



MINUTES
REGULAR COMMISSION MEETING
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, April 5, 2016 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 Barbara Watts - absent (*Arrived at 7:18pm*)

Commissioner Bob Anderson - present

Commissioner Fred Jonas - present

Commissioner Roxanna Ross - present

Present from staff were:

Village Manager Heidi Siegel

Village Clerk Maria C. Camara

Village Attorney John Hearn

Finance Manager Claude Charles

Lieutenant Detective Hector Pineda

Parks & Recreation Manager Shelecia Bartley

3 Pledge of Allegiance

4 Presentations

- 4.a Miami-Dade Fire Rescue Chief Dave Downey presented their annual report summarizing the services provided to the Village.

Manager Siegel presented a replica of the Log Cabin. This artwork was donated by

- 4.b Intensified Wood Restoration, the log specialists that worked on the log cabin renovation.

- 4.c Proclamation for Arbor Day on April 23, 2016

- 4.d Proclamation in support of the Pelican Harbor Seabird Station

5 Additions, Deletions or Withdrawals to the Agenda

Commissioner Anderson asks that on item 12.c, to have a special commission meeting to discuss in detail. (*Request discussed during 12.c.*)

Commissioner Ross adds a discussion on funding the Public Services Manager position. Added as item 12.e.

Commissioner Ross adds a discussion on the Manager's annual review. Added as item 12.f.

Vice Mayor Watts adds a discussion on the solar lights for community signage. Added as item 12.g.

6 Public Comments Related to Agenda Items / Good & Welfare

Dan Samaria: Will donate acrylic frame for the log cabin artwork. The Recreation Advisory Board is changing the date of the Pot Luck event to June 4, 2016. Will provide a flyer and asks the Mayor to include in Egret.

Chester Morris: The revenues collected for this building is \$1.7 million. You spent \$1.8 million. You have a \$150,000 deficit. Been on numerous boards. If we did that people would be fired. This is fiduciary irresponsibility. You want to hire an Assistant Manager - that is wrong. Miami Shores does not have that. To come up with the \$150,000 shortfall, you don't hire a \$70,000 Assistant Manager. Don't pay the Commission \$15,000. Take \$30,000 out of the Manager's salary who was responsible to sign off on this project.

Genesis Troutman: Love Biscayne Park. Sense of community. Wants to make a positive difference in Biscayne Park. As a Code Compliance Inspector for City of Miami, want to provide my expertise as a board member on the Code Compliance Board. My background was provided with the board member application.

Milton Hunter: Have reviewed the numbers for the building projects. Shows we are \$800,000 over the grant amount. Dubious that we are only over 7%. Also told that the Village signage project is over budget. Who is responsible for this? Cannot afford to stay this course. How are we planning to recoup? How do we know these numbers are accurate unless an independent review is done? Urge you all to suspend all expenditures. Have reviewed Manager's contract. Believe Manager has not fulfilled her obligations. Feels it is time to remove her due to just cause. As elected officials you must govern with the best interests of the residents in mind. Time for responsible parties to be held responsible.

Barbara Kuhl: On entry signage, it was obtained through a \$50,000 grant. Then the solar collectors were added. Need to be removed. Parks & Parkway Board has stated that you need to find a better solution. Do all that is necessary to correct. One 12.c, a lot of information provided. To simplify, it is deceptive. That \$115,000 is a shortfall. Numbers do not add up. What has actually been paid? Need to better inform the residents. It is not not typical to have overage. Not clear what is over. The way spreadsheet is done, the revenues are not clear. Revenue is not something you take from another line item. Need to have an honest look at how the money was spent and not hire anyone else until done.

Mike Kopsick: The Commission does not show any concern - very surprised. You need to get together and cut back. You need to come back to us and explain how you are being fiscally responsible. None of you should be rehired. Look at what is being done, what we have and how you are spending. Very disappointed in the whole group.

Dan Keys: On 12.a, can CITT be used for other projects, such as for directional signage projects, curbing for future installations of entry signs. Provided proposed better language for placement of trash.

Janey Anderson: Thanks the Commission for tackling several problem ordinances. Great start, but need to have continued enforcement. Many residents don't think rules apply to them and have recurring fines. Need people on Code Board who have strength to enforce the rules. Concerned with a traffic issue from William Jennings Bryan School. On north side of 121st Street, pick ups and drop offs are taking place. Supposed to be on North Miami side. Have noticed it is spilling into Biscayne Park. Need the Commission to be aware.

Linda Dillon: Agree with all that have spoken. Tremendous mis-management of our money.

Mayor Coviello moves up item 12.c from New Business

12.c Reconciliation of new construction of Village Hall and the Log Cabin restoration projects - As requested by Commissioner Ross

After discussion, there is consensus to schedule a Special Commission Meeting on Wednesday, April 20th at 6:30pm.

7 Information / Updates

7.a Manager Siegel provided the financials for current fiscal year 2015-16 for the month ending February 29, 2016.

Commissioner Ross: Helpful and important to include the bank balances on the report. There is consensus to add to the monthly reports going forward.

8 Consent Agenda

Commissioner Ross pulls item 8.f, Resolution 2016-17, from the Consent agenda.

Left on the Consent agenda:

8.a Approval of Minutes

March 1, 2016 Regular Commission Meeting

8.b Acceptance of Board Minutes

Parks & Parkway Advisory Board - December 9, 2015

Parks & Parkway Advisory Board - January 20, 2016

Parks & Parkway Advisory Board - February 16, 2016

Parks & Parkway Advisory Board - March 16, 2016

Recreation Advisory Board - February 24, 2016

Recreation Advisory Board - March 23, 2016

Planning & Zoning Board - March 7, 2016

Planning & Zoning Board - March 21, 2016

Code Compliance Board - March 14, 2016

Public Art Advisory Board - March 8, 2016

Code Review Board - March 2, 2016

8.c Resolution 2016-14

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA MIAMI-DADE SCHOOLS POLICE DEPARTMENT** AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

8.d Resolution 2016-15

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE TOWN OF MEDLEY, FLORIDA** AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

8.e Resolution 2016-16

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE CITY OF SOUTH MIAMI, FLORIDA** AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

8.g Resolution 2016-18

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ACCEPTING DONATION OF ARTWORK** TO THE VILLAGE; PROVIDING FOR AN EFFECTIVE DATE

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

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

Opposed: None

Motion carries: 5/0

8.f **Resolution 2016-17**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO APPLY FOR THE 2016-2017 COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT** THROUGH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR AN EFFECTIVE DATE

Manager Siegel provided the background. Opportunity to get up to \$40,000 without any required match for technical assistance for a zoning re-write in our Code as was the consensus from the Commission following the "Commission in the Community Session" that took place in February.

After discussion, Commissioner Anderson makes a motion to bring back this grant opportunity at a future date and it is seconded by Vice Mayor Watts.

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 2016-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 14 OF THE LAND DEVELOPMENT CODE ENTITLED "CODE COMPLIANCE BOARD"**; 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 and there were none.

After discussion, Commissioner Jonas makes a motion to approve at first reading and it is seconded by Commissioner Ross.

The motion was called to a vote:

Commissioner Jonas: Yes

Commissioner Anderson: No

Vice Mayor Watts: Yes

Commissioner Ross: Yes

Mayor Coviello: Yes

Motion carries: 4/1

< Second Reading >

9.b **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.

Janey Anderson: Glad to see we are extending permit requirement after 3 years. But not glad that you are removing the inspection requirement. When properties were inspected, several failed. It sends a clear message to business owners that this city holds them accountable. All or part of all ordinances make some upset. Need to consider what is best for overall community. Not just a taxable expense. Why treat landlords differently? If you are not close to a problem area, you may not realize magnitude of problem. Reconsider the inspection requirement.

Barbara Kuhl: Does not affect me, but Janey is right. Many look like they need an inspection. 20% of the properties are rentals. Make it a higher standard.

Commissioner Anderson makes a motion to approve Ordinance 2016-02 with the changes discussed to add back the inspection, and it is seconded by Commissioner Jonas

The motion was called to a vote:

Commissioner Ross: Yes

Vice Mayor Watts: Yes

Commissioner Anderson: Yes

Commissioner Jonas: Yes

Mayor Coviello: Yes

Motion carries: 5/0

9.c **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 and provided background.

Mayor Coviello opened the meeting for public comment.

Dan Keys: Term of domestic trash is not clearly defined. Not sure if recyclable materials or garden/bulky waste is well defined. Stating to place trash at property line is not a good choice. No provision for allowing pickup at the rear of yard. Provided suggested language to clear that up. Need to be clear if you are going to cite someone.

After discussion, Commissioner Ross makes a motion to change the time when garbage and recycling containers are to be placed out is no earlier than 5pm the day before collection. It is seconded by Commissioner Jonas.

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

Opposed: Mayor Coviello and Commissioner Anderson

Motion carries: 3/2

There is discussion the placement of containers, at property line or edge of pavement.

After discussion, there is consensus to state placement is at edge of pavement unless yard service is requested.

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

The motion was called to a vote:

Commissioner Ross: No

Vice Mayor Watts: No

Commissioner Anderson: Yes

Commissioner Jonas: Yes

Mayor Coviello: Yes

Motion carries: 3/2

Mayor Coviello recognizes Don Festge in the audience who is running for Senate District 38.

9.d **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 6.3.4 OF THE LAND DEVELOPMENT CODE ENTITLED "GARDEN/BULKY WASTE"; "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 and provided the background. All related changes for Ordinance 2016-03 are automatically moved to this ordinance.

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

Consensus to change from 10 days to 14 days at section 4.1 on pages 5-7.

Commissioner Jonas makes a motion to approve ordinance 2016-04 with changes and it is seconded by Commissioner Anderson.

The motion was called to a vote:

Vice Mayor Watts: No

Commissioner Anderson: Yes

Commissioner Ross: Yes

Commissioner Jonas: Yes

Mayor Coviello: Yes

Motion carries: 4/1

10 Resolutions

Clerk Camara tallied the Commission votes for Board Member selections. There is consensus that the second highest votes will be the alternate.

10.a Resolution 2016-12

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

Board members selected: Dan Schneiger and Laura Graves as the alternate.

Commissioner Anderson makes a motion to approve Resolution 2016-12 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

10.b Resolution 2016-13

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

Board members selected: Gary Kuhl and Art Pyle as the alternate.

Commissioner Anderson makes a motion to approve Resolution 2016-12 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

10.c **Resolution 2016-19**

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; PROVIDING FOR AN EFFECTIVE DATE

Clerk Camara provided the background and listed the changes to the fee schedule.

Commissioner Ross confirms that for Landlord permit with the inspection, the total is \$145 per year (\$50 permit and \$95 inspection fee).

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: Vice Mayor Watts

Motion carries: 4/1

11 Old Business

11.a Recreation Center Lighting - Commissioner Anderson

Commissioner Anderson: Recommends to hold off on installation at entrance until we do a review of entire park lighting needs.

Consensus to hold off installation for a future date.

12 New Business

12.a Discussion on utilization of CITT funds for bus shelter at 114th Street - As requested by Commissioner Ross.

Commissioner Ross: On the funding received from CITT (County's half penny sales tax), a certain element needs to be spent on transit. Current balance for that portion is approximately \$55,000. If not spent within the parameters that CITT specifies, funds could revert back to the County. Propose that these funds are used for a bus shelter at 6th Avenue at the bus stop just west of Village Hall. Welcomes all ideas.

After discussion, consensus to give staff direction to get more information on locations for a bus shelter.

12.b Discussion regarding dog park - As requested by Mayor Coviello

Mayor Coviello: Many residents have brought this forward. Possible area is triangle park on the Biscayne Park side of the bridge on 6th Avenue, but there are issues with that area that need to be worked out. Has been discussed in other municipalities. Should we take idea to next level?

No direction provided.

12.d Discussion on vacation home rentals - As requested by Commissioner Ross

Commissioner Ross: There have been concerns with rental properties that have reoccurring tenants, short term or vacation rentals. Impact on the neighbors. Legislation has been passed on this subject and has asked Attorney Hearn to look into.

Attorney Hearn: Law provides that local government can regulate short term rentals as long as they do not prohibit them, they cannot regulate the duration of the rental, or the frequency of the rentals. Ft. Lauderdale has passed legislation on this which provides for specific requirements for the short term rentals.

After discussion, consensus to have staff review and see what we can implement from this to make our code stronger.

12.e Discuss funding for Public Services Manager position - As requested by Commissioner Ross

After discussion, consensus to not fill the Public Services Manager position until further notice.

12.f Discussion of Manager's annual review - As requested by Commissioner Ross

Commissioner Ross: We were due to review the Manager this past October, but have not done so. Need to set time table.

After discussion, consensus for each Commissioner to complete the written evaluation within 30 days of receiving the form, which the Clerk is directed to provide.

12.g Discussion on the solar lights for community signage - As requested by Vice Mayor Watts.

Vice Mayor Watts: Agree with Parks & Parkway Board that the solar lighting is unacceptable. Suggest they are taken out and go back to Savino Miller for an alternative.

After discussion, there is consensus not to remove the solar lights. Use landscaping to soften the impact. Work on making the lights operate properly.

13 Request for Placement of Items on Next Meeting Agenda

Vice Mayor Watts: Issue with feral cats.

14 Reports

14.a Village Manager

Annexation update: Existing application to proceed. Verbal confirmation that we are on the April 12th meeting. Still waiting for official notice.

14.b Village Attorney

Provided highlights of legislation passed including forfeiture law, public records law and backyard shooting range prohibitions.

On water agreement with North Miami, look to set up a meeting with their attorney and new City Manager. Will provide them with newly updated draft agreement.

15 Announcements

Wednesday, April 6th - Code Review Board at 7:00pm

Saturday, April 9th - Quarterly Saturday Trash Pick-Up

Saturday, April 9th - Relay for Life

Monday, April 11th - Code Compliance Board at 7:00pm

Tuesday, April 12th - Biscayne Park Foundation at 7:00pm

Wednesday, April 13th - Public Art Advisory Board at 6:00pm

Monday, April 18th - Planning & Zoning Board at 6:30pm

Wednesday, April 20th - Special Commission Meeting at 6:30pm

Wednesday, April 20th - Parks & Parkway Advisory Board at 7:00pm

Saturday, April 23rd - Community Yard Sale & Home Improvement Workshop from

Saturday, April 23rd - Arbor Day / Earth Day from 2:00pm - 4:00pm

Tuesday, April 26th - Recreation Advisory Board at 7:00pm

Monday, May 2nd - Planning & Zoning Board at 6:30pm

Our next regular Commission meeting is Tuesday, May 3, 2016, at 7:00pm.

Adjournment

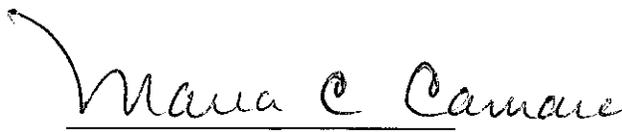
The meeting was adjourned at 10:37pm.

Commission approved on July 12, 2016.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk