



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, February 4, 2014 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 7:06pm*)

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

Chief of Police Ray Atesiano

Police Officer Thomas Harrison

Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

- 4.a The Florida Department of Transportation (FDOT) provided an overview of the milling and resurfacing project along SR915/NE 6th Avenue from NE 110th Terrace to north of NE 123rd Street.

Public Comment during presentation:

Harvey Bilt: Concerned that pedestrian counts were done during weekdays only as there is much more volume during weekends. Dangerous to cross Sixth Avenue. Would like to see a crosswalk.

Jared Susi: Concerned with how this was being budgeted and timeframe of eight months to complete. Was confirmed by FDOT representative that a bid process would take place, and that the timeframe was a conservative projection.

Consensus of the Commission to have the Manager submit a formal request to FDOT to include a crosswalk on Sixth Avenue and to proceed with all required studies.

5 Additions, Deletions or Withdrawals to the Agenda

Commissioner Watts: Add a discussion on a time sensitive grant request. It is added as item 12.g.

Commissioner Ross: Add under Old Business a report on MLK Day of Service. It is added as item 11.b.

Commissioner Ross: Add under Old Business an update on the Ygrene project. It is added as item 11.c.

6 Public Comments Related to Agenda Items / Good & Welfare

Officer Thomas Harrison: Invites residents to attend the "Coffee with A Cop" event on Saturday, February 15th. An opportunity for residents to speak one on one with Biscayne Park police officers regarding any concerns or issues.

Gage Hartung: Code Review Board will meet on February 5th, and will continue their discussion on roofing materials. There will also be a meeting on Saturday, February 22nd. Urges all residents to attend and provide input on this subject.

Susan Weiss: On the "Ball Player" sculpture being added to Sixth Avenue park, is not in favor. Instead, it would be a perfect addition for the Recreation Center and the this is the area for where an art park should be. Looks for the Commission to reconsider the decision.

Judi Hamelburg: This is her second communication to the Commission regarding the cost of a building permit. The permit charge was double the cost of the repair. The Village will have dis-encharnted residents if something is not changed. Looks for a resolution to this matter.

7 Consent Agenda

Mayor Coviello pulls item 7.c, Resolution 2014-04, and item 7.d, Resolution 2014-11 for discussion.

Left on the consent agenda:

Approval of Minutes

> January 7, 2014

Acceptance of Board Minutes

> Planning & Zoning Board - January 6, 2014

> Planning & Zoning Board - January 21, 2014

> Code Compliance Board - January 14, 2014

- > Parks & Parkway Advisory Board - December 18, 2013
- > Parks & Parkway Advisory Board Special Meeting - January 4, 2014
- > Code Review Board - October 16, 2013
- > Code Review Board - November 20, 2013
- > Code Review Board - December 4, 2013
- > Code Review Board - January 8, 2014
- > Code Review Board - January 15, 2014

Resolution 2014-12

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **DIRECTING THE VILLAGE CLERK TO PREPARE SUMMARY MINUTES** OF ALL VILLAGE COMMISSION MEETINGS; PROVIDING FOR AN EFFECTIVE DATE

Resolution 2014-13

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE MAYOR TO **EXECUTE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CRAIG A. SMITH & ASSOCIATES** AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2014-14

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE MAYOR TO **EXECUTE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN R.J. HEISENBOTTLE ARCHITECTS P.A.** AND THE VILLAGE OF BISCAYNE PARK FOR PROFESSIONAL SERVICES RELATING TO A COMPREHENSIVE ASSESSMENT FOR THE RENOVATION AND RESTORATION OF THE HISTORICAL VILLAGE HALL LOG CABIN; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Jonas makes a motion to approve the Consent Agenda 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

7.c **Resolution 2014-04**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT BETWEEN GORY HOLDINGS, INC. (TENANT), AND THE CHURCH OF THE RESURRECTION (OWNER)** AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Mayor Coviello confirms that on page 5 of the Development Agreement, section 'n', the word "said" was deleted (line 6).

Commissioner Anderson makes a motion to approve Resolution 2014-04 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

7.d **Resolution 2014-11**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT AND OPPOSE CERTAIN ISSUES DURING THE 2014 LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Mayor Coviello confirms that \$1,600 was previously budgeted in the Commission budget for this trip, and that the Mayor Coviello and Commissioner Ross would split the difference of the balance for their attendance.

Commissioner Anderson makes a motion to approve Resolution 2014-11 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

8 Public Hearing

Resolution 2014-09

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, INITIATING AND REQUESTING PROPOSED BOUNDARY CHANGES TO THE VILLAGE OF BISCAYNE PARK IN ORDER TO ANNEX PROPERTY DESCRIBED AS AN AREA BORDERED ON THE WEST-SIDE BY THE FEC RAILWAY, ON NORTH-SIDE BY NORTHEAST 121 STREET, ON THE EAST-SIDE BY BISCAYNE BOULEVARD, ON THE SOUTH-SIDE BY NORTHEAST 119 STREET, EXCEPT THAT BETWEEN NORTHEAST 16 AVENUE AND BISCAYNE BOULEVARD THE SOUTH BORDER SHALL EXTEND TO THE POINT WHERE NORTHEAST 16 AVENUE AND BISCAYNE BOULEVARD INTERSECT NEAR NORTHEAST 116 STREET IN MIAMI-DADE COUNTY, FLORIDA; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE MAYOR, VILLAGE MANAGER, VILLAGE CLERK AND VILLAGE ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

Resolution 2014-10

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **INITIATING AND REQUESTING PROPOSED BOUNDARY CHANGES TO THE VILLAGE OF BISCAYNE PARK IN ORDER TO ANNEX PROPERTY DESCRIBED AS AN AREA BORDERED ON THE WEST-SIDE BY THE FEC RAILWAY, ON NORTH-SIDE BY NORTHEAST 121 STREET, ON THE EAST-SIDE BY NORTHEAST 14 AVENUE, AND ON THE SOUTH-SIDE BY NORTHEAST 119 STREET** IN MIAMI-DADE COUNTY, FLORIDA; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE MAYOR, VILLAGE MANAGER, VILLAGE CLERK AND VILLAGE ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of each Resolution.

Manager Shafran provided the background.

Public Comment:

Dan Samaria: Visited the area with Commissioner Watts. The areas do not look good and thinks there will be more problems. The matter should be put on a ballot for Village residents to vote and decide. Not worth the cost and not in favor of it.

Harvey Bilt: A great idea. Believes staff projections that we will make the expected revenues year after year, and more. It is up to the Commission to decide -- that is what you were elected for. In favor of the entire area, or none.

Jorge Marinoni: This has been discussed a long time and it is time to decide. No vote is needed as most are in favor. These are commercial and industrial areas with some residential units that are well maintained. Do not see a problem in going for the whole thing. Working warehouse in the area. No crime. Knows the area well. We need the money. Why did it take two years to make this decision.

Milton Hunter: Have seen the numbers as to what has happened to our budget. This is a fiscal necessity. Concerned about half measures. This is our one chance to do it right and to secure and sustain our future. Those that are against this have no legitimate reason. We cannot maintain and hope it gets better. This is your responsibility as commissioners to make a decision. You have the data. Concerned with the time already wasted and because of that it will cost us more now.

Gary Kuhl: In favor of it when it was even a bigger area being considered. An opportunity for a possible train stop and would add more value and growth. Much in favor to do it as quickly as possible and as much of an area as possible.

Manny Espinoza: Net income sounds great, but make sure we have enough funds to service. Where are we getting the funds to service it in the beginning? A great idea, good income, but concerned about the first year.

Dan Keys: In favor of both resolutions. Potential downside to larger area is the possibility that one of those residents can be added to this Commission. The two apartment buildings kind of don't need us as they are well maintained, and they may not want to subsidize us. Would be great to have the two large office buildings. But need to consider if we could lose control. Why are we not looking at an even bigger area? May be losing a once in a lifetime opportunity. Whatever decision is made today, hopes it does not preclude us from having an even larger Biscayne Park.

Chuck Ross: Agrees with previous speaker. In the numbers, they are low-balled as it does not include the non-advalorem assessments. Revenues are leveling out and expenses are increasing. Need to go forward with larger area.

Janey Anderson: Idea of annexation is scary. But when you pause and look down the road, we may not be in existence. Need the commercial area. A viable chance to take control of our future. It's always been about getting donations, but can't do this anymore. The area is far enough away that it will not impact our residential area.

Judi Hamelburg: Negative people have always said it is a crime area. Then that is a good reason for us to our police there and clean it up. Better us than having North Miami do it. Rather we do it and take even more.

Erica Pettis: New to the neighborhood. Skeptic at first, but sees now that we really need to do it. Look for future expansion. On residents voting, it should be up to the Commission to make that decision.

Commissioner Jonas stated that based on finances, this is something that we need to do, and to go forward with the larger area. Crime rate in the area is low, and we would not be inheriting a bad area for police. Also, we have not factored in the non-advalorem assessments, therefore the start up costs may not be as significant.

Commissioner Anderson stated we could be gambling by going forward with the larger area consisting primarily of commercial properties. First, it will require a vote from the voters of that area, and second, it leaves the duplexes and single family homes to stay with the County. In addition, North Miami is looking at the same area. Not sure which way the County will go. Would rather see going forward with only the smaller light industrial area which would be less of a gamble in having the County accept.

Commissioner Ross stated we have been considering this for a long time. Finances show that we could be in a deficit if we don't do something. Going forward with smaller area only would not make an appreciable impact to our millage. With the larger area, there is the possibility of lowering the millage. If we don't take this step, it is a missed opportunity. Showing we are willing to take the two residential complexes, will enhance the likelihood of getting our application approved. Decision needs to be made now as the County is going through many changes regarding annexation. Many other cities are going through the same process in order to bring stability to their cities.

Commissioner Watts is concerned with the annexed areas being immediately increased to our millage rate, as well as being concerned if we were to do a step increase meaning we would not see a profit for many years. Concerned also that the owners of commercial properties may also be given the opportunity to vote. Feels strongly that this was not properly advertised to residents since it had been previously voted on not to go forward. Also that Village residents should be given the opportunity to vote on this. Very concerned that landlords will be forced to raise the rent for those that live in the two residential buildings.

Mayor Coviello stated that even though the net revenue gain for the smaller area is low, through zoning changes it can be substantially increased in the future. Has looked at the budget and finance reports and we are out of options and we need to get our application in and be considered. Have considered both options and struggled with the decision, but the numbers show that we need a substantial increase for the Village and will support going forward with the larger area.

Commissioner Ross makes a motion to approve Resolution 2014-09 and it is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Commissioner Jonas, and Commissioner Ross.
Opposed: Vice Mayor Watts and Commissioner Anderson
Motion carries: 3/2

Commissioner Ross makes a motion to table Resolution 2014-10 and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Commissioner Anderson, Commissioner Jonas, and Commissioner Ross.
Opposed: Vice Mayor Watts
Motion carries: 4/1

9 Ordinances

FIRST READING:

9.a Ordinance 2014-01

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, ENTITLED, "COMMISSIONS, BOARDS AND COMMITTEES"**; AMENDING EXISTING SECTION 2-30 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED, "GENERAL RULES AND POLICIES"; **CREATING NEW SECTION 2-36 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED "PUBLIC ART ADVISORY BOARD"**; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Shafran provided the background

Public Comments:

Barbara Kuhl: To have a quorum, the code states you need half plus 1. For a board of 5, that means 4. Would recommend rewording in order to accept a majority as a quorum. On the Public Art Advisory Board, thought it was a good idea at first, but now it sounds like just another board. Would rather see it be done through the Foundation and to get donations. Boards are not supposed to raise funds. On the location for the art sculpture, there was a recent meeting of three of our current boards that came together and that worked really well.

Dan Keys: Echoes the previous speaker. Had a productive multi board meeting where the location of the art sculpture was discussed. Also discussed whether we need another board. Consensus was that there are already enough good people on boards that could come together for future art donations. On the issue of alternates, it states they are appointed. Does it talk about how they operate on the board.

Gary Kuhl: Please to see we are getting more interest from our Village Manager and the boards. Don't feel we were ever appreciated. Thinks a new art board is a good idea. With a more energetic Commission and new Village Manager, we can get more people involved. This board should be actively engaging in getting donations.

Chuck Ross: A provision already exists in the Foundation bylaws that they can create a sub-board. Their main goal is to fund raise. The meeting of the three boards was very successful and they did a great job.

Following discussion, there was consensus to make the following changes to the Ordinance for second reading:

On section 2-30 (a) (3): Confirm there is no conflict with the boards already created.

On section 2-36 (c): Clean up the duplicate language. The second sentence is preferable.

On section 2-36 (d): Add: "To enlist and encourage public support." "Seek to improve the visual quality of public spaces."

Address the language that refers to a quorum in order to accept a majority.

Commissioner Anderson makes a motion to approve Ordinance 2014-01 at first reading and it is seconded by Commissioner Ross.

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

Opposed: Vice Mayor Watts

Motion carries: 4/1

11 Old Business

- Status of agreement between the Village of Biscayne Park and the City of North Miami for water utilities. Attorney Hearn advised that a meeting was being coordinated with North Miami, with the goal to bring a report to the March meeting.
- 11.a

- Commissioner Ross: In regards to the MLK Day of Service that took place on January 25th, a total of \$1,020 was raised. There was consensus to apply the donated funds towards landscaping improvements on Sixth Avenue adjacent to the bridge.
- 11.b

- Commissioner Ross: In regards to the Ygrene project, in the process of getting bond approval and there will be a Court hearing on March 10th. Then approximately thirty days after that, can go live. Will provide an updated report in April.
- 11.c

12 New Business

- Discussion: Review of proposed design and landscape for the Sixth Avenue bridge area.
- 12.a

Director Sosa-Cruz has met with Parks & Parkway and a landscape design was provided. Will utilize approved grant funds awarded in 2012, and what was budgeted in FY 2013-14, plus the donations from the MLK Day of Service.

- 12.b Discussion: Creation of an "Art Park" within the Village.

Commissioner Anderson provided pictures of an art park in Chattanooga, TN. Consensus that this idea would be an item for consideration by the Public Art Advisory Board.

- 12.c Discussion: Village of Biscayne Park marketing campaign and other ideas in order to build a sense of community and place.

Consensus to create a contest or opportunity for residents to submit their ideas, for example in the next newsletter.

- Discussion: On a previous motion to require that an independent arborist be hired by the Village in the event the County makes a determination that trees need to be removed from their roads or right-of-ways.
- 12.d

Commissioner Jonas makes a motion to direct staff not to hire an independent arborist when the County advises they have made a determination that trees need to be removed on County rights of ways, and further directs staff to not expend any Village funds on such County determinations. It is seconded by Commissioner Ross.

- ◆ In regards to the placement of the Zaluski sculpture, after a productive meeting and thorough discussion at the joint meeting of the Planning & Zoning Board, Parks & Parkway Advisory Board, and the Ecology Board, the consensus was to place the sculpture at Griffing Park.

Commissioner Ross makes a motion to endorse the recommendation of the joint boards and it is seconded by Commissioner Jonas.

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

Opposed: Vice Mayor Watts

Motion carries: 4/1

14.b Village Attorney

Attorney Hearn will be meeting, along with the Manager, with the union for Public Works, then will schedule an executive meeting with the Commission.

Reminds the commission of the Cone of Silence in effect for the open RFP's.

14.c Board / Committee Reports

< None >

14.d Commissioner Comments

< None >

15 Public Comment

Barbara Kuhl: Takes back what was stated early on the Public Art Advisory Board. Obviously nobody wants to take someone else's recommendations. This creates a lot of animosity. The Village is not ready for this.

Linda Dillon: Not happy with the art sculpture location, but agrees with going with the board's recommendation. Please push very hard for the cross walks on Sixth Avenue.

Gary Kuhl: Act on behalf of the community, and not on personal opinions. It defeats the purpose of the boards. The Planner provided no answers for annexation. They are a waste of money.

16 Announcements

Wednesday, February 5th - Code Review Board at 7:00pm

Friday, February 7th - Movie Night at the Park at 6:30pm

Tuesday, February 11th - Code Compliance Board at 7:00pm

Monday, February 17th - All Village Departments are close in observance
of President's Day

Tuesday, February 18th - Planning & Zoning Board at 6:30pm

Tuesday, February 18th - Ecology Board at 6:30pm

Wednesday, February 19th - Code Review Board at 6:00pm

Friday, February 21st - Ethics Course for Newly Elected Officials at 2:30pm

Saturday, February 22nd - Code Review Board at 10:00am

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

Saturday, March 1st - Strategic Planning Session at 9:00am

Monday, March 3rd - Planning & Zoning Board at 6:30pm

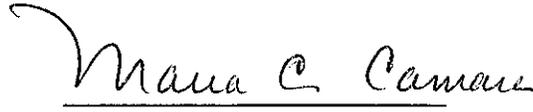
The next regular commission meeting is Tuesday, March 4, 2014, at 7:00pm.

Commission approved on March 4, 2014.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk