



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, August 4, 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 Anderson - present
Commissioner Jonas - present
Commissioner Roxanna Ross - present
Commissioner Barbara Watts - present

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 Manager Claude Charles
Parks & Recreation Manager Shelecia Bartley
Assistant Public Works Manager Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

- 4.a Miami Dade County Fire Chief Dave Downey provided the Department's annual report.

5 Additions, Deletions or Withdrawals to the Agenda

Manager Siegel: Pulls item 12.a, Fine reduction; adds item 12.h, Waiver of competitive bidding for community signage project.

6 Public Comments Related to Agenda Items / Good & Welfare

Arty Pyle: Parking overnight on swales, does the new code allow it? On 5.6.1, if true, who will enforce? Code or police?

Dan Samaria: Applauds good work of the fire department and the service they provide. In regards to 12.g, if intention is to dissolve, why? It was Commission idea to set up boards. This Administration may have a problem with Recreation Advisory Board because I am the Chair. If anything wrong, let us know and we will correct.

Kristen Montouri: Open House signs are not allowed in Village per current code. Difficult to hold an open house and get drive-thru traffic. Looks for a change in the code or other accommodation. There are 15 properties currently for sale. Any help realtors get will help the Village's bottom line. Agents could register to have open houses. Many realtors don't hold open houses in the Village because of this restriction.

Janey Anderson: Thanks everyone for National Night Out. For next one, do the police caravan to show a presence. On newsletter, great job and glad it was mailed. Great article on neighbor tips. Need more information on trash containers being out of sight. A petty issue that can be easily fixed. Swale ordinance, thanks for bringing this forward. Will go a long way to better the Village. Reconsider allowing two years to come in to compliance. Two years is too long.

Milton Hunter: Looking for volunteers to gather before/after pictures of street flooding to present to engineer doing stormwater master plan. We should and it is common sense, to get competitive bidding on all major expenditures when possible. Need to make sure we are never over spending. On our fiscal status, we did make progress in that we moved up from a deteriorating status to non conclusive. But this is not a green light for over spending. Naive to think that our property values are going to continue to increase. The market is yet another bubble. Need to prepare for this. Governments worldwide are drowning in debt. Now is not the time to take risk with tax payer dollars. Cannot continue to layer debt on top of debt. Cannot continue to draw upon taxpayers. Let's look at plans to decrease our debt load.

Chuck Ross: On Crime Watch, thanks for everyone that participated in National Night Out and all those that volunteered. On swales, agree with Art Pyle. Should not allow permanent parking on swales. On properties without sufficient driveway space, how would this issue be solved with proposed code? On noise ordinance, we need to beef it up. Enforce period of 11pm to 7am. Can we enforce outside of those hours?

Dan Keys: Provided a dissertation regarding swale ordinance. Good questions and recommendations provided. Concerned with borders on existing gravel driveways. On residents having to maintain trees on right of ways, will it preclude Village from cleaning up debris caused by trees on the right of way? The word "driveway" has been introduced, but it really has to do with parking requirements. The two are different. Personally, the swale is there for parking and should not restrict. On ordinance for roofing materials, are there separate variance guidelines for this, or same as current?

Barbara Kuhl: On yard service / tree trimmer registration, a bad idea. What is driving it? Most lawn services working on a slim margin. Why burden them with a fee? Very unfair. Tree trimmers I use are licensed and insured. This Village is over-regulating. On the budget, on the not-included in the budget list, it list \$250,000 for master plans. If we had the money, would be wrong to spend so much on master plans. There is \$5,000 for Recreation Center programming. This should be a self-sustaining department. At Bark of July, most were from Miami Shores. How many residents are being served by this park, and how many from other communities? Do not want to support residents from other communities. \$6,600 for Public Works equipment. Would prefer funding to go towards these items. Move things around to budget for tree trimming, landscaping and irrigation. Do you think residents know you are talking about these figures, and yet not have money for a lawn mower. We have no enclosures for garbage containers which is against our code. Agree with Milton. Stop thinking pie in the sky and do things to better the Village. Do what you want on medians and roads, but until you get homeowners to clean up their property and try to make Village look better, it will always look like a pig sty. Many put a lot of money in their homes and live next to a home that is falling a part. Need to get more code officers.

Harvey Bilt: On paving of swales, swales are used for collection of rain and water overflow. If you pave, it is not going to work. Swale is also used for a person to move to if they are walking. You can't do that if there is a tree in the sale and you certainly cannot do that if there is a BMW parked on the swale.

Gary Kuhl: All are aware that there is a house with a metal roof that does not comply with code. A violation of three aspects of our code. How did it happen? Was it a clerical error? We have a Code Officer and Building Official. Out of all these people, how was this allowed? There is now an ordinance being presented to allow for a variance. Were procedures checked? We are just creating an out. There is a laissez faire attitude on this commission on code issues. There is parking on lawns. Immense piles of trash. Garbage cans left out. Putting out construction debris and furniture. Look at El Portal. Their property values are going up faster. They look much better. We have exceptionally poor code compliance. To appease a few is a disservice to many.

7 Information / Updates

- 7.a Month end financials for fiscal year 2014-15 as of June 30, 2015, provided by Finance Manager Charles.

On a question from Commissioner Ross regarding how much more we can expect on ad valorem revenues, Manager Siegel will do a comparative to last year to see what we may expect.

8 Consent Agenda

8.a Approval of Minutes

July 7, 2015 Regular Commission Meeting
July 22, 2015 Special Commission Meeting

8.b Acceptance of Board Minutes

Recreation Advisory Board - November 25, 2014
Recreation Advisory Board - February 24, 2015
Recreation Advisory Board - June 23, 2015
Parks & Parkway Advisory Board - May 20, 2015
Parks & Parkway Advisory Board - June 17, 2015
Parks & Parkway Advisory Board - July 15, 2015
Code Compliance Board - June 8, 2015
Code Compliance Board - July 13, 2015
Planning & Zoning Board - July 6, 2015
Planning & Zoning Board - July 20, 2015
Public Art Advisory Board - July 8, 2015

8.c Resolution 2015-40

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.**

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

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

Opposed: None

Motion carries: 5/0

9 Ordinances - First Reading

9.a Ordinance 2015-04

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK,
FLORIDA **AMENDING SECTION 5.3.4 OF THE LAND DEVELOPMENT CODE ENTITLED
"OBJECTS IN THE RIGHT-OF-WAY" TO PROVIDE REGULATIONS PERTAINING TO THE
SWALE AREA; AMENDING SECTION 5.6 OF THE LAND DEVELOPMENT CODE
ENTITLED "OFF-STREET PARKING" TO PROVIDE REGULATIONS PERTAINING TO OFF-
STREET PARKING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE**

Attorney Hearn read the title and provided the background.

Mayor Coviello opened the meeting for public comment.

Barbara Kuhl: Everyone agrees that no one should park on their front lawns. How will the Village enforce? Code can give a violation, but if they move the car they will be OK. They can do this repeatedly. Need to address enforcement. Need to also look at this for trash piles and receptacles. Have had several workshops already and meetings on this. You never asked the Boards to come back to discuss further. You are now on your own.

Dan Keys: Asks that previous comments be on record for this ordinance, as well as written comments submitted.

Harvey Bilt: On section 5.6, problem with driveways less than 30" from property line. This is so runoff from the driveway does not affect the neighbor's property. We are now changing it and it will not make sense. You are going to ask people to change it when they were previously allowed, and have to ask for a variance. They just need to make sure that there is proper drainage.

David Raymond: How will you define swales unless everyone does a survey? Without survey marks, how are we to know? On my property, thanks the administration for pumping out drain. At high water, so much muck goes on my swale. Cannot control until drainage is fixed. Trees that will have to be trimmed that goes over swale and connects with trees in the median are very nice. Please consider this so people don't start cutting trees and then we lose our beautiful canopy.

Art Pyle: On 30" for driveway, in the old days used to be 5'. There is no problem with line of sight. If you reduce to less than 5', who will tell that property owner? Visibility is affected. 5' gives property owner and neighbor the needed visibility.

Mayor Coviello agrees that we need to have a tiered enforcement for multiple violations.

Attorney Hearn explains that we can add a separate NTA (notice to appear) process as other cities do. Requires staffing and other processes to be put in place. Would be a separate ordinance regarding code compliance.

Commissioner Ross: Changes to Chapter 5 was presented by the Code Review Board and included many other sections, and because we were allowed funding from the State for stormwater master plan study, the Commission did not want to hold up this section of Chapter 5 from moving forward. So the planting in the swales section we are holding off until the master plan study comes back as that will impact the swales.

Commissioner Ross proposes the following changes:

- > On (e), change to "approved parking approach" (page 2 of 7)
- > On (i), add the same language as in (h), "contiguous to their property"

- > On 5.6.1, word "lot" not used anywhere else. Change to "private property"
- > On 5.6.1 (a), use "approved parking surface" throughout.
- > On 5.6.1 (a) (1), flip "installed" and "permitted"; change "2 years" to "1 year"; add "including an approved approach"
- > On 5.6.3, delete "automobile"
- > On table of parking spaces required, correct the headers.

There was consensus for all of these changes.

After discussion, Commissioner Jonas makes a motion to approve Ordinance 2015-04 at first reading with the agreed amendments, and it is seconded by Commissioner Ross.

Commissioner Ross: Yes

Commissioner Jonas: Yes

Vice Mayor Anderson: Yes

Commissioner Watts: No

Mayor Coviello: Yes

Motion carries: 4/1

9.b **Ordinance 2015-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING SECTION 10.4 OF THE LAND DEVELOPMENT CODE ENTITLED "BUILDING CONSTRUCTION" **TO PROVIDE FOR VARIANCES FOR ROOFS; 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:

Barbara Kuhl: Agree with Commissioner Jonas in that the purpose of an ordinance is to make changes whether some like it or not and to make the Village a better place. Spent a lot of time talking about roofs and whether to allow metal roofs. The ink isn't even dry and we are already putting forward an ordinance to allow a variance. Thought out carefully to only allow certain types of metal roofs. A variance would only allow for something to be brought in that the Board, Commission, committees did not want. How did this fail on so many parts? What would allowing a variance do? Not the way to address the mistake.

Dan Keys: Commission owes us an explanation why this item is here. Is it to bury a process issue? Went through a lot to do this to now allow for a variance process.

Janey Anderson: On a variance, there are four criterias. One is to allow enjoyment of property. How does a roofing material fall under this?

Gage Hartung: Agree with Barbara Kuhl. No variances was put in to allow for strengthening of the code and to lock in the quality of roofs to be allowed. This is a knee jerk reaction. Consider different option. Future Commissioners may not have same thought process. Do not gut this part of the code. Handle the mistake in the process, but not like this. Think this through better.

Gary Kuhl: Look to Commission to act responsible. If for another reason other than the one property, need to know.

After discussion, Commissioner Jonas makes a motion to approve Ordinance 2015-05 at first reading with an amendment stating that no variance is allowed except for roofs installed with an issued permit. It is seconded by Commissioner Ross.

Commissioner Jonas: Yes
Commissioner Ross: Yes
Vice Mayor Anderson: No
Commissioner Watts: No
Mayor Coviello: No
Motion fails: 2/3

Vice Mayor Anderson makes a motion to approve Ordinance 2015-05 at first reading with an amendment stating that no variance is allowed except for roofs installed with an issued permit by staff prior to enactment of this ordinance. It is seconded by Commissioner Jonas.

Commissioner Watts: Yes
Vice Mayor Anderson: Yes
Commissioner Jonas: Yes
Commissioner Ross: Yes
Mayor Coviello: Yes
Motion carries: 5/0

Mayor Coviello moves up item 12.b

12.b Fine Reduction Request: 11925-27 NE 12th Court

Manager Siegel explained this was a fine reduction request for a lien placed on the property in 2001 for unpaid waste fees. With interest, the current amount due is \$26,661.70.

Carla Jones, attorney representing property owner Orlando Milligan, explained that Mr. Milligan never received notice of the unpaid balance or that a lien had been placed.

Commissioner Ross makes a motion to reduce the fine to \$4,429.36, the original amount of the unpaid waste fees when the lien was filed x 2. Motion dies for lack of a second.

Commissioner Anderson makes a motion for the property owner to pay the full amount of \$26,661.70. Motion dies for lack of a second.

Commissioner Ross makes a motion to reduce the fine to \$5,332.34, which is 20% of the total amount due of \$26,661.70, to be paid within 30 days. Motion is seconded by Commissioner Jonas.

The motion is called to a vote:

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

Opposed: Vice Mayor Anderson

Motion carries: 4/1

10 Resolutions

10.a Resolution 2015-41

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **SUPPORTING THE PROPOSED RESOLUTIONS FOR CONSIDERATION BY THE RESOLUTIONS COMMITTEE** BEING PRESENTED AT THE LEAGUE'S 89TH ANNUAL CONFERENCE ON AUGUST 13-15, 2015; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Consensus to delay until after the Florida League of Cities annual conference and to allow the items to go through their voting process.

10.b Resolution 2015-42

A RESOLUTION OF THE VILLAGE OF COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ENCOURAGING THE FLORIDA LEGISLATURE TO REMOVE BARRIERS TO CUSTOMER-SITED SOLAR POWER AND EXPRESSING SUPPORT FOR THE FLORIDIANS FOR SOLAR CHOICE BALLOT PETITION**; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Commissioner Watts provides background.

Commissioner Jonas makes a motion to approve and it is seconded by Vice Mayor Anderson.

Attorney Hearn recommends taking out the word "support" and to clarify the intent in the resolution, and it is accepted.

The motion is called to a vote:

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

Opposed: Commissioner Ross

Motion carries: 4/1

11 Old Business

11.a Discussion of garbage disposal ("tipping") options.

Manager Siegel provided the background and looks for direction on which option to proceed with, either to renew with Miami-Dade County, or to amend the Waste Pro contract to make them responsible for disposal.

After discussion, Vice Mayor Anderson makes a motion to move forward with Waste Pro and to bring back amendment to the Agreement for the September meeting.

The motion is called to a vote:

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

Opposed: Commissioner Watts

Motion carries: 4/1

12 New Business

12.c Discussion on submitting the Florida Humanities Grant through the Biscayne Park Foundation - as requested by Commissioner Watts

Consensus to move forward and for the Village to apply. Commissioner Watts to lead.

12.d Discussion on having Holiday House Tours as a fund raising initiative - as requested by Commissioner Watts

Consensus for Commissioner Watts to engage a civic group to organize and coordinate.

12.e Discussion on requiring landscaper registration.

Manager Siegel explained the different situations the Village encounters with landscapers and tree trimmers such as not hauling debris after work is done, quoting one price, then increasing after the work is done, mis-informing and mis-representing themselves as being endorsed by the Village. The Village is usually put in the middle of these situations. Researched other cities and found some have a registration process for landscaping and yard maintenance. Looks for Commission input on whether to go forward and do more research and draft language.

There was no consensus from the Commission to move forward at this time.

12.f Discussion of 2016 legislative goals.

Manager Siegel looks for legislative issues of interest to the Village to go before the Florida Legislature, for example the law enforcement assessment.

Consensus to bring back to the September meeting, after the Florida League of Cities annual conference.

12.g Discussion of Village Board's relation to the Commission and Staff - Mayor Coviello.

Mayor Coviello looks for clear understanding on purpose of advisory boards, whether Boards are giving homework or direction to staff, and whether staff needs to attend the board meetings.

Commissioner Ross: Concerned with the fund raising issue that keeps coming up. Perhaps a workshop is needed with all advisory boards.

Manager Siegel: Has made it a point to work with each Board, to assign a staff member for each Board and to attend all meetings regularly. Staff is made available to all Boards.

Discussion continued under Board/Committee reports, item 14.c.

12.h Waiver of competitive bidding for community signage project.

Manager Siegel provided the cost estimate from the vendor that the design company specifically works with for fabrication of the signs. The amount exceeds what is allowed for purchase without a bid. Confirms that the amount is funded by the reimbursable grant from the County. Seeks motion and a majority vote of the Commission to waive the bidding process.

Commissioner Jonas makes a motion to waive the bidding process and it is seconded by Commissioner Ross.

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

Opposed: None

Motion carries: 5/0

Mayor Coviello moves up item 14 Reports

14 Reports

14.c Board/Committee Reports

Dan Keys: Don't know why issue came up about the Boards. Minutes by the Board are produced and are clear. We very much appreciate the staff and understand the amount of work it takes to run the Village. Currently working and have worked on many projects. Board seeks input and information from Staff in order to provide recommendations to the Commission. If a specific motion is made by the Board, in other places, Staff would draft a resolution to bring forward to the Commission. That is very burdensome. Would prefer the Commission to just read the minutes. Have never heard back from any Commissioner on a motion made. Appreciates that the board minutes are included in the Commission agenda. There is good information and recommendations on important matters in the minutes.

Dan Samaria: On fund raising, my understanding that my company can do it and then donate the money.

At 10:58pm, Commissioner Jonas makes a motion to extend the meeting for 15 minutes and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 5/0

Rosemary Wais: Explained the process for the Bike Race and to collect a registration fee. This will help offset the cost of the event.

Vice Mayor Anderson makes a motion to allow the Recreation Advisory Board to collect a registration fee to cover the cost of the Bike Race event and it is seconded by Commissioner Jonas.

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

Opposed: None

Motion carries: 5/0

14.a Village Manager

- > Regarding Open House signs, will bring back for discussion at September meeting.
- > Log cabin restoration project continues.
- > Annexation - look to meet with both the County and North Miami in September.

14.b Village Attorney

- > On noise ordinance, any loud or excessive noise during the day can be enforced.

13 Request for Placement of Items on Next Meeting Agenda

Commissioner Jonas: Discussion on better code enforcement.

Commissioner Watts: Resolution on replacing statute of Edmund Kirby Smith.

Announcements

Monday, August 10th - Code Compliance Board at 7:00pm

Tuesday, August 11th - 1st Budget Workshop FY 2015-16 at 6:30pm

Wednesday, August 12th - Public Art Advisory Board at 6:00pm

Saturday, August 15th - Back to School / Children's Safety Day / 1st Annual
Children's Bike Race starting at 9:00am

Monday, August 17th - Ecology Board at 6:30pm

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

Tuesday, August 18th - 2nd Budget Workshop FY 2015-16 at 6:30pm

Wednesday, August 19th - Parks & Parkway Advisory Board at 6:00pm

Monday, August 24th - Biscayne Park Foundation at 7:00pm

Tuesday, August 25th - Recreation Advisory Board at 7:00pm

The next regular commission meeting is Tuesday, September 1, 2015, at 7:00pm.

Adjournment

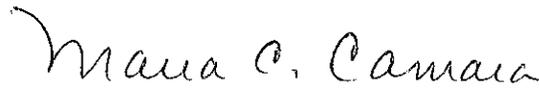
The meeting was adjourned at 11:11pm.

Commission approved on September 1, 2015.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk