



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: April 5, 2016

Subject: Approval of Minutes

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

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

Fiscal/Budget Impact

None.

Staff Recommendation

Approval.

Attachments

- March 1, 2016 Regular Commission Meeting



MINUTES
REGULAR COMMISSION MEETING
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, March 1, 2016 at 7:00pm

1 Call to Order

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

2 Roll Call

Mayor David Coviello - present
Vice Mayor Bob Anderson - present
Commissioner Fred Jonas - present
Commissioner Roxanna Ross - present
Commissioner Barbara Watts - absent (*Arrived at 7:27pm*)

Present from staff were:

Village Manager Heidi Siegel
Village Clerk Maria C. Camara
Village Attorney John Hearn
Finance Manager Claude Charles
Police Chief Cornelius McKenna
Public Services Manager Krishan Manners
Parks & Recreation Manager Shelecia Bartley
Code Compliance Officer Reginald White

3 Pledge of Allegiance

4 Presentations

- 4.a Proclamation - in recognition of Krishan Manner's service to the Village of Biscayne Park

5 Additions, Deletions or Withdrawals to the Agenda

Manager Siegel pulls item 8.c, Resolution 2016-04.

Commissioner Anderson adds a discussion item, to unfund the Public Services Manager position, added as item 12.g

Mayor Coviello moves up items 10.a, 10.b, 10.c, Resolutions 2016-09, 2016-10 and 2016-11 to after the consent agenda.

6 Public Comments Related to Agenda Items / Good & Welfare

Liz Goldman: Representing the Recreation Advisory Board, putting together a community pot luck at the pocket park/median at 116th Street between 8th and 9th Avenues on May 21, 2016, between 12pm - 4pm. Asks the commission for the waiver of the special event fees.

Commission consensus to waive the fees.

Barbara Kuhl: On the extension of the compliance date for driveways, does not agree. Enough time has been provided. Extension would cause this to drag on. Have not received anything about not parking on the grass. Village needs to notify all residents.

Harvey Bilt: Tend to change code without enough thought. Items don't make sense. Have always allowed to put out trash day before, and to bring in by the day after. Why change? Why making it stricter? On parking on grass, have always allowed to park on the grass on the swale. How will it be different? Need consistency. On administrative citation process, why is it overseen by P&Z. There is also no due process. Need to look at zoning requirements in regards to height of buildings. What is allowance if you have two stories.

Tom Ferstle: Supports the commission and staff. Looks to serve on the Parks & Parkway Advisory Board.

David Raymond: Thank you to Krishan Manners. On the issue that some say there is no flooding, we have a mess on our block. On the use of CITT funds, look to use a portion for the french drains. There are several hot spots in regards to flooding in the Village. On trash pick up, the 5 to 5 will not work. Don't understand why it's changing. On Administrative Citation process, not sure if it will work completely. On Landlord Permits, look at those that have short term leasing. May have some neighbors that rent out for vacations.

Max Deitermann: Owner of the new construction at 119th and Griffing Blvd. Have been reviewing the minutes, and have spoken to Commissioner Watts regarding the subject of "mcmansions". Appreciates Commissioner Jonas' rebuttal at the last meeting. Take offense at the use of the word "mcmansion" which is defined as something being ostentatious and lacking architectural significance. Am a real estate developer and have done much work that has raised property values of the area they are in. Since it is being discussed by the Village Commission, urge you to look at Miami 21 zoning code. Much spent on it and very difficult to comprehend and enforce, and open to interpretation. Looks to finish construction on house in next 30 days.

Howard Goldman: Resident for 10 years. Have seen Village grow. On dog park, a hot issue again. Beach Park at Haulover is a great success. Will always have residents who are concerned with a dog park near their home. When I see a dog park in a neighborhood, think of it as a well to do neighborhood. Triangle Park at 115th & Griffing is empty, no life, no energy. If you close that off, those that drive past will see kids playing, families and their animals. Would bring a lot to the Village. Please give it some thought.

Chester Morris: For over a year, telephone poles with no wires. When will they be taken down. On Waste Pro, trying to do a good job. If it drops off the truck, pick it up. Look at the signs in Miami Shores. Would be beautiful for each corner. Building is absolutely gorgeous. Compliments John Challenor on the audio.

Chuck Ross: Thank you to Krishan. Always courteous, responsible and dependable. Great turnout for CrimeWatch meeting, appreciates all who came out. Will continue to do every 2-3 months.

6.a Response to prior public comments and inquires

Manager Siegel: Provided a recap of the planned communication to residents on the recent and future code changes through e-mail, door to door communication and newsletter.

On the wood utility poles remaining, continues conversation with both Comcast and AT&T.

7 Information / Updates

7.a Finance Manager Claude Charles provided the financials for current fiscal year 2015-16 for the month ending January 31, 2016.

8 Consent Agenda

8.a Approval of Minutes

February 2, 2016 Regular Commission Meeting
February 6, 2016 Commission in the Community

8.b Acceptance of Board Minutes

Planning & Zoning Board - January 19, 2016
Recreation Advisory Board - January 26, 2016
Biscayne Park Foundation - January 11, 2016
Biscayne Park Foundation - February 9, 2016
Planning & Zoning Board - February 1, 2016
Planning & Zoning Board - February 16, 2016
Code Compliance Board - February 8, 2016
Public Art Advisory Board - February 10, 2016

8.d **Resolution 2016-06**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **PROVIDING POLICIES FOR VILLAGE BOARDS AND COMMITTEES;** PROVIDING FOR AN EFFECTIVE DATE

8.e **Resolution 2016-07**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO APPLY FOR THE 2016 FLORIDA URBAN AND COMMUNITY FORESTRY GRANT** PROPOSAL THROUGH THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; PROVIDING FOR AN EFFECTIVE DATE

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

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

Opposed: None

Motion carries: 5/0

Mayor Coviello moves up items 10.a, 10.b, 10.c

10 Resolutions

10.a **Resolution 2016-09**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE PARKS & PARKWAY ADVISORY BOARD;** PROVIDING FOR AN EFFECTIVE DATE

10.b **Resolution 2016-10**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE PUBLIC ART ADVISORY BOARD;** PROVIDING FOR AN EFFECTIVE DATE

10.c **Resolution 2016-11**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE RECREATION ADVISORY BOARD;** PROVIDING FOR AN EFFECTIVE DATE

Applications for Parks & Parkway Advisory Board: Tom Ferstle, Mac Kennedy Dan Keys, Barbara Kuhl and Randy Wagoner.

Applications for Recreation Advisory Board: Elizabeth Goldman, Bridgita Pallanga, Dan Samaria and Rosemary Weis.

Motion by Commissioner Anderson to accept the applications for the Parks & Parkway Advisory Board and Recreation Advisory Board, and it is seconded by Commissioner Ross.

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

Opposed: None

Motion carries: 5/0

Based on the ballots submitted by the Commission, the board members for the Public Art Advisory Board: Karen Marinoni, Larry Newberry, Melanie Oliva, Amy Raymond, and Susan Weiss, with Sarah Johnson as an alternate.

Motion by Commissioner Anderson to select the board members as per the Commission votes, and it is seconded by Commissioner Jonas.

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

Opposed: None

Motion carries: 5/0

9 Ordinances

< First Reading >

9.a Ordinance 2016-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING SECTION 16-15 OF THE LAND DEVELOPMENT CODE ENTITLED "LANDLORD PERMITS"**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Coviello opened the meeting for public comment and there were none.

After discussion, direction to have the Village Attorney look into referencing the fee schedule at 16.15.15; and to add the building inspector fee at 16.15.14 if needed.

Commissioner Anderson makes a motion to approve Ordinance 2016-02 and it is seconded by Commissioner Jonas.

The motion was called to a vote:

Commissioner Jonas: Yes

Commissioner Anderson: Yes

Vice Mayor Watts: Yes

Commissioner Ross: Yes

Mayor Coviello: Yes

Motion carries: 5/0

9.b **Ordinance 2016-03**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING SECTION 6.3 ENTITLED "SOLID WASTE"**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Coviello opened the meeting for public comment.

Barbara Kuhl: On the way code is written, 6.3.4 does not include (d) like in 6.3.3. Needs to include it for yard trash.

Harvey Bilt: Need to have consistency between 6.3.3 and 6.3.4 in regards to using "owner/occupant" or "property owner". There are critters in the yards. Containers need to be secure. Why not allow a larger container for garbage with wheels.

David Raymond: What is the issue? Don't see a problem to having to make this change. Way it is written, not enforceable. There is no regular schedule for Waste Pro. How can you make us be on a regular schedule. Take the time to make it more logical. Citation process also makes no sense.

After discussion, direction to have the Village Attorney to include item (d) in 6.3.4, the same as 6.3.3. Review language in regards to property owner in 6.3.3 and 6.3.4. Add language to 6.3.9 to reference the citation process and to refer to the fee schedule. Consensus to adjust the schedule to place out no earlier than 9:00am the day before collection and must be retrieved no later than 9:00am the day after collection.

Commissioner Anderson makes a motion to approve Ordinance 2016-03 with the changes discussed, and it is seconded by Vice Mayor Watts.

The motion was called to a vote:

Commissioner Ross: Yes

Vice Mayor Watts: Yes

Commissioner Anderson: Yes

Commissioner Jonas: No

Mayor Coviello: Yes

Motion carries: 4/1

9.c **Ordinance 2016-04**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING 6.3.3 OF THE LAND DEVELOPMENT CODE ENTITLED "OWNER/OCCUPANT RESPONSIBILITY"**; **AMENDING SECTION 14.1 OF THE LAND DEVELOPMENT CODE ENTITLED "COMPLIANCE PROCEDURE"**; **AMENDING SECTION 15.4 OF THE LAND DEVELOPMENT CODE ENTITLED "OTHER PENALTIES AND REMEDIES"**; PROVIDING FOR INTENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title. Advised that the title will change for second reading to include both 6.3.3 and 6.3.4.

Mayor Coviello opened the meeting for public comment.

Barbara Kuhl: On page 3 of 6, need to clarify that it is for both putting out early and for leaving out.

Linda Dillon: On 15.4.1, why is Planning & Zoning included? Need to clarify penalty for paying or not paying.

Harvey Bilt: Confirmed the process to contest the citation, and what would happen if they do not pay.

David Raymond: Language needs to reference new times. Confirms the repeat violation process and that no courtesy notice will be required. Feels fair to give courtesy notice. Provides the Village with a record. Commission should consider.

Gary Kuhl: No mechanism to make sure people will actually pay until it goes to a lien at some point. If they don't pay, is there a provision for interest. Need to include it.

After discussion, there was consensus for the Village Attorney to review and make the following changes: section 15.4 Planning Board to be frocked; look at penalty for paying or not paying; add interest charges if failure to pay on time; change time allowed for containers to be placed out and retrieved to 9:00am to 9:00am; section (f)(iii) on page 3 of 6, add "put out before"; section (f)(iv) on page 3 of 6, change to parking on a non-approved surface, instead of parking on grass; section (2)(iii) on page 4 of 6, clarify the language; section (2)(viii) on page 4 of 6, clarify the language; section (2)(x) on page 4 of 6, need to reference fee schedule; section (5)(ii) on page 5 of 6, change "attend" to "request a hearing".

Manager Siegel: Recommends amending the fee schedule through a resolution at the next meeting along with the second reading of the ordinance.

Commissioner Anderson makes a motion to approve Ordinance 2016-04 with the changes discussed, and it is seconded by Commissioner Jonas.

The motion was called to a vote:

Commissioner Anderson: Yes

Commissioner Jonas: Yes

Commissioner Ross: Yes

Vice Mayor Watts: No

Mayor Coviello: Yes

Motion carries: 4/1

9.d **Ordinance 2016-01**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 8 OF THE LAND DEVELOPMENT CODE ENTITLED "ENVIRONMENTAL MANAGEMENT"** WHICH INCLUDE AMENDMENTS TO SECTIONS 8.2, 8.3 AND 8.4; TEMPORARY EXTERIOR HOLIDAY DECORATIONS, STORM SHUTTER/PROTECTIVE WINDOW COVER REPLACEMENTS AND HOUSE NUMBERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Coviello opened the meeting for public comment and there were none.

Commissioner Anderson: On the 4" height requirement for house number, many homes have 3". Should include grandfathering in those that have 3" as long as it satisfied all other conditions of the code and readable from the street.

Commissioner Ross: The 4" height was recommended by the Police in 2010 for better visibility.

Commissioner Ross makes a motion to approve Ordinance 2016-01 as written and it is seconded by Commissioner Jonas.

The motion was called to a vote:

Commissioner Ross: Yes

Vice Mayor Watts: No

Commissioner Anderson: No

Commissioner Jonas: Yes

Mayor Coviello: Yes

Motion carries: 3/2

10 Resolutions

10.d **Resolution 2016-08**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING THE SCHEDULE OF FEES** FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY VILLAGE CODE **TO INCLUDE RENTAL FEES FOR USE OF THE LOG CABIN**; PROVIDING FOR AN EFFECTIVE DATE

After discussion, motion by Commissioner Ross to approve and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 5/0

11 Old Business

- 11.a Continue discussion of zoning for new construction in the Village ("McMansions) from the December 1, 2015 meeting - As requested by Mayor Coviello

Mayor Coviello: There are deficiencies in our code that need to be corrected. This discussion is not to deter from re-development. Looks to have Code Review Board review the zoning section of our Code to clean up the deficiencies.

Commissioner Watts: Would like to have a design board, but probably not do-able. Need to consider quality of life of neighbors.

Manager Siegel: As discussed at the "Commission in the Community", look for a professional company to look at and revise our code.

Commissioner Ross: Going forward, refrain from using the term "McMansions".

After discussion, there is consensus to have the Code Review Board look at this section and to bring back their recommendations in three (3) months.

- 11.b North Miami Water agreement - As requested by Mayor Coviello

Mayor Coviello has met with City of North Miami Councilman Alix Desulme who is willing to assist us with getting the agreement done.

Attorney Hearn has reviewed the draft agreement with City of North Miami attorney. Will meet again along with Manager Siegel and new City Manager for North Miami.

After discussion, there is consensus to move forward with having the Attorney amend the agreement to include, that the City of North Miami will provide a status of their infrastructure; that it be analyzed by an independent testing firm; that proper notice is given to the Village when repairs are done.

12 New Business

- 12.a Discussion on fence permits and required landscaping - As requested by Mayor Coviello

Mayor Coviello: Some residents had raised concerns about properties not having the required landscaping for fences installed on corner properties. Manager Siegel did a review and determined not really a problem. But other issues did arise such as new wood fencing installed, but did not have proper treatment to prevent deterioration; and existing fencing that are in poor condition. Suggests that a review by Code Compliance on proper fencing maintenance is done.

After discussion, consensus to have this included in the next code sweep.

- 12.b Discussion on the extension of deadline for compliance on driveway requirements - As requested by Mayor Coviello

Mayor Coviello withdraws the item.

Manager Siegel provided a review of notifications sent today, and future communications that are planned.

- 12.c Discussion on adding the override allowance for the Code Compliance Board member requirements - As requested by Commissioner Ross

Commissioner Ross provided the background.

After discussion, motion by Commissioner Ross to direct the Manager to make the arrangements to draft the ordinance and it is seconded by Commissioner Jonas.

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

Opposed: Commissioner Anderson

Motion carries: 4/1

- 12.d Discussion on 2016 Earth Day/Arbor Day celebration - As requested by Manager Siegel

Manager Siegel provided the background and looks to schedule a date.

After discussion, there is consensus to proceed with the project and to coordinate with the Parks & Parkway Advisory Board. A tentative date is Saturday, April 23rd.

- 12.e Discussion on Cell Towers - As requested by Manager Siegel

Manager Siegel has been contacted in the past from telecommunication serviced providers who would look to come in to the Village and identify poor cell service areas, and perhaps suggest a location for a cell tower.

Chief McKenna explained there have been instances of having the need to use cell phones during a police emergency, where calls were dropped or service was poor.

After discussion there was consensus to authorize the Village Manager to get more information and to contact telecommunication carriers.

12.f Report on Dade Days - As requested by Commissioner Ross

Commissioner Ross provided the background, and the key people she met during her trip. Suggested that the Village apply for FDOT Road Repair Funding. The cost of the trip was \$988.45 and looks to get reimbursement for half of that cost.

There is consensus to approve the reimbursement.

12.g Discussion to unfund the Public Services Manager position - As requested by Commissioner Anderson

Commissioner Anderson provided the background. Believes that the responsibilities for this position can be done by competent department heads and the Manager. Believes the salary amount for this position can be better used for Village projects.

Commissioner Ross: Better to consider this after we have reviewed the financial status after the mid year review.

Manager Siegel - this position is vital for the day-to-day operation of the Village, and the interaction with residents on services provided. Currently assessing the needs of the Village and how to better craft this position description.

Mayor Coviello: More product to individually meet with the Manager to provide feedback and discuss further.

Harvey Bilt: We need to have that position. Manager is doing a good job, let her do her job.

At 10:58pm, Vice Mayor Watts makes a motion to extend the meeting for 10 minutes and it is seconded by Commissioner Ross.

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

Opposed: Commissioner Anderson and Commissioner Jonas.

Motion carries: 3/2

13 Request for Placement of Items on Next Meeting Agenda

Mayor Coviello - discussion of a Dog Park.

Commissioner Ross: Reconciliation of new construction of Village Hall and the Log Cabin restoration projects.

Commissioner Ross: Impact of short term rentals.

Commissioner Jonas: Discussion of median closure at 121st and 5th avenue.

Vice Mayor Watts: Pelican Harbor event sponsorship.

14 Reports

14.a Village Manager

Annexation update: Just received notice for our application to be on the March County meeting. However, there was a notice issue, and will probably be re-scheduled for April.

14.b Village Attorney

Attorney Hearn confirms the expectations regarding the application for a variance for a development in the City of North Miami.

15 Announcements

Wednesday, March 2nd - Code Review Board at 7:00pm
Monday, March 7th - Planning & Zoning Board at 6:30pm
Wednesday, March 9th - Public Art Advisory Board at 6:00pm
Monday, March 14th - Code Compliance Board at 7:00pm
Tuesday, March 15th - Presidential Preference Primary Election - 7:00am to 7:00pm
Wednesday, March 16th - Parks & Parkway Advisory Board at 7:00pm
Saturday, March 19th - Spring Fest starting at 10:00am
Monday, March 21st - Planning & Zoning Board at 6:30pm
Tuesday, March 22nd - Miami Shores Free Member Mixer at 5:30pm
Tuesday, March 22nd - Recreation Advisory Board at 7:00pm
Saturday, March 26th - Food & Tunes St Patrick's Day at 6:30pm
Monday, April 4th - Meet and Greet with Police Chief & Village Manager at 5:00pm
Monday, April 4th - Planning & Zoning Board at 6:30pm

Our next regular Commission meeting is Tuesday, April 5, 2016, at 7:00pm.

Adjournment

The meeting was adjourned at 11:09pm.

Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk