



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, October 7, 2014 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:08pm.

2 Roll Call

Mayor David Coviello - present
Vice Mayor Roxanna Ross - present
Commissioner Bob Anderson - present
Commissioner Fred Jonas - present
Commissioner Barbara Watts - absent

Present from staff were:

Village Manager Heidi Shafran
Village Clerk Maria C. Camara
Village Attorney John Hearn
Chief of Police Cornelius McKenna
Public Services Manager Krishan Manners
Finance Director Irwin Williams
Assistant Public Works Manager Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

- 4.a Proclamation - October 2014 is Breast Cancer Awareness Month presented to Barbara Plizga with North Shore Medical Center.
- 4.b Proclamation - October 2014 is Anti-Bullying Awareness Month. Joe Chao provided information.
- 4.c Resident Recognitions given to Linda Dillon and Rosemary Wais by Manager Shafran.

5 Additions, Deletions or Withdrawals to the Agenda

Manager Shafran pulls item 8.c and defers to a future meeting. Adds a discussion on building permit inspectors and bathroom renovations to the Manager's Report, item 13.a

Commissioner Anderson pulls item 12.b and defers to a future meeting.

6 Public Comments Related to Agenda Items / Good & Welfare

Barbara Kuhl: Waste Pro's response is good. On annual review of Village Attorney, it is a waste of time. Commission should meet with and ask the Attorney to address any issues they may have. If not, then bring it up at a meeting. Attorney is here more for the Village Manager and staff, and if there is a problem, she should discuss with him. To have a review is a waste of time. Should be ongoing. Prefer you not pursue. Currently we are in a bully mode. Seems if you disagree you get angry. This is why residents don't come to the meeting. Recognition for residents is nice. There have been so many proclamations and endorsements, but for the four employees with over sixty years of employment with the Village, there is nothing.

Janey Anderson: Compliments to Waste Pro. Had an issue on first day and they responded to it very well. We are moving forward and will make it work. On attorney evaluation, all our employees have been through so much. Residents happy with new hires. If not need for attorney evaluation in last fifteen years, and with a unanimous vote of confidence, there is no need for it. Respectfully ask to sit on this and let healing begin.

Rafael Trenche: On annexation vote issue, after what happened with Sanitation, personally get feeling that there is tone deafness from the commission. The idea of a referendum would go a long way to change that. Have a problem with the four guys getting thrown under the bus. On attorney issue, he does not need to be evaluated.

Dan Keys: Not in favor of charter change on annexation. Waste Pro had tough day today. Hold their feet to the fire on the quality. Wet trash today and lots of it. Collection sites sloppy on my street. Do specific evaluation on their quality. On fee schedule ordinance, in favor of it. Will streamline government. Fee schedule can change with three votes. Decision should not be taken lightly. May want to consider a four-fifths vote requirement for increases. Fee schedule should be placed online. Resolution on fees should never be on the consent agenda. Not sure why North Miami and South Miami were used as examples. Maybe a decent evaluation be done for our community. On train issue, not sure if a noise barrier is being considered. Good thing regionally but not for us. Swale ordinance is good.

Milton Hunter: Focus on two words: compromise and acceptance. This is the root of why we are dysfunctional. Who do we want to be as a community? Rise over the pettiness. We continue to be guided by those who create chaos. If we choose not to be involved, or only at the last minute, you have no right to complain. If we choose to be part of the solution, we need to get facts from the correct source. Emails to a select few are part of the problem. There is no secrecy going on. We need to be responsible and to become educated. Who do we want to be going forward?

Dan Rodriguez: Applaud gentleman before me. I am very passionate. Resident since 1991. As a whole our community is good and works well together. My family and I were victims of a crime in Miami Shores. Our police are the best. They handle situations well. They respond in minutes. Concerned with the park. Has become a center for adolescents with no respect. Applaud Village Manager for handling a recent situation I had. Concerned with the sports groups using the park and the verbal abuse received by one of them. Don't feel safe anymore here. Shelecia the Park Manager has done a good job. The adolescents and their mouth are not acceptable. There is a line that has been crossed. We should continue to move forward.

Tracey Truppman: Compliments commission and staff. Lived here for a long time. You are moving forward. In the past we were stagnating. Agree with Milton. We cannot always get what we want. In the end we have to live here and compromise. Propose you reach out to your neighbors.

Andrew Olis: Keep moving forward on annexation. On sales and driveways, please come to Code Review Board meetings to discuss. Why are there different school zones in the Village. Can we get it change so all are zoned for Miami Shores Elementary? On Code Enforcement, have owned to homes here. Enforcement needs to tighten up. Being too gracious with residents. Need to move forward. Can we change the courtesy notices? Some property owners have multiple notices. They take care of the issues at the last minute, but just barely. They do the minimum only. Need to make it tougher.

Gary Kuhl: If we recognize moving forward, and avoid what is occurring now, start by not doing the attorney evaluation. Not the tone we want to set. Just express your opinion and concede. But if you do go that route, then it is time to start evaluating the commission.

Meeting is paused at 7:56pm

Meeting resumed at 8:05pm

7 Information / Updates

7.a Chief McKenna provided an update regarding recent crime in Biscayne Park and the surrounding municipalities. Introduced Detective Lieutenant Hector Pineda.

7.b Sanitation transition update:

Manager Shafran glad to hear the positive comments on Waste Pro. Public Services Manager Krishan Manners provided a recap of the first week.

7.c Gage Hartung provided a recap of the proposed changes to Chapter 5.

Vice Mayor Ross suggests for staff to provide a ballpark cost estimate to trim the trees in all the swale areas of the Village.

Vice Mayor Ross makes a motion to direct staff to work up items discussed and it is seconded by Commissioner Jonas.

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

Opposed: None

Motion carries: 4/0

8 Consent Agenda

Manager Shafran pulled item 8.c during Additions/Deletions.

Clerk Camara pulls the minutes for September 9th.

Left on the consent agenda:

8.a Approval of Minutes

- ◆ August 5, 2014 Regular Commission Meeting
- ◆ September 11, 2014 1st Public Hearing FY 2014-2015 Budget
- ◆ September 23, 2014 2nd Public Hearing FY 2014-2015 Budget

8.b Acceptance of Board Minutes

- ◆ Code Compliance Board Workshop - July 29, 2014
- ◆ Ecology Board - August 18, 2014
- ◆ Biscayne Park Foundation - August 25, 2014
- ◆ Code Compliance Board - September 4, 2014
- ◆ Public Art Advisory Board - September 10, 2014
- ◆ Code Compliance Board Special - September 12, 2014
- ◆ Planning & Zoning Board - September 15, 2014
- ◆ Biscayne Park Foundation - September 22, 2014

8.d Resolution 2014-67

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RECOGNIZING OCTOBER 2014 AS ANTI-BULLYING AWARENESS MONTH** IN THE VILLAGE OF BISCAYNE PARK AS A SYMBOL OF OUR COMMITMENT TO THE YEAR ROUND STRUGGLE AGAINST BULLYING; PROVIDING FOR AN EFFECTIVE DATE

8.e Resolution 2014-68

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.f **Resolution 2014-69**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AND SUBMIT A GRANT APPLICATION** AND SUPPORTING DOCUMENTS, AND COMMITTING TO THE PROVISION OF MATCHING FUNDS **TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORIC RESOURCES** FOR THE PURPOSE OF REHABILITATING THE HISTORIC VILLAGE HALL LOG CABIN; PROVIDING FOR AN EFFECTIVE DATE

8.g **Resolution 2014-71**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, **AUTHORIZING THE MAYOR TO EXECUTE THE BILL OF SALE** BETWEEN THE VILLAGE OF BISCAYNE PARK AND RESERVE OFFICER BRAD KERN **FOR THE SALE OF A POLICE VEHICLE;** PROVIDING FOR AN EFFECTIVE DATE

8.h **Resolution 2014-72**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, **AUTHORIZING AMENDING THE AGREEMENT** BETWEEN THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. AND THE VILLAGE OF BISCAYNE PARK **IN ORDER TO IMPLEMENT A TWELVE (12) HOUR SHIFT SCHEDULE FOR THE POLICE DEPARTMENT;** PROVIDING FOR AN EFFECTIVE DATE

Commissioner Anderson 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: None

Motion carries: 4/0

9 **Ordinances**

SECOND READING:

9.a **Ordinance 2014-08**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING THE VILLAGE'S CODE OF ORDINANCES AND THE VILLAGE'S LAND DEVELOPMENT CODE TO CREATE CONSISTENCY THROUGHOUT THE CODES CONCERNING ADMINISTRATIVE AND USER FEES**; AMENDING CHAPTER 11, ARTICLE III – GARAGE SALES, SECTION 11-45, ENTITLED “PERMIT ISSUANCE, FEE” OF THE VILLAGE'S CODE OF ORDINANCES; AMENDING CHAPTER 17 – TRAFFIC AND VEHICLES, SECTION 17-1, ENTITLED “IMPOUNDMENT OF MOTOR VEHICLES USED DURING THE COMMISSION OF A CRIME” OF THE VILLAGE'S CODE OF ORDINANCES; AMENDING PART II, CHAPTER 16 – PERMITS AND CERTIFICATES, SECTION 16.15, ENTITLED “LANDLORD PERMITS” OF THE VILLAGE'S LAND DEVELOPMENT CODE; AMENDING PART II, CHAPTER 16 – PERMITS AND CERTIFICATES, SECTION 16.16., ENTITLED “CERTIFICATE OF RE-OCCUPANCY”; AMENDING PART II, CHAPTER 16 – PERMITS AND CERTIFICATES, SECTION 16.18, ENTITLED HOME-BASED OCCUPATIONS” OF THE VILLAGE'S LAND DEVELOPMENT CODE; AMENDING PART II, CHAPTER 16 - PERMITS AND CERTIFICATES, SECTION 16.19, ENTITLED “CONTRACTOR REGISTRATION” OF THE VILLAGE'S LAND DEVELOPMENT CODE; AMENDING PART II, CHAPTER 17 – FEES, BONDS AND CHARGES, SECTION 17.1, ENTITLED “GENERALLY” OF THE VILLAGE'S LAND DEVELOPMENT CODE; AMENDING PART II, CHAPTER 17 – FEES, BONDS AND CHARGES, SECTION 17.3, ENTITLED “CAMPAIGN SIGN BOND” OF THE VILLAGE'S LAND DEVELOPMENT CODE; AMENDING PART II, CHAPTER 17 – FEES, BONDS AND CHARGES, SECTION 17.6, ENTITLED “PLANNING AND ZONING FEE SCHEDULE” OF THE VILLAGE'S LAND DEVELOPMENT CODE; REPEALING ORDINANCE 2006-14 ADDRESSING THE BUILDING PERMIT FEE SCHEDULE IN ITS ENTIRETY; PROVIDING THAT VILLAGE FEES BE ADDRESSED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title and Manager provided summary.

Mayor Coviello opened the meeting to public comment on this ordinance.

Dan Keys: It is an easy change to make today. In future, may be different. Future resolutions should not be on the consent agenda. Should be a four-fifths vote. Request fees be on the website.

After discussion, Commissioner Jonas makes a motion to approve Ordinance 2014-08, but the motion dies for lack of second.

Vice Mayor Ross makes a motion to add the provision that fees are to be posted at Village Hall on also by an electronic means on our website and to approve Ordinance 2014-08.

Attorney Hearn recommends that the Resolution should be amended with this provision instead.

Vice Mayor Ross withdraws her motion.

Commissioner Jonas makes a motion to approve Ordinance 2014-08 and it is seconded by Vice Mayor Ross.

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

Motion carries: 4/0

10 Resolutions

10.a Resolution 2014-70

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A SCHEDULE OF FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY VILLAGE CODE; PROVIDING FOR AN EFFECTIVE DATE**

Attorney Hearn read the title and Manager Shafran provided the background.

After discussion, there was consensus from the Commission to amend the proposed fee schedule as follows:

- > The non-resident fees for Parks & Recreation rentals will be double The resident fee.
- > The alarm registration fee is \$20.
- > The permit fees for A/C units will be one price, regardless of tonnage at \$145.
- > The Planning & Zoning Board review fee is \$25.
- > Future fee schedule changes will be made at a public hearing.
- > Post fee schedule on website.
- > Keep fee for oversized trash pile starting at \$20.

Vice Mayor Ross makes a motion to approve Resolution 2014-70 with the changes agreed on. It is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 4/0

11 Old Business

11.a Village Attorney Evaluation

Vice Mayor proposed the evaluation. Would rather not want to wait until there is an issue. Would rather prefer to do it regularly, perhaps every two years.

There was no consensus to either move forward with Vice Mayor Ross' proposal or to modify to a voluntary, narrative process. Manager Shafran provided her 100% satisfaction with Attorney Hearn.

12 New Business

12.a Discussion: Invitation to Bid - Public Safety and Administration Annex

Final phase of plans to be completed in 2-3 weeks, then will go to bid after. Has a clear understanding of the expectations and to maintain an aggressive timeline.

- 12.b Discussion for an ordinance to amend the charter for a referendum to accept annexation proposal - as requested by Commissioner Watts. Deferred to November.
- 12.c Establish uniform policy to notify residents on decisions - as requested by Mayor Coviello. Deferred to November.
- 12.d Children's Trust Read to Learn Campaign - as requested by Vice Mayor Ross

Vice Mayor recommends to engage in a book drive and provide more exposure to our library. Consensus to move forward and to add to our website.

13 Request for Placement of Items on Next Meeting Agenda

Items 12.b and 12.c from this agenda will be moved to November.

Board member selection for the Charter Review Board.

Vice Mayor Ross proposes a joint meeting with the Commission and the Biscayne Park Foundation immediately before the November meeting at 6:30pm.

14 Reports

Village Manager:

- Annexation: Have met with our representation on annexation. They have met with County staff. Will be meeting with them regarding the mobilization of the outreach to the annexation area. Confirmed with County we are held to the voters in the area. They left the meeting with the County with a good sense of support of our application.

Mayor Coviello asks that the firm representing us provide weekly updates to the Commission on their progress/status.

- Lob cabin restoration and annex building: Getting ready to go out to bid.

- Building Inspector contracts: Part of auditor's findings report. Two are interested in going into contract, plumbing and chief building inspector. There is a sense from mechanical and electrical inspector that they are not willing or able to get liability insurance that is required. Look to wrap this up so as not to have another finding on our audit. We are unable to add the inspectors to our insurance with FMIT. Not an option. We can try to obtain other individuals, or possibly utilizing a company. Wanted to bring this forward to the commission. Look to put the contracts on the November agenda.

- Bathroom renovations at Recreation Center: Provided a recap and will move forward to complete the repair and renovation.

Village Attorney:

- On North Miami Water Utility agreement, will follow up with their attorney to do a Memorandum of Understanding (MOU).

15 Announcements

Wednesday, October 8th - Public Art Advisory Board at 6:00pm
Thursday, October 9th - Sculpture Unveiling at 5:30pm
Monday, October 13th - Columbus Day - All Village Departments are Closed
Tuesday, October 14th - Code Compliance Board at 7:00pm
Tuesday, October 14th - Biscayne Park Foundation at 7:00pm
Wednesday, October 15th - Parks & Parkway Advisory Board at 6:00pm
Wednesday, October 15th - Code Review Board at 7:00pm
Monday, October 20th - Planning & Zoning Board at 6:30pm
Monday, October 20th - Ecology Board at 6:30pm
Tuesday, October 28th - Recreation Advisory Board at 7:00pm
Friday, October 31st - Halloween Fun House beginning at 4:00pm
Monday, November 3rd - Planning & Zoning Board at 6:30pm
Tuesday, November 4th - General Election from 7:00am to 7:00pm
Wednesday, November 5th - Code Review Board at 7:00pm

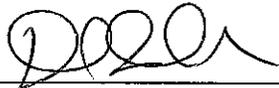
The next regular commission meeting is Tuesday, November 6, 2014, at 7:00pm.

15 Adjournment

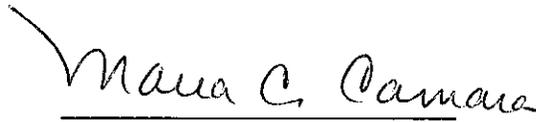
The meeting was adjourned at 10:26pm.

Commission approved on December 2, 2014.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk