approved surface (e.g. sod), am I required to install a driveway?

Yes [Section 5.6.1]. A driveway approach is also required [Section 5.6.8(b)]

Am I required to install a driveway and approach if I do not have both?

Yes [Section 5.6.1 and 5.6.8(b)].

Am I allowed to install a gravel driveway and approach?

Yes. Other approved materials are concrete, paver, brick, asphalt, cut stone, or turf block [Section 5.6.8].

If I have a gravel parking area on the swale, what are the requirements to keep and maintain it?

The graving parking area must meet guidelines in Section 5.6.1 and 5.6.8:

- The gravel parking surface may remain until 50% of the area requires repair.
- The parking surface must have a perimeter border.

If I have a permitted asphalt or gravel parking area on the swale, am I allowed to replace it with turf blocks or pavers?

No. The existing swale parking surface may remain until 50% or greater of the area requires repair. Any substantial repair or improvement must be performed in accordance with Section 5.6.1(a)1 and 5.6.8.

Can my guests temporarily park in the swale area if they are visiting or attending a party at my house?

Yes [Section 5.3.2 (a)]. Temporary parking is permitted on the swale area. Vehicles must have a current license plate [Section 5.3.2 (c)]. A boat, boat trailer, air boat, mobile home, camper, is prohibited from parking on the street or in the public right-of-way [Section 5.3.3 (b)].

Can use the median be used for parking?

No [Section 5.6.5].

If I am unable to meet the parking requirements on my private lot, what are my options?

You may apply for a special exception through the variance process [Section 5.7].

What is the primary reason for requesting a variance?

There are special circumstances or conditions affecting the property (e.g. unusual size and/or configuration of the lot) which hinder the property owner from meeting the design standards [Section 5.7.2]. The property owner must attend the Planning and Zoning Board meeting to present and substantiate the conditions expressed in the application.

If I do not agree with the decision of the Planning and Zoning Board, what recourse do I have?

You may appeal the decision in writing to the Village Commission within 10 days of the decision. The Village Commission will determine whether the Planning and Zoning Board erred in its determination and to reverse the decision [Section 5.7.3].

Exhibit 3
Public Meetings, Workshops and Notifications

Date	Event / Action
Tuesday, October 7, 2014	Regular Commission Meeting
Thursday, November 6, 2014	Regular Commission Meeting
Tuesday, December 2, 2014	Regular Commission Meeting
Wednesday, January 7, 2015	Regular Commission Meeting
Monday, January 26, 2015	Joint Meeting - Code Review Board & Parks & Parkway Board
Wednesday, February 18, 2015	Joint Meeting - Code Review Board & Parks & Parkway Board
Tuesday, March 3, 2015	Regular Commission Meeting
Tuesday, April 7, 2015	Regular Commission Meeting
Tuesday, May 5, 2015	Regular Commission Meeting
Tuesday, May 12, 2015	Special Commission Meeting
Tuesday, June 2, 2015	Regular Commission Meeting
Tuesday, July 7, 2015	Regular Commission Meeting
Wednesday, July 15, 2015	Newsletter - mailed to each property
Tuesday, August 4, 2015	Regular Commission Meeting - 1st reading of Ordinance 2015-04
Tuesday, September 1, 2015	Regular Commission Meeting - 2nd reading of Ordinance 2015-04
Friday, December 18, 2015	Notification sent to 197 properties not in compliance
Tuesday, March 1, 2016	Regular Commission Meeting
Wednesday, March 2, 2016	Posting of ordinances passed/code changes on Village website - "Information for Residents" / E-mail blast sent.
Week of March 14, 2016	Notification delivered door to door of recent and pending code changes.
Tuesday, March 15, 2016	2nd notification sent to non-responding properties not in compliance
April 2016	Notification delivered door to door on Home Improvement Expo
Saturday, April 23, 2016	Home Improvement Expo
Tuesday, June 7, 2016	Regular Commission Meeting
Tuesday, June 21, 2016	Special Commission Meeting
Tuesday, July 12, 2016	Regular Commission Meeting
Tuesday, August 2, 2016	Regular Commission Meeting
Tuesday, September 13, 2016	Regular Commission Meeting
Thursday, October 13, 2016	Regular Commission Meeting - 1st reading of Ordinance 2016-08
<i>Tuesday, November 1, 2016</i>	<i>Regular Commission Meeting - 2nd reading of Ordinance 2016-08</i>

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ORDINANCE NO. 2016-08

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING VARIOUS PROVISIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE ENTITLED "TRANSPORTATION" TO PROVIDE REGULATIONS PERTAINING TO DRIVEWAYS, RIGHTS-OF-WAY, DEFINITIONS AND THE CREATION OF A SPECIAL EXCEPTION PROCESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at the direction of the Village Commission, staff reviewed Chapter 5 entitled "Transportation" of the Land Development Code; and

WHEREAS, numerous meetings and workshops were held to discuss the proposed changes to Chapter 5 of the Land Development Code; and

WHEREAS, the Village Commission finds it in the best interests of the Village to amend various sections in Chapter 5 to provide regulations pertaining to driveways, rights-of-way, definitions and the creation of a special exception process, and to approve this ordinance, authorizing the LDC to be amended;

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. Chapter 5 of the Village of Biscayne Park Land Development Code, entitled "Transportation", shall be amended to read as follows:

CHAPTER 5. - TRANSPORTATION

5.1. - General provisions.

5.1.1 Definitions.

Driveway shall mean a private road leading from a street or other thoroughfare to a building, house, garage, or other structure.

1 Off-street Parking shall mean an area dedicated for parking of vehicles on private
2 property.

3
4 Public Right-of-way shall mean the surface, the area above, and the area below the
5 surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge,
6 tunnel, parkway, waterway, public easement, or similar property in which the village, county or
7 state now or hereafter holds any property interest. Public rights-of-way do not include buildings,
8 parks, or other property owned or leased by the village.

9
10 Swale shall mean the right-of-way property between the edge of the roadway pavement
11 and the property contiguous to that property.

12 ~~5.1.1~~ 5.1.2 *Purpose.* This chapter establishes minimum requirements applicable to the
13 transportation system, including public and private streets, bikeways, pedestrian ways,
14 parking, and access control from public streets. The standards in this chapter are intended to
15 minimize the traffic impacts of development, and to assure that all developments adequately
16 and safely provide for the storage and movement of vehicles with good engineering and
17 development design practices.

18 ~~5.1.2~~ 5.1.3 *Compliance with technical construction standards manual.* All required elements
19 of the transportation system shall be provided in compliance with the engineering design and
20 construction standards of the ~~Public Works Manual, Metro-Miami-Dade County Code,~~
21 and other application County regulations, as amended from time to time.

22 **5.2. - Streets.**

23
24 5.2.1 *Street classification system established.* Streets in the village are classified and mapped
25 according to function served in order to allow for regulation of access and appropriate
26 design and construction standards. Streets dedicated to the village and private streets are
27 classified in a street hierarchy system with design tailored to function. The street hierarchy
28 system shall be defined by road function and average daily traffic (ADT), calculated by trip
29 generation rates prepared by the Institute of Transportation Engineers. The following street
30 hierarchy is established: Residential, collector, and arterial. Each street type is divided into
31 subcategories.

32 5.2.2 *Residential streets (local roads).* Residential streets are primarily suited to providing
33 direct access to residential development and are designed to minimize unnecessary and/or
34 speeding traffic. Each residential street shall meet the minimum standards for one (1) of the
35 following street types:

- 36 (a) *Residential access street.* This is the lowest order street in the hierarchy. A residential
37 access street is a frontage street which provides direct access to abutting properties and
38 should not carry more traffic than is generated on the street itself. Residential access
39 streets may take access from any higher order street type. Both ends of a residential
40 loop street must take access from a single higher order street. Residential access streets
41 shall have a maximum ADT of five hundred (500). Loop streets shall have a maximum
42 of four hundred (400). Cul-de-sacs shall have a maximum ADT of two hundred (200).
- 43 (b) *Residential subcollector street.* This is the middle order street in the residential street
44 hierarchy. It will collect traffic from residential access streets and provide direct access
45 to abutting properties. Residential subcollector streets may take access from any higher
46 order street type and may give access to residential access streets and may provide

1 direct access to nonresidential uses. Residential subcollector streets shall have a
2 maximum ADT of one thousand (1,000).

- 3 (c) *Residential collector street.* This is the highest order street that can be classified as
4 residential. It will collect traffic from residential access and subcollector streets and
5 may provide direct access to nonresidential uses. Residential collector streets shall have
6 a maximum ADT of two thousand (2,000).

7 5.2.3 *Collector roads (county collectors).* Collector roads connect lower order streets to other
8 collector streets and to arterial streets, provide access to nonresidential uses, and serve
9 through traffic. Collector streets shall have an average daily traffic volume of no greater than
10 seven thousand (7,000).

11 5.2.4 *Arterial roads (state minor arterials).* There are three (3) types of arterial roads, minor,
12 major, and freeways but there is only a minor type in the village. The minor arterial links
13 community districts to regional and state highways and may give access to any lower order
14 street type.

15 5.2.5 *Special purpose roadways.*

- 16 (a) *Alley.* Alleys are not considered part of the street hierarchy system as they are generally
17 unpaved thoroughfares for the purpose of service to adjacent properties.
18 (b) *Divided streets.* Divided streets are for the purpose of protecting environmental features
19 or avoiding excessive grading. In such a case, the standards shall be applied to the
20 aggregate dimensions of the two (2) street segments.

21 5.2.6 *Future traffic circulation map.* The future traffic circulation map and any amendments
22 thereto, adopted by the village as part of the comprehensive plan (Map 3.4), is hereby made
23 a part of this code. Roadways within the village are either designated in the future traffic
24 circulation map or may be classified according to function, design, and use by the village
25 upon request. The map shall be the basis for all decisions regarding required road
26 improvements or access.

27 **5.3. - Rights-of-way.**

28
29 5.3.1 *Right-of-way widths.* The right-of-way shall be measured from lot line to lot line.

30 5.3.2 *Protection and use of rights-of-way.*

- 31 (a) No encroachment shall be permitted into existing rights-of-way, except for temporary
32 uses authorized by the village.
33 (b) Use of the right-of-way for public or private utilities, including, but not limited to,
34 potable water, telephone wires, cable television wires, gas lines, sanitary sewer, or
35 electricity transmission, shall be allowed subject to the placement specifications of
36 Miami-Dade County Code, as amended from time to time, in the Public Works Manual,
37 Metro-Dade County, and other applicable county regulations.
38 (c) All vehicles of any type parked on any street, alley, or public right-of-way in the
39 Village of Biscayne Park shall have at all times attached a current license plate.
40 (d) Sidewalks and bicycle ways shall be placed within the right-of-way.

41 5.3.3 *Parking of trucks, etc., prohibited in the right-of-way.*

- 42 (a) It shall be unlawful to park or cause to be parked upon any public street or in the public
43 right-of-way in the village any truck, trailer, semitrailer, bus (public or private owned)

1 except while loading or unloading or when such vehicle is parked in connection with
2 and in the aid of the performance of a service to or on the property being serviced.

3 ~~(b) Nothing herein contained shall be deemed to prohibit the parking of one (1) truck in~~
4 ~~front of any one property not exceeding three-fourths ton net weight that contains no~~
5 ~~lettering or advertising and is owned or leased by the occupant of the property, when it~~
6 ~~is proven to be physically impossible to park it off of the public right-of-way.~~

7 (eb) It shall be unlawful to park or store any boat, boat trailer, air boat, any self-propelled or
8 nonselself-propelled mobile home, motor home or camper upon any public street or in the
9 public right-of-way in the village.

10 5.3.4 *Landscaping and objects in the swale area of the right-of-way.*

11 (a) *Markers.* Dome-type markers only may be placed within dedicated right-of-way,
12 provided that they are placed not closer than eighteen (18) inches to the nearest edge of
13 the paved surface of the designated roadway. All markers must be at least twenty-four
14 (24) inches apart. Markers placed in the right-of-way shall not exceed twelve (12)
15 inches in diameter, nor be more than six (6) inches in height and shall be white in color.

16 (b) *Landscaping.* Nothing shall be planted or allowed to grow in such a manner so as to
17 obstruct the right-of-way clear zone at a level between three (3) feet and six (6) feet
18 above the grade, measured at the centerline of right-of-way. Trees or palms, however,
19 having trunks and foliage trimmed in such a manner that no branches or foliage extend
20 into the right-of-way area clear zone shall be allowed, provided they are so located so as
21 not to create a traffic hazard.

22 (c) *Paving and drainage.* Pervious pavers shall be allowed but any impervious paving shall
23 be adequately drained to prevent the buildup of stormwater in the right-of-way. The
24 pervious pavers and impervious area shall be limited to no more than forty (40) percent
25 of the swale area.

26 (d) *Other objects prohibited.* Other than as provided for in section 5.6.8 of this Code, it
27 shall be unlawful to install, place or maintain within the dedicated right-of-way, parking
28 or swale area of the village any pointed concrete or other unapproved hard materials,
29 such as rocks, stones, bricks, metal objects or other similar obstructions.

30 (e) A combination of an approved parking driveway approach and sodding of rights-of-way
31 landscape consistent with the Village Code shall be permitted, provided the pervious
32 pavers and impervious sections does not exceed forty (40) percent of the total area and
33 such paved areas shall be kept in good condition.

34 (f) *Removal of obstructions by the village.* In the event any object or tree placed in the
35 swale creates an emergency situation involving potential danger to the health, safety
36 and welfare of the community, the village may perform removal operations
37 immediately, thus eliminating the emergency, and may assess the cost of such removal
38 against the adjacent property owner.

39 (g) *Removal of trees in the swale by the abutting property owner.* Property owners must
40 obtain a permit from the village and Miami-Dade County to remove trees in the swale.

41 (h) *Property owner/resident responsibilities for maintenance.* The property owner or
42 resident living in the property shall be jointly and severally responsible for the
43 maintenance of the swale area contiguous to their property. Maintenance shall include,
44 but not be limited to, mowing the sod and performing general edging, weeding,
45 trimming, pruning and cleanup activities. The landscaping and sod shall be maintained

1 in good plant health. The landscaping shall be kept free of dead limbs and branches. No
2 swale landscaping shall be maintained in such manner as to constitute a nuisance.

- 3 (i) Property owners shall be responsible for the maintenance of the swale area contiguous
4 to their property as well as for the removal and costs of dead, diseased and/or fallen
5 trees and any trees that may interfere with the right-of-way or otherwise pose a danger
6 to the health, safety and welfare of the community.

7 5.3.5 *Vacation of rights-of-way.* Applications to vacate a right-of-way may be approved upon a
8 finding that all the following requirements are met:

- 9 (a) The requested vacation is consistent with the traffic circulation element of the village
10 comprehensive plan.
11 (b) The right-of-way does not provide the sole access to any property. Remaining access
12 shall not be by easement.
13 (c) The vacation would not imperil the current or future location of any utility.
14 (d) The proposed vacation is not detrimental to the public interest, and provides a benefit to
15 the village.

16 **5.4. - Street standards.**

17
18 5.4.1 *Clear visibility triangle.* In order to provide a clear view of intersecting streets to the
19 motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting
20 streets or the intersection of a driveway and a street. The following standards shall be met:

- 21 (a) For street intersections the clear visibility triangle shall be formed by a line along the
22 street pavement edge fifteen (15) feet long from the street corner perpendicular,
23 generally, to a second line of the street pavement edge of approaching traffic, connected
24 by a third line that measures three (3) times the speed limit of the street.
25 (b) For driveways two (2) clear visibility triangles shall be formed by connecting, in each
26 case, a point on the edge of the street pavement and a point on the edge of the driveway,
27 each to be located at a distance of twenty (20) feet from the intersection of the street and
28 driveway lines, and a third line joining the two (2) points.
29 (c) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner
30 so as to obstruct cross-visibility at a level between three (3) feet and six (6) feet above
31 the grade, measured at the centerline of the intersection. Trees or palms, however,
32 having trunks and foliage trimmed in such a manner that no trunks or foliage extend
33 into the cross-visibility area shall be allowed, provided they are so located so as not to
34 create a traffic hazard.

35 **5.5. - Sidewalks and bikeways.**

36
37 5.5.1 *Design and construction standards.* Design and construction of sidewalks, bikeways, or
38 other footpaths shall conform to the requirements of ~~the Public Works Manual,~~
39 MetroMiami-Dade County Code, as amended from time to time, and other applicable
40 County regulations, including provision for access by physically handicapped persons.

41 **5.6. - Off-street parking.**

42
43 5.6.1 *Applicability.* Off-street parking facilities shall be provided within each property in the
44 village pursuant to the requirements of this code. The facilities shall be maintained as long
45 as the use exists that the facilities were designed to serve.

1 (a) All vehicles must be parked on an approved parking surface subject to the design
2 standards set forth in section 5.6.8.

3 (1) All residential properties, other than those currently utilizing the swale for parking,
4 are required to have a driveway using approved parking surface materials. The
5 driveway area shall be limited to no more than forty percent (40%) of the front yard
6 and may be of pervious or impervious material. The remaining sixty percent (60%)
7 of the front yard must be landscaped consistent with the village code.

8 (2) Ribbon driveways are allowed, as long as properly maintained and provided there
9 is a driveway approach that connects the ribbon driveway to the road.

10 (3) When an approved parking surface exists, all vehicles shall park on said approved
11 parking surface effective upon enactment of this ordinance. Existing swales that
12 are currently used for parking and are properly maintained can continue to be used
13 for parking, provided that no damage occurs to the grass and landscaped areas and
14 that parking does not cover any portion of any sidewalk. Those swale parking
15 surfaces may remain until a substantial portion, fifty (50) percent or greater,
16 requires repair. Parking on any swale shall be considered non-conforming parking
17 requiring a release agreement to be executed by the adjacent property owner.
18 Consistent with section 5.3.2, this section does not create any rights or ownership
19 by the adjacent property to the swale and is not an approved permanent use. The
20 Village may remove all or any portion of any parking surface on the swale, if the
21 Village, in its sole discretion, deems it necessary to achieve a public purpose.

22 (4) If the occupants of a residential property do not currently have parking surface on
23 the swale, the occupants of that property shall not be allowed to utilize the swale
24 for parking in the future, except on a non-regular, temporary basis as determined by
25 the Village, and provided that no damage occurs to the grass and landscape areas.
26 No new improvements of the swale area will be allowed, except for the necessary
27 driveway approach.

28 (45) Nonconforming residential properties that do not have an approved parking surface,
29 including an ~~approved~~ driveway approach, or an existing swale, consistent with
30 Section 5.6.1(3), shall have ~~one (1) year~~ until June 1, 2017 ~~from the date of~~
31 enactment of this ordinance to have the compliant parking surface permitted and
32 installed.

33 (26) Existing nonconforming parking surfaces permitted by the village, may remain
34 unless a substantial portion, fifty (50) percent or greater, requires repair or an
35 addition to the parking surface occurs.

36 (7) In rare occasions, and due to the unusual nature of the property, relief from this
37 section may be granted through a special exception as provided for in Section 5.7
38 of this Code.

39 5.6.2 *Computation.* In the village hall, recreation area, and church, the occupancy shall be
40 based on the maximum capacity rating given the building by the fire marshal. Gross floor
41 area shall be the sum of the gross horizontal area of all floors of a building measured from
42 the exterior faces of the exterior walls.

43 5.6.3 *Number of parking spaces required.* The table below specifies the required minimum
44 number of off-street parking spaces. The number of off-street parking spaces for uses not
45 listed in the table shall be determined by the planning board. The term "tandem parking

space" means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.

Use	Minimum Off-Street Parking Requirement	
	Resident Parking	Visitor Parking
(a) Residential		
Detached one-family:		
1, 2 and 3 bedrooms	2 spaces*	1 space**
4 bedrooms	3 spaces*	1 space**
Duplexes/attached and detached:		
1, 2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b) Recreation area:		
Determined by the planning board.		
(c) Public assembly/service:		
Church: 1 space/3 seats or 1 space/35 square feet of gross floor area		
(d) Government buildings:		
1 space/300 square feet of gross floor area		

* Resident parking spaces may be tandem.

** If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

5.6.4 *Handicapped parking spaces.* Any parking area to be used by the general public shall provide suitable, marked and paved parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of F.S. §§ ~~316.1955, and 316.1956~~ 553.5041, or ~~succeeding provisions as amended from time to time.~~ No parking spaces required for the handicapped shall be counted as a parking space in determining compliance with subsection 5.6.3, public uses, above, but supplemental spaces for the handicapped shall be counted. The parking and related features contained in the Department of Community Affairs, Florida Board of Building, Codes and Standards, Accessibility Requirements Manual are hereby incorporated by reference into the Village Code.

5.6.5 *Parking in medians prohibited.* No parking shall be allowed in median open spaces or median parkways.

5.6.6 *Existing nonconforming minimum off-street parking requirements.* The number of off-street parking spaces existing on properties at the time of the adoption of this code (June 14, 1985), although such number does not conform to the minimum off-street parking

1 requirements hereof, may be lawfully continued. However, all vehicles must be parked on
2 an approved parking surface consistent with section 5.6.1.

3 5.6.7 *Historic preservation exemption.* The preservation of any property that has been placed
4 on the county or national register of historic places, shall be grounds for a grant by the
5 planning review board of a reduction in, or complete exemption from, the parking
6 requirements in subsection 5.6.3 of this chapter.

7 5.6.8 *Design standards for off-street parking.* Except as provided herein, all required off-street
8 parking spaces and the use they are intended to serve shall be located on the same parcel.
9 Unless expressly addressed in this subsection, ~~the size and layout of these spaces shall be~~
10 ~~according to the Miami-Dade County Code and Public Works Manual, Miami-Dade County.~~
11 Vehicles shall be parked on impervious or pervious surfaces but ~~impervious areas~~ the
12 driveway shall not exceed forty (40) percent of the front yard, excluding the right-of-way.
13 Off-street parking (within the lot lines of all properties) shall only be permitted on approved
14 surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an
15 approved surface.

- 16 (a) All parking surfaces shall be of approved materials except as otherwise provided below.
17 (b) All parking surfaces must have an improved driveway approach across the swale which
18 shall meet the minimum standard of gravel construction.
19 (c) All parking surfaces shall be no closer than thirty (30) inches from side property line
20 unless exempted below in subsection (d).
21 (d) All nonconforming parking surfaces, as related to setback, shall come into compliance
22 when there is a change in parking surface material or the installation of a new parking
23 surface. If a determination is made by the village manager or designee that adhering to
24 the setback would make the parking surface nonfunctional, the village manager may
25 waive this requirement in writing.
26 (e) Parking surfaces shall only be constructed with the following materials: concrete, paver,
27 brick, gravel, asphalt, cut stone or turf block.
28 (f) Gravel parking surfaces shall be built with a permanent perimeter border consisting of
29 suitable material as approved by village staff a minimum of four (4) inches deep with
30 the width of the border being sixteen (16) inches immediately adjacent to the road
31 perimeter and four (4) inches along the entire length of both edges of the parking
32 surface.

33 Construction of a portion of a parking surface in the swale or right-of-way, such as the
34 driveway approach ~~apron and parking surface approach~~, shall require the property owner to
35 indemnify, hold harmless, and defend the village from any and all actions, caused by, resulting
36 from, or in any way associated with the proposed work within the village right-of-way on a form
37 provided by the village.

38 **5.7 Special exception from off-street parking requirements.**

39 5.7.1 The owner of any property affected by the requirement to have an approved driveway on
40 their property shall have the right to apply for a special exception which may be granted where,
41 due to the extreme and unusual nature of the property, a driveway cannot be placed on the
42 property.
43
44
45

1 5.7.2 Grounds for a special exception. In determining whether or not to grant a special
2 exception, the Planning Board shall review the Village Manager's recommendation and shall
3 determine whether:

- 4
- 5 (a) There are special circumstances or conditions affecting the property, such as the
6 unusual size and/or configuration of the lot that makes the installation of the
7 driveway impractical; and
- 8 (b) The granting of a special exception will not be detrimental to the public welfare or
9 injurious to other adjacent properties; and
- 10 (c) Any appropriate mitigation measures will be required to be implemented by the
11 owner seeking a special exception.
- 12

13 If all three criteria are met, the Planning Board shall grant a special exception.

14

15 5.7.3 Appeal. An owner of property may appeal the Planning Board decision in writing to the
16 Village Commission within ten (10) days of that decision. The Village Commission shall review
17 the determination of the Planning Board and may reverse that decision only upon a specific
18 finding that the Planning Board erred in its determination.

19

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

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

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



The Village of Biscayne Park

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

11.a

11.b

Commission Agenda Report

Commission Meeting Date: November 1, 2016
Prepared By: Vice Mayor Roxanna Ross
Title / Subject: Resolution 2016-34 and 2016-35

Background:

Resolution No. R-823-16 adopted September 7, 2016 by the Miami Dade County Board of County Commissioners, offers support of Governor Scott's initiative to improve water quality in the Indian River Lagoon/Caloosahatche River watershed. A companion Resolution No. R-822-16 urges a partnership among the County and its municipalities to pursue similar combined funding to aid in converting septic systems to sewer management connections in Miami Dade County.

The Village of Biscayne Park is one of the few remaining municipalities that relying almost exclusively on septic tank/drainfield systems for its wastewater treatment and disposal. Conversion to any alternative public sanitary sewer system would require a substantial investment in regional systemic infrastructure that does not currently exist. These improvements, let along condition-forecasting and planning, are beyond local community resources, and may only be accomplished through strong collaborations with a broad spectrum of stakeholders.

Fiscal / Budget Impact:

Negligible, if any, related to finalizing the resolution and electronic distribution of same.

Recommendation:

Support Governor Scott's goal for central Florida, and further promote similar funding in Miami Dade County and Biscayne Park.

Attachments:

- Resolution 2016-34
- Resolution 2016-35

1
2
3 **RESOLUTION NO. 2016-34**
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,**
7 **SUPPORTING GOVERNOR RICK SCOTT’S**
8 **PROPOSAL TO PROVIDE FUNDING TO ASSIST**
9 **LOCAL COMMUNITIES WITH CONVERTING FROM**
10 **SEPTIC TANKS TO SEWER SYSTEMS; AND URGING**
11 **THE FLORIDA LEGISLATURE TO PROVIDE STATE**
12 **FUNDING TO ASSIST LOCAL COMMUNITIES WITH**
13 **ELIMINATING SEPTIC SYSTEMS AND**
14 **CONVERTING TO SEWER SYSTEM CONNECTIONS,**
15 **AS PROPOSED BY THE GOVERNOR.**
16

17
18 **WHEREAS**, on September 7, 2016, the Miami Dade County Board of County
19 Commissioners unanimously adopted Resolution R-823-16, supporting Governor Rick Scott, and
20 urging the Florida Legislature to provide funding, in connection with the titled initiative; *and*
21

22 **WHEREAS**, on July 6, 2016, Governor Rick Scott announced that he will propose additional
23 funding in his State Fiscal Year 2017-2018 recommended budget to help clean up the Indian River
24 Lagoon and Caloosahatchee River into which the polluted waters of Lake Okeechobee are
25 discharged; *and*
26

27 **WHEREAS**, this proposal is expected to include new funding for a voluntary 50/50
28 matching grant program with local communities surrounding the water bodies affected by algae
29 blooms resulting from the frequent discharges of water from the Lake; *and*
30

31 **WHEREAS**, if approved by the Legislature, this voluntary program would provide funding
32 to encourage residents to convert from septic tanks to sewer systems to help curb pollution that is
33 currently entering into these water bodies; *and*
34

35 **WHEREAS**, Governor Rick Scott stated in a press release that “[s]eptic tank runoff is a
36 major contributor to the pollution in these water bodies and I look forward to working with the
37 Legislature to fund efforts to curb it.,” *and*
38

39 **WHEREAS**, the Governor’s proposal would also provide financial support to local
40 communities to help them build wastewater systems to meet the increased demand for wastewater
41 services; *and*
42

43 **WHEREAS**, as the Governor explained, “[i]t is up to all of us – the state, Florida’s local
44 communities and the federal government – to work together on long term solutions to improve the
45 quality of our water. That is why I am going to commit state funding and match it with local
46 contributions so we can work together on efforts to clean up our waters;” *and*
47

48 **WHEREAS**, the problem of pollution due to septic systems extends beyond the communities
49 surrounding the Indian River Lagoon and Caloosahatchee River; *and*

1 Attest:

2

3

4

5 _____
6 Maria C. Camara, Village Clerk

7

8

9 Approved as to form:

10

11

12 _____
13 John J. Hearn, Village Attorney

1
2
3 **RESOLUTION NO. 2016-35**
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,**
7 **URGING MUNICIPALITIES WITHIN MIAMI-DADE**
8 **COUNTY TO PARTNER WITH THE COUNTY TO**
9 **SECURE STATE AND FEDERAL FUNDING TO**
10 **ASSIST WITH THEE ELIMINATION OF SEPTIC**
11 **SYSTEMS AND CONVERTION TO SEWER SYSTEM**
12 **CONNECTIONS.**

13
14 **WHEREAS**, on September 7, 2016, the Miami Dade County Board of County
15 Commissioners adopted Resolution R-822-16, extending a hand in partnership with municipalities
16 within its geographic boards, in connection with the titled initiative; *and*
17

18 **WHEREAS**, onsite sewage treatment and disposal systems, commonly referred to as septic
19 systems, are a type of onsite sewage facility, a key component of which is the significant treatment of
20 wastewater in an underground drainfields; *and*
21

22 **WHEREAS**, some portions of the County, including the Village of Biscayne Park, lack
23 public sanitary sewer systems and therefore rely on septic systems to treat and dispose of household
24 wastewater from toilets, showers, sinks and dishwashers; *and*
25

26 **WHEREAS**, wherever located, when improperly managed, septic systems may present
27 environmental concerns, including potential vulnerability to the effects of increased water tables and
28 sea level rise; *and*
29

30 **WHEREAS**, on July 6, 2016, Governor Rick Scott announced that he will propose additional
31 funding in his State Fiscal Year 2017-2018 recommended budget for a voluntary matching program
32 to encourage residents to convert from septic tanks to sewer systems to help curb pollution that is
33 currently entering into the Indian River Lagoon and Caloosahatchee River; *and*
34

35 **WHEREAS**, Governor Scott stated in a press release that “[s]eptic tank runoff is a major
36 contributor to the pollution in these water bodies and I look forward to working with the Legislature
37 to fund efforts to curb it;” *and*
38

39 **WHEREAS**, the Governor’s proposal would also provide financial support to local
40 communities to help them build wastewater systems to meet the increased demand for wastewater
41 services; *and*
42

43 **WHEREAS**, as the Governor explained, “[i]t is up to all of us – the state, Florida’s local
44 communities and the federal government – to work together on long term solutions to improve the
45 quality of our water,” and “[t]hat is why I am going to commit state funding and match it with local
46 contributions so we can work together on efforts to clean up our waters;” *and*
47

48 **WHEREAS**, in a companion item, the Village Commission is urging the Florida Legislature
49 to provide state funding to assist local communities in eliminating septic systems and converting to
50 sewer systems connections, as proposed by the Governor for the Indian River Lagoon and
51 Caloosahatchee River; *and*

1 **WHEREAS**, the importance of eliminating septic systems and converting to sewer system
2 connections extends beyond the local and state level, with the federal government playing an active
3 role in policy and regulation of water quality issues; *and*

4 **WHEREAS**, the Village Commission recognizes the benefit of partnering with Miami Dade
5 County, other municipalities, state and federal agencies to eliminate septic systems for the betterment
6 of our environment and water quality, and to seek funding from the state and federal levels to assist
7 with such endeavors,
8

9 **NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**
10 **VILLAGE OF BISCAYNE PARK, FLORIDA, that:**

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

14 Section 2. The Village Commission urges municipalities to join in partnership with Miami
15 Dade County to secure state and federal funding for assistance with the elimination of septic systems
16 and conversion to sewer system connections.
17

18 Section 3. The Village Commission directs the Clerk to electronically transmit copies of this
19 resolution to the Mayor and Manager of Miami Dade County and as well as each municipality in the
20 County, and to the Executive Director of the Miami Dade County League of Cities.
21

22 Section 4. The Village Commission directs the Village’s legislative consultant to advocate
23 for the funding set forth above.
24
25

26 PASSED AND ADOPTED this ____ day of _____, 2016.
27

28
29 The foregoing resolution upon being
30 put to a vote, the vote was as follows:

31
32 _____
33 David Coviello, Mayor

34 Mayor Coviello: ____
35 Vice Mayor Ross: ____
36 Commissioner Anderson: ____
37 Commissioner Jonas: ____
38 Commissioner Watts: ____

39 Attest:
40

41 _____
42 Maria C. Camara, Village Clerk

43
44 Approved as to form:
45

46
47 _____
48 John J. Hearn, Village Attorney
49



12.a

Commission Agenda Report

Commission Meeting Date: November 1, 2016

Prepared By: Maria C. Camara, Village Clerk

Title / Subject: Code Review Board – Proposed changes on landscaping requirements for new construction.

Background:

At the February meeting, there was discussion regarding landscaping requirements for new homes and existing homes with substantial renovation. Following that discussion there was consensus to have the Code Review Board look at and propose language to include in our code relating to the landscaping requirements. The Code Review Board met and has provided their proposed language.

The proposed language was presented at the June 7th meeting and August 2nd meeting, and subsequently the Commission looked towards adopting the language in the Miami Dade County Code instead. After review the County's code, it was found to be very limited, and at the October 13th meeting, there was consensus for the Commission to go back to the Code Review Board's proposed language

Fiscal / Budget Impact:

Cost of advertising – ordinance.

Attachments:

- Minutes of the Code Review Board Meeting – April 13, 2016.



Village of Biscayne Park

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

Code Review Board
MEMBERS

Gage Hartung
Chairman

Dale Blanton
Judi Hamelberg
Gary Kuhl
Andrew Olis

MINUTES

CODE REVIEW BOARD MEETING

Village Hall

640 NE 114th Street – Biscayne Park, FL
Wednesday, April 13, 2016- 7:00 pm.

Call to Order 7:04 pm

Present: Gary Kuhl, Gage Hartung, Judi Hamelberg, Dale Blanton,
Andrew Olis
Village Manager Maria Camera

Approved Minutes the following minutes:
March 2, 2016 meeting – 5-0 approved

New Business

- a. Discuss and propose language for the Village Code to address the following: If there is a new home build, or substantial renovation to an existing home, a landscaping plan must be also be included with the building permit application.

Discussion by the board:

Situations this will apply to:

- New Construction
- Major Renovations above 50% of overall square footage of the main structure
- New Driveways

Board reviewed similar codes from other municipalities: Miami Shores Village, Fort Lauderdale, Surfside, Bay Harbor Islands, Pincrest, Delray Beach and Miami Dade County. Determined that the Delray Beach and Miami-Dade County had language that were compatible with what we were looking to write. We compiled the following language:

Minimum Landscape Requirements:

(1) **All New Construction and Substantial Renovation of Existing Residence above 50% overall square footage of the main structure:** For single family residences for which a building permit has not been applied for prior to _____, 2016, the following minimum standards for landscaping shall apply:

(a) One shade tree shall be planted for every two thousand five hundred (2,500) square feet of lot area. Shade trees for single family residences shall be a minimum of twelve (12) feet in height with a five (5) foot spread at the time of installation. Existing trees preserved on the site with the same specifications as above, may be credited toward this tree requirement.

(b) Palms of a ten-foot minimum overall height or minimum caliper of three (3) inches at time of planting shall count as a required tree on the basis of two (2) palms-per tree, except as provided herein for palms used as of street trees. No more than thirty three (33) percent of the minimum tree requirements may be met by palms.

(c) Air-conditioning units visible from the adjacent street shall be screened with shrubbery or wood fencing that is tall enough to fully screen the units from view.

(d) All other lot areas not covered by driveways or structures shall be planted with lawn grass, ground cover or other approved landscape materials.

(e) All landscaped areas shall be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained.

(f) Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site in cases of new construction.

(g) Of the required trees at least:

(1) Thirty (30) percent shall be native species (reference: South Florida Plant Guide); and

(2) Fifty (50) percent shall be low maintenance and drought tolerant; and

(3) No more than thirty (30) percent shall be palms.

(h) Eighty (80) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(i) All shrubs or ornamental grass shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Shrubs or ornamental grass shall be provided at ratio of ten (10) per required tree. Of the provided shrubs at least:

(1) Thirty (30) percent shall be native species; and

(2) Fifty (50) percent shall be low maintenance and drought tolerant; and

(3) Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(j) *Ground covers.* Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

(k) Cypress mulch shall not be used because its harvest degrades cypress wetlands.

(l) At least forty (40) percent of the required landscape and a minimum of 2 tree types shall be located in the front yard area.

(1) Existing Residences:

4. (a) All other lot areas not covered by driveways or structures shall be planted with lawn grass, ground cover or other approved landscape materials.

Motion: Motion to approve - Gary / Second - Andrew – 5-0 Approved

Adjourned 8:00

Minutes Approved 04-13-2016



13.a

Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: October 6, 2016 (Deferred to Nov. 1)

Subject: Discussion on procedures regarding
fiscal accountability, transparency,
and writing of checks

Prepared By: Commissioner Barbara Watts

Sponsored By: Commission

Background

I believe that it is the responsibility of the current Commission to address and attempt to rectify the Village's policies and procedures regarding financial transactions and their oversight that resulted in the significant overage on its construction and renovation projects, brought to the Commission's attention only late last spring. One of the reasons for the overage, we were told, was a survey by Miami-Dade County necessary for the building of the Annex (approx. \$30,000). Surely, this overlooked cost was known and probably paid for months prior, So too, the architect's fee for the Log Cabin's restoration (around \$70,000?) which seems to have been omitted from the budget, was paid at some point, probably before its re-opening celebration in Jan. 2016. Two people had to sign the checks—the City Manager and the Mayor or another Commissioner. Was anyone paying attention? Did the signees sign the checks for these items thinking things were just hunky-dory because the Village Manager indicated nothing and because the mantra was "Let the Village Manager manage?"

Obviously, the ball was dropped and "mistakes were made." On second thought, let us be directly honest: the Village Manager, the Mayor, and the Commission, each to a different extent, dropped the ball and made mistakes. It unlikely that the Village will have two such large projects in the near future, and thus unlikely that any future lapses in oversight and accountability would result in a number so large as that of the still-unknown Annex/Log Cabin overage; nonetheless, it is our responsibility to

October 6, 2016

Commission Agenda Report

explore and at least put into effect measures that will eliminate or greatly decrease the possibility of such an overage happening again and, as well, amend the Village's policies and procedures so that there is greater oversight by the Commission and Residents over the Administration's spending, with greater accountability and transparency with respect to all transactions.

I suggest that we direct the Administration and Staff (and, possibly, our lawyer) to explore the policies and procedures of other municipalities. I further suggest that the Commission consider establishing an Oversight Board—if there are residents qualified and willing to serve. Furthermore, I wonder whether a change in policy for check signing may be put in place; perhaps the signature of a Commissioner as well as that of the Mayor and Village Manager be required for checks over a certain amount? Certainly, procedures should be changed for large projects (what is the Village received a substantive grant for road or storm water drainage repair?).

Even though a new Commission will be seated soon, it behooves this Commission to set the ball rolling to ensure that such a situation does not reoccur. It happened on our watch and we owe this to the residents of Biscayne Park.

Fiscal / Budget Impact

Staff and attorney time.

Attachments

None. This is a discussion item, with request for assistance from the Administration for research.



13.b

Commission Agenda Report

Commission Meeting Date: November 1, 2016
Prepared By: Mayor David Coviello
Title / Subject: Water Quality Issues

Background:

Multiple residents have had issues relative to the water service provided by North Miami. The issues include discoloration of water, strong odor, and poor pressure. The frequency of these issues seems to be on the rise. The response from North Miami has varied. The majority of the time, North Miami has pointed to work being done on the system that temporarily causes the discoloration, strong odor and poor pressure. In multiple circumstances, the quality of the water was tested by North Miami after these events. In all cases, North Miami has indicated that the water is safe and that there are no risks. We have not independently verified the cause(s) of these issues and the risk, if any, to our residents. Additionally, as you know, we have not had a written agreement with North Miami for water service in many years. Despite attempts to negotiate such an agreement, which would address maintenance, repair and replacement of the infrastructure used to deliver water to the Village, the agreement has never been finalized and executed.

Fiscal / Budget Impact:

To be determined.

Recommendation:

I would like to discuss the possibility of having the Village conduct its own analysis of the water quality and potentially hire a professional to examine the overall condition of the infrastructure used to deliver water to the Village.



13.c

Commission Agenda Report

Commission Meeting Date: November 1, 2016

Prepared By: Vice Mayor Roxanna Ross

Title / Subject: Supporting Adequate Funding for Low Income Home Energy Assistance (LIHEAP)

Background:

At the MDCLC Best Practices Conference held October 14, one of the speakers was Former State Representative Joe Gibbons, who spoke on behalf of the Luncheon Sponsor FPL and asked the municipalities to provide a Resolution Supporting Adequate Funding of the Low Income Home Energy Assistance Program (LIHEAP). A draft resolution was provided by MDCLC Executive Director Richard Kuper. I have taken the liberty of revising that draft resolution with some of the details expressed in a similar resolution approved by the Miami Dade County Board of County Commission late last year. Both the draft and the County's version of the resolution are attached for reference.

The County's website indicates that: "The program is funded through the Florida Department of Community Affairs Division of Housing and Community Development, and provides assistance to over 50,000 households annually." The site also provides details of the application process at <http://www.miamidade.gov/socialservices/housing-assistance-energy.asp>

Fiscal / Budget Impact:

Negligible, if any, related to finalizing the resolution and electronic distribution of same.

Recommendation:

Support restored funding of LIHEAP and funding allocation as prescribed by Congress in the enabling law so that Florida receives its equitable share. In addition to distribution of the approved resolution as provided therein, forward a copy to Ms. Aletha Player, Area Manager, FPL External Affairs, 4200 W. Flagler St, Miami, FL 33134 / Aletha.Player@fpl.com.

Attachments:

Proposed resolution; original proposal as provided by MDCLC; County 2016 resolution.

***Resolution Supporting Adequate Funding of
the Low Income Home Energy Assistance Program (LIHEAP)***

WHEREAS, *the ENTITY NAME* recognizes basic energy services to be a vital key to the health, safety and well-being of Florida households and families; *and*

WHEREAS, poverty, unemployment and the slow economic recovery remain persistent national problems for many, and most especially, low-income households; *and*

WHEREAS, low-income families in Florida must disproportionately spend about three times more of their income on basic energy services than middle-income families do; *and*

WHEREAS, homes in low-income and minority communities severely lack energy efficiency features that can reduce energy consumption; *and*

WHEREAS, LIHEAP can provide vital heating, cooling and efficiency assistance to low-income households, including working-poor families, senior citizens, persons with disabilities and veterans; *and*

WHEREAS, the severe constraints on state and local budgets and the increased strain on the nation's support system provided by nonprofit, faith-based and charitable community organizations have reduced other resources available for energy assistance; *and*

WHEREAS, the primary Federal program providing assistance to low-income households to support their heating and cooling needs is the Low Income Home Energy Assistance Program (LIHEAP); *and*

WHEREAS, LIHEAP is not an entitlement, but rather a limited block grant program which provides flexible Federal-State partnerships to prevent service terminations during cold and hot weather emergencies; to make the transition from public assistance to economic self-reliance; to help low-income households remain economically self-sufficient; *and*

WHEREAS, federal LIHEAP funding has declined from \$5.1 billion in 2010 and is currently \$3.4 billion in 2016; *and*

WHEREAS, due to this limited funding, less than 125,000 Florida households received LIHEAP assistance in 2014, or less than ten percent of the State's eligible households; *and*

WHEREAS, due to this limited funding, the National Energy Assistance Directors Association has reported that many low-income families "will have few choices but to cut back on essential necessities, such as medicine, food, and clothing"; *and*

WHEREAS, The National Energy and Utility Affordability Coalition (NEUAC) and other concerned national organizations support restoring LIHEAP funding to at least \$4.7 billion in federal fiscal year 2017; *and*

WHEREAS, another impactful solution to increase Florida’s share of funding, without increasing the overall federal LIHEAP budget, is for Congressional Appropriators to simply “follow LIHEAP’s enabling law” – the precise allocation formula actually prescribed by Congress. Florida and many other states in great need would see a meaningful increase in their share of LIHEAP funds, as the Program’s enabling law calibrates for the dangers of both extreme heat and cold. It also adjusts funding for changing energy costs, demographics and poverty. In fact, the Congressional Research Service’s latest (June 25, 2015) estimate confirmed that Florida would receive an additional \$38.5 million in LIHEAP funding - a 55 percent improvement - if appropriations were to simply adhere to LIHEAP’s lawfully-enacted enabling law, even if the Program were simply to be level funded;

NOW THEREFORE BE IT RESOLVED, that *the ENTITY NAME* urges the Appropriations Committee of the United States Senate and House of Representatives to both fully follow LIHEAP’s enabling law when determining all future appropriations, and to restore LIHEAP funding to its historic levels.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to all members of Congress, seeking their support for continued and fair funding for this life-saving Program.

Adopted effective date by the ENTITY NAME, CITY AND STATE

Signed:

the ENTITY NAME

OFFICERS OF THE ENTITY