



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Approval of Minutes

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

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

Fiscal/Budget Impact

None.

Staff Recommendation

Approval

Attachments

- April 7, 2015 Regular Commission Meeting



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

1 Call to Order

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

2 Roll Call

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

Present from staff were:

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

3 Pledge of Allegiance

4 Presentations

4.a Swearing in of Police Officers:

Corporal Nicholas Wollschlager
Officer Alfred Munoz

4.b Proclamation - April 2015 is Volunteer Month

4.c Proclamation - National Service Recognition Day

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

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

5 Additions, Deletions or Withdrawals to the Agenda

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

6 Public Comments Related to Agenda Items / Good & Welfare

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

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

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

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

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

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

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

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

7 Information / Updates

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

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

8 Consent Agenda

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

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

8.c Resolution 2015-01

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

8.d Resolution 2015-21

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

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

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

Opposed: None

Motion carries: 5/0

9 Ordinances

9.a Ordinance 2015-02

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

Attorney Hearn read the title.

Manager Siegel proved the background.

Mayor Coviello opened the meeting for public comment.

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

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

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

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

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

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

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

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

Commissioner Watts: Yes

Commissioner Ross: Yes

Vice Mayor Jonas: Yes

Commissioner Anderson: Yes

Mayor Coviello: Yes

Motion carries: 5/0

9.b Ordinance 2015-03

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

Attorney read the title and provided the background.

Mayor Coviello opened it to public comment:

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

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

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

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

On enforcing liens, administration is working on.

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

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

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

Attorney Hearn states that interest rate can be added.

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

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

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

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

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

The motion is called to a vote:

Commissioner Anderson: Yes

Vice Mayor Jonas: Yes

Commissioner Ross: Yes

Commissioner Watts: Yes

Mayor Coviello: Yes

Motion carries: 5/0

10 Resolutions

< None >

11 Old Business

11.a Chapter 5 Proposed Code Changes

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

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

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

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

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

12 New Business

12.a Board Member Applications

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

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

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

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

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

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

Commissioner Ross provided background and suggested changes.

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

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

Vice Mayor Jonas leaves meeting at 10:16pm.

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

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

13 Request for Placement of Items on Next Meeting Agenda

< None >

14 Reports

14.a Village Manager:

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

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

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

14.b Attorney Hearn:

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

14.c Board / Committee Reports

< None >

15 Announcements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Adjournment

The meeting was adjourned at 10:39pm.

Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk