



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, June 3, 2014 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 Barbara Watts - present
Commissioner Bob Anderson - present
Commissioner Fred Jonas - present
Commissioner Roxanna Ross - present

Present from staff were:

Village Manager Heidi Shafran
Village Clerk Maria C. Camara
Village Attorney John Hearn
Assistant to the Manager/Public Services Director Candido Sosa-Cruz
Finance Director Irwin Williams
Police Chief Duncan Foster
Parks & Recreation Director Issa Thornell
Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

Mayor Coviello recognized Commissioner Ross as Vice Mayor, and thanked Commissioner Watts for her service as Vice Mayor for the last six months.

4 Presentations

4.a Brian McNoldy, Senior Research Associate at the University of Miami, and resident, provided a presentation on hurricanes, followed by a presentation by Candido Sosa-Cruz, Assistant to the Manager/Public Services Director on the Village's preparedness plan.

4.b Gage Hartung, Chair of the Code Review Board, provided the proposed language for revision to the Village Code as it relates to roofing materials.

Mayor Coviello thanks the Code Review Board for their efforts. There was consensus from the Commission to have the Village Attorney draft an ordinance with the proposed language for first reading at the next meeting.

4.c Mayor Coviello announced that Representative Daphne Campbell was unable to attend the meeting, and proceeded to announce that with the signing of the 2014-15 State of Florida budget, the Village was awarded funding in the amount of \$1,000,000 to go towards rehabilitation of the log cabin and construction of an annex for government operations.

4.d Mayor Coviello read the Proclamation that June 6, 2014, is June Daryman Day. Mrs. Daryman is a long time resident and staff member of the Church of the Resurrection.

4.e Mayor Coviello read the Proclamation marking the week of June 2nd as Code Enforcement Awareness Week, and recognizing Biscayne Park Code Compliance Officer, Reginald White.

5 Additions, Deletions or Withdrawals to the Agenda

Vice Mayor Ross removes item 11.b under New Business to the next meeting.

Manager Shafran asks to add an item at the beginning of the meeting to provide an update on the Sanitation transition.

6 Public Comments Related to Agenda Items / Good & Welfare

Prior to public comments, Mayor Coviello stated he met with a group of residents regarding the decision made at the last meeting to outsource Sanitation. The residents were asking for a reversal of the decision made. It was explained that this could only happen if one of the commissioners on the prevailing side of the vote made a motion to reverse the decision.

Attorney Hearn read the meeting decorum for all in attendance.

Helena Orosco: Presenting another petition of 327 signatures of residents against outsourcing sanitation. Needs the Commission to listen to the residents and needs the Commission to be humane.

Dan Rodriguez: You made an announcement regarding the efforts in Tallahassee and everyone clapped. To say you cannot clap during public comments is not fair. If you don't listen to resident, there will be a recall. Only asking that you allow residents to vote on this, just like you did for the mural. This is like a condo association. Commission vote should be blind. Listen to the people. We are disenchanting.

Dan Samaria: Publisher of Gold Coast Chronicle. Not doing justice. Did you talk to other cities about Waste Pro. North Miami is trying to get out of their contract. North Miami Code Enforcement gives citations to Waste Pro. Is seeking legal action to get a temporary restraining order. There was an error on the ordinance and resolution. Not being transparent. Not right to move funds from an enterprise fund to the general fund. Waste Pro has an F rating with the Better Business Bureau.

Tracy Truppman: Not in favor of outsourcing, but disturbed about the incorrect facts being put out. Appreciates all the employees. They should be paid at minimum the living wage. Need two trucks and eight employees to keep it in-house. If anyone is absent, need to pull from other areas to cover. To outsource the operation to Waste Pro is a savings of \$1,500 to \$2,000 to the residents over five years. The contract stipulates maximum increases are based on annual CPI. Frequency of pickups will be the same. There will be trucks on our roads only two days a week. Village followed RFP process. Disturbed on the mis-information that is going out which has upset so many for no reason.

Sandor Scher: Received the petition. Reviewed all the documents. There will be no pickups in the alleys. There is no termination clause for negligence. Spoke with the employees and they stated this was done very quickly. They have vested their lives in Biscayne Park. Concerned about going to a private company. The current employees know my property. They help Biscayne Park feel like a village. What is it worth for these same guys to stay here. Will not get this level of service from Waste Pro. Proud we live in a Village with our own Police and Public Works. Put it to a public vote.

Dan Keys: Over six-seven months when it has been before the Commission. Have had opportunity to speak and the entire Commission listened and three agreed with me. This is a democracy. This is a good move. On animals in the park, look at ordinance and tweak the language to limit to this event only. Should not be approved for Food & Tunes event. On roof materials, what percentage of homes are modern or modern-type? Reconsider low pitch roofs to allow new materials. Consider the future historical view of the Village.

Debra Greco, Union Business Representative of IUPAT Local 1010: How wonderful that residents are supporting the employees. Thanks all that stand behind them. Has concerns with the contract. A great thing that contract includes provision to hire the employees, but they will work less hours and at a lower rate. They have stated they will not go to Waste Pro. Concerned with Waste Pro picking up hurricane debris. Congratulations on getting \$1,000,000 for the log cabin. Too bad you did not lobby as hard to get new trucks.

Rafael Trinche: Used to hate to live in South Florida, but moving to Biscayne Park is like moving to Mayberry. Love the sense of community. Part of that is the way employees treat us. Don't want to outsource to a company that doesn't care. Employees are losing their jobs to save money. They did not do anything to lose their jobs. If a Commissioner were losing their job, would that be a compelling reason?

Noah Jacobs: Commission as a whole has to make a decision. Either rally the community or lose the community. Have never seen so many residents at a meeting. Decisions are difficult. Would not trade places with Commission. Not all agree with decision I made as Mayor. There will always be serious differences. Concern is that people came out and gave a resounding opinion one way and it is being ignored. Thanks Mayor Coviello for speaking with the residents. Asks the Mayor to make an executive decision.

Barbara Kuhl: Good of you to thank the Code Review Board for work on metal roof. Concerned that ordinances passed last year has not been updated to the online code. Good to see that commission is no longer bickering. You now have a packed house and you are not listening to them. You state that so much information is being provided, but that is not the reality. Comments made by Commissioner Ross and Mayor Coviello have misled the residents. You may have mispoken, but that is what was said. The money we are saving by going to Waste Pro is our money. To say that there will be a huge savings to the Village is not correct. It was stated by Commissioner Anderson that just for Sanitation we are only getting a \$4 to \$5,000 increase in revenue and confirmed by the Manager. I will gladly pay a little more to keep sanitation inhouse.

Janey Anderson: Concerned with number of items on the agenda with no backup. If we have to guess, then we are wasting time. This elongates the meeting. Significant amount of properties that are an eyesore. This is not a wealthy neighborhood. We want to be inclusive. If someone wants to come in and clean up one of those homes and make it more modern, that is a good thing.

Gary Kuhl: Did not sign the petition. Does not like the threat of a recall. But still don't understand the Commission's decision. This has not been in the public view for six months. The Code Review Board spent eight months talking about metal roofs. Asked to delay to get more information and more responses. Don't understand why you are ignoring us. You have not educated the residents. There have been inaccuracies in the dais. Bad decision was made on bad information.

Gaspar Gonzalez: Moved here four years ago. Like the face this is a Village with in-house services. A hamlet with one street light to quote Commissioner Ross. Bought house from a realtor that is a resident. Everything is going away piece meal. Sanitation works hand in hand with police. Talked to many and half think it is a bad idea, and other half did not know what was going on. Posted on website when we got the million dollars with a notation about keeping this a small, home town feel. Was that statement made after your decision to outsource to Waste Pro? This is contrary to keeping the small community feel.

Jeanine Maleno: Resident for 20 years. A place of comfort here. Don't feel there is a small town feel anymore. Agree with 99% of those that have spoken. Disappointed that this has not turned around. Waste Pro has a horrible reputation. Get information from cities with experience with Waste Pro.

Caitlin Spurr: Work a lot and have children. First email received was from Steve Bernard in March. Heard from neighbors who were putting up blue ribbons. Only spoke to one resident that was in favor. Don't want to live with ugly trash cans or trucks hitting kids. Think about it a little more.

Chuck Ross: Walked Village and many were given wrong information and not all the facts. No one is talking about picking up an extra building. This is a huge advantage. There are many safeguards in the contract if Waste Pro does not perform. Only have six employees because we cannot fill the open positions due to low wages. Pulling staff from other departments. Median maintenance is coming back. We will retain five employees in Public Works and Roads and they can do the work. This is additional savings. Waste Pro will give Village \$5,000 in donations. This is the best time to do this. At worst, if it does not work in five years, we can bring it back.

Josh Stone: Love the community. Lived here six years. What happens here tonight is what makes me proud of this Village. Hope you will rescind or take it to the public for a vote based on what you have heard here.

Mitch Cuba: Resident 16 years. Listened to you during elections and you made promises. Expect you to do the same and put this to a vote where we all agree. We put you in office to make the right choice. Don't believe in outsourcing. There are other alternatives.

Marie Smith: Resident for 50 years. On a regular basis, the same people come to the meetings. This issue has brought out many more. We should care about the workers. We are no longer a caring, small community. We want to keep sanitary workers. They help us in a hurricane situation. North Miami only had problems with Waste Pro. Residents of the Village have said to keep the sanitary workers. Asking you to do the proper thing. We are a caring people. Let's keep sanitary workers and make residents happy.

William Pierce: Guys are amazing. You are not listening and are not being human. You are not being neighbors to us. Can you sleep at night with this decision? Do the right thing.

Linda Dillon: Have come to meetings for 37 years. Have listened to all data and all numbers. Confused between the benefits and non-benefits. If I was confused, then how confused are those that don't attend regularly? Just postpone and set the higher waste fee. Take a long look to make sure. Don't believe in a recall, but listen to us and put it to a vote.

Gary & Margaret Grizzle: In regards to Monday meeting with Mayor, why bother if the Mayor has expressed that there are hundreds more residents in favor of outsourcing. Even if more show up against, they will not step back and wait a few months. Or if more names provided on a petition, Commissioner Jonas will just call and bully them. Commissioner Ross will only state that it was previous commissioners that acted irresponsibly. Wants explanation from Mayor as to why the outsourcing of medians is being brought back inhouse. Undoing the outsourcing of sanitation in the future will be impossible.

Joseph and Millie DiSanti: Residents for 43 years. Disappointed our voices are not being heard. First workshop was never publicized. Need to send flyer to every resident to make informed decision. This is too important to leave in the hands of a few commissioners. Solicit the public for suggestions on how to improve inhouse sanitation as there are many. Why rushing? Please rescind your vote and take more time.

Steve Bernard: Only two months since first workshop on March 22nd until the decision to outsource was made on May 21st and residents unsettled about this. 276 residents signed petition asking to temporarily suspend the outsource to Waste Pro and submit revised sanitation assessment by the June 13th deadline. Setting a higher fee and waiting won't cost the Village. Losing the confidence of residents will. Commission is wrong in thinking that the public was well informed. Proof is in the number of people that signed the petition who had no idea this was happening. When North Miami changed their system, they notified customers twice before making change. Tonight you can back your claim of transparency. This will not be forgotten. Not asking to cancel the contract. Just temporarily suspend the contract and provide enough information and the options to all residents. This is not an unreasonable request. Make us feel like your partners, not your subjects.

End of resident comments read by Clerk Camara.

Michael Hepburn, candidate for State Representative, District 108: Congratulates the Village on state funding. Partnerships with senators is very important. Your job is very hard. Tough issue. Proud to see the passion of the residents. Very inspirational. Takes both sides to come together. Thanks for the opportunity to speak here.

Public Comment concluded.

Manager Shafran provided the following updates:

- FAQ (frequently asked questions) on Sanitation transition has been posted to the website.
- Codification of ordinances passed is done by MuniCode and they are currently in the process of updating.
- Examples of the two sizes of the recycling carts are in the Recreation lobby.
- Post cards will be mailed in the coming weeks to provide residents to make a selection on recycle cart size and garbage collection location, curb or side yard.

- On Wednesday, June 4th, will be interviewing finalists for Police Chief. Invites everyone to the Meet & Greet at Village Hall at 5:30pm.

Commissioner Watts requests that in light of what has been stated, if a decision to rescind the decision would be entertained.

Attorney Hearn explained that when the decision was made at the May 21st meeting, the contract is binding at that point, and confirms the contract has been signed. This is consistent with charter and state law. Also explains that the error on the Ordinance as to who made the motion is a scrivener's error and does not invalidate the ordinance.

7 Consent Agenda

On the consent agenda:

7.a Approval of Minutes

May 6, 2014 Regular Commission Meeting
May 21, 2014 Special Commission Meeting

7.b Acceptance of Board Minutes

Parks & Parkway Advisory Board - April 2, 2014
Ecology Board - April 21, 2014
Planning & Zoning Board - April 21, 2014
Recreation Advisory Board - April 22, 2014
Parks & Parkway Advisory Board April 23, 2014
Planning & Zoning Board - May 5, 2014
Code Compliance Board - May 13, 2014
Public Art Advisory Board - May 14, 2014
Planning & Zoning Board - May 19, 2014
Public Art Advisory Board - May 20, 2014

7.c Resolution 2014-42

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO ENTER INTO AN ADDENDUM EXTENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF BISCAYNE PARK AND MIAMI SHORES VILLAGE FOR HOUSEHOLD RECYCLING PICKUP; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Ross makes a motion to approve the Consent Agenda and it is seconded by Commissioner Jonas.

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

Opposed: Commissioner Watts

Motion carries: 4/1

8 Ordinances

FIRST READING:

8.a Ordinance 2014-04

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 3, ENTITLED "ANIMALS", RELATIVE TO DOGS AND CITY-SPONSORED EVENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Shafran provided the background, emphasizing that Commission approval is required for any event planned.

Mayor Coviello opened the meeting to public comment on this ordinance, but there were none.

There was consensus to add "per event" to the language of the ordinance to make it clear that each event has to come before the Commission for approval.

Commissioner Jonas stated it was a mistake to convert the park even on an event basis. Better to preserve the park as is.

Vice Mayor Ross makes a motion to approve Ordinance 2014-04 with the change, and it is seconded by Commissioner Anderson.

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

Opposed: Commissioner Jonas.

Commissioner Watts was not present for the vote.

Motion carries: 3/1

9 Resolutions

9.a Resolution 2014-43

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK DESIGNATING THE VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 88TH ANNUAL CONFERENCE TO BE HELD ON AUGUST 14-16, 2014, IN HOLLYWOOD, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Commissioner Anderson makes a motion to appoint Mayor Coviello as the voting delegate and it is seconded by Vice Mayor Ross.

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

Opposed: None

Commissioner Watts was not present for the vote.

Motion carries: 4/0

10 Old Business

10.a Update on Ygrene Project - Vice Mayor Ross

Vice Mayor Ross advised the project is in the appeal period. After that, it will be ready to roll out.

11 New Business

11.a Discussion of a photo contest in the Village - as requested by Commissioner Watts

After discussion, there was consensus to provide this idea to the Public Art Advisory Board for their consideration and involvement.

11.c Discussion regarding the Ecology Board - as requested by Commissioner Jonas

Based on the board not meeting regularly, and not sure what their mission is, consider eliminating this board and have the more interested members of the board participate in other Village Boards.

There was consensus that members of the Ecology Board should have been present to have this discussion. A suggestion would be that they could meet quarterly instead.

11.d Discussion to eliminate the DRAFT agenda sent to the Commission one week prior to the date of the meeting - As requested by Commissioner Anderson

After discussion, there was consensus to keep the utilizing the DRAFT agenda.

11.e Discussion regarding the Manager's weekly report regarding code compliance issues - As requested by Vice Mayor Ross

After discussion, there was consensus the Manager's report would reflect the address block for a property given a courtesy notice, and the complete address for a property given a citation.

11.f Discussion of the cost for FPL lines to be placed underground - As requested by Commissioner Jonas

After discussion, there was consensus to add an article to the Fall newsletter to ask residents their opinion after getting the true cost estimates.

11.g Discussion of the makeup of the Planning & Zoning Board and creation of a Design Review Board - As requested by Commissioner Watts

After discussion, there was consensus to bring back to a future meeting for further discussion, and with Mayor Coviello and Commissioner Watts providing more information and proposed language.

- 11.h Discussion of paneling a new board to plan for the future in terms of electricity needs
- As requested by Commissioner Jonas

After discussion, there was consensus that this was good, forward thinking, but a little too soon, and to bring back at a later date.

Commissioner Watts recommends that the Ecology Board be tasked with researching solar panels for municipal buildings.

Mayor Coviello asks to move up presentation by Finance Director

Finance Director Irwin Williams presented the monthly financials ending April 30, 2014. Expenditures at 52%, revenues at 77% collected. Sanitation Fund approximately 1% over budget due to repairs and maintenance on trucks. Project to be \$8,000 over budget at end of year.

Currently finalizing the audit for fiscal year 2012-13.

There is consensus to have the financial report be provided at the beginning of the meeting and to have the report included with the back up agenda.

New Business is resumed.

- 11.i Organize an effort on behalf of the Village to assist a Biscayne Park family in need -
As requested by Commissioner Jonas

Commissioner Jonas explained that a resident has a family member with a serious illness. Roof needs major repairs and currently covered with a tarp. Looks for outreach from the Commission.

Attorney Hearn explains that there are issues coming from a governmental agency.

After discussion, consensus to privately work towards the cause, but not as a commission.

12 Request for Placement of Items on Next Meeting Agenda

Commissioner Watts: Increased communication to residents.

Commissioner Watts: Tuition assistance for Good Government Initiative

13 Reports

13.a Village Manager

- ◆ Goals and Priorities for FY 2014-15 Budget - Manager Shafran provided a summary of the listing provided by Staff.

Commissioner Anderson requests that repavement of alleys is added, as well as creating a searchable data base on code violations on our website.

Commissioner Watts asks that on the idea of using tablets and laptops, that it be optional.

◆ Update on Miami Country Day School expansion project -

Manager Shafran attended the County Zoning hearing where the school presented the changes that were agreed to by the Village and they were accepted by the Board.

14.b Village Attorney

- ◆ On Water Utilities agreement with North Miami, due to situation with transition of Mayor in North Miami, Attorney Hearn was directed to follow up with their attorney.

14.c Board / Committee Reports

On the application submitted for the Public Art Advisory Board by Karen Cohen, Commissioner Anderson makes a motion to accept and it is seconded by Vice Mayor Ross.

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

Opposed: None

Motion carries: 5/0

14 Announcements

Wednesday, June 4th - Meet & Greet Chief of Police Applicants at 5:30pm at Village Hall

Wednesday, June 4th - Code Review Board at 7:00pm

Friday, June 6th - Coffee with the Mayor at 9:00am

Monday, June 9th - Biscayne Park Foundation at 7:00pm

Tuesday, June 10th - Code Compliance Board at 7:00pm

Wednesday, June 11th - Public Art Advisory Board at 6:00pm

Saturday, June 14th - Food & Tunes at 6:30pm

Monday, June 16th - Planning & Zoning Board at 6:30pm

Wednesday, June 18th - Parks & Parkway Advisory Board at 6:00pm

Wednesday, June 18th - Code Review Board at 7:00pm

Monday, June 23rd - Ecology Board at 6:30pm

Tuesday, June 24th - Recreation Advisory Board at 7:00pm

The next regular commission meeting is Tuesday, July 1, 2014, at 7:00pm.

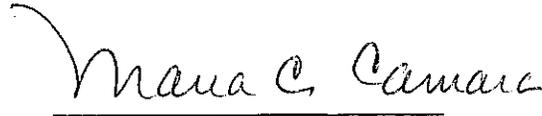
The meeting was adjourned at 10:55pm.

Commission approved on July 1, 2014.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk