



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

Mayor and Commission

Noah Jacobs
Mayor

Robert "Bob" Anderson
Vice Mayor

Bryan Cooper
Commissioner

Roxanna Ross
Commissioner

Commissioner Watts
Commissioner

Maria C. Camara
Interim Village Manager

John J. Hearn
Village Attorney

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Wednesday, November 6, 2013
Presentations: 6:30PM
Commission Meeting: 7:00PM

1 Call to Order

Mayor Noah Jacobs called the meeting to order at 7:01pm.

2 Roll Call

Mayor Noah Jacobs - present
Vice Mayor Bryan Cooper - present
Commissioner Bob Anderson - present
Commissioner Roxanna Ross - present
Commissioner Barbara Watts - present

Present from staff were:

Interim Village Manager Maria C. Camara
Village Attorney Eve Boutsis
Chief Ray Atesiano
Finance Director Irwin Williams
Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

4.a Miami-Dade County Commissioner Sally Heyman: On annexation being considered by Biscayne Park, the City of North Miami has put in an application for several pockets, including a section to our east. Provided information on a section of light industrial properties. County is no longer able to provide used police vehicles that can be put into service by another city. However, will look at tasers and laptops that may become available.

4.b Fedrick Ingram - United Teachers of Dade: Spoke about outreach program for citizens to help in our schools.

4.c Panel interviews conducted of the final three candidates for the position of Village Manager:

- > Sarah Hannah-Spurlock
- > Sharon Ragoonan
- > Heidi Shafran

The Commission will make their selection at the Special Commission meeting on Thursday, November 14th.

Mayor Jacob called a recess at 9:15pm.

Meeting resumed at 9:22pm.

5 Additions, Deletions or Withdrawals to Agenda

Commissioner Cooper: Vote taken at prior meeting was not to move forward on annexation. How is it being brought up again?

Attorney Boutsis: The resolution today is substantially different than the resolution voted on at the last meeting.

Commissioner Ross: At the last meeting, the minutes reflect that Mayor Jacobs provided that the item could be brought back for discussion at the following meeting based on Commissioner Watts voting in favor of annexation if the apartment complexes were not included.

6 Public Comment

Dan Keys: Asks to support the resolution on annexation. It is an opportunity to study it.

Linda Dillon: On Resolution 2013-49, do not like the wording of the resolution. Quoted an organization that is biased, and you ignore the CDC and the National Safety Council. Resolution not necessary. You are 50 times more likely to be in a vehicle fatality, or die while jogging. Would be better to bring up a resolution against texting and driving, would be more significant.

Steve Bernard: It was a good panel interview. Hope you will consider the Resident Review Committee's recommendation. On annexation, no forward study done on finances. We don't understand our revenues. Candidate said we had \$1 million, and now gone, but that is not true. Seven people are running in our election. It is going to be a fun month. It is not necessary to be nasty or uncivil. If your candidate does that, tell them not to do it. No need to divide. Don't tell people we are going broke. Why are we taking this step on annexation if we don't know the first step. By now the planners could have found out mitigation costs.

Chuck Ross: Every one of the Village Manager candidates said annexation should be considered. Questions made by Steve Bernard will be answered if we go forward. Going broke is not an issue. It is future planning to hopefully lower the millage.

Dan Samaria: On Monday it is Veteran's Day. Remember the veterans. Meet the Candidates is on November 25th. Looks for great participation. Doing a debate format and questions will be from residents.

Fred Jonas: From Village records, in 2001-02, the reserves was \$1.3 million. Fluctuated and went down. Two years ago it was \$370,000. This year about \$279,000. Glad to review it with anyone who would like to see it. In regards to the statements made by Steve Bernard, there is an incident where he called me a liar.

Mayor Jacobs took the following two items, 11.a and 10.a out of order.

11 Ordinances

FIRST READING

11.a Ordinance 2013-13

AN ORDINANCE OF THE VILLAGE COMMISSION OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, **TO AMEND ORDINANCE 2012-12 ADOPTED ON OCTOBER 23, 2012, FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2012-13**, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title.

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

Finance Director Williams provided the background.

Commissioner Ross makes a motion to approve Ordinance 2013-13 at first reading. It was seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Ross and Commissioner Watts

Opposed: Commissioner Cooper

Motion carries: 4/1

10 Public Hearing

10.a Development Review Application

Applicant: Sandi Busta

Project Name: Biscayne Park School and Early Learning Center

Location: The subject property is located at 11173 Griffing Blvd, Biscayne Park, FL

Size of Property: Approximately 63,451 sq. ft.

Request: The applicant has submitted an application for a day care development on a portion of the property.

Legal Description: Lots 8-11, Blk 18, Griffing Bisc Park Est, PB 14-1

Attorney Boutsis provided the background and explanation of the disclosures. There are three provisions to consider:

1. Whether due process was provided to applicant and the community.
2. Following the correct law which is the Miami Dade County code that provides the minimum and maximum requirements.
3. Decision based on competent, substantial evidence (from experts such as the information provided by the professional planners, traffic engineers, etc.)

Attorney Boutsis asked for full disclosure from each Commissioner:

> Commissioner Watts: Communicated with Peter Cam, Susan Weiss, Gage Hartung, Dan Keys and Tracy Truppman. Can remain impartial.

> Commissioner Ross: Communicated with Peter Cam, Dan Keys, Tracy Truppman, Gage Hartung, Doug Tannehill, Chuck Ross. Can remain impartial.

> Vice Mayor Anderson: Communicated with Dan Keys, Gage Hartung. Can remain impartial.

> Commissioner Cooper: Has received numerous emails. Can remain impartial.

> Mayor Jacobs: Communicated with Peter Cam, Dan Keys, Tracy Truppman. Can remain impartial.

Attorney Boutsis: On notice provision, the Daily Business Review qualifies as a newspaper of general circulation.

Attorney Boutsis: Swore in all those who would be speaking on the item, applicant, staff and public.

Jerry Bell, Bell David Planners: Provided a summary of the request of the applicant, then provided a recap of the 32 recommendations from Planning & Zoning.

Applicant Sandi Busta introduced herself and provided a brief background.

Traffic Engineer for the applicant, Joaquim Vargas introduced himself.

Vice Mayor Anderson: When cars exit on 113th Street, does not indicate where vehicles will go. Adds more cars in the Village. More vehicle load to our city.

Mr. Vargas: Daycares don't have a heavy peak. They are spread out. Early drop off starts at 7:30am. Morning peak happens after 9-9:30am. Pick ups are at noon and 2:00pm. Exiting does go east on 113th street. Planning & Zoning asked if the median could be opened to allow for a U-turn to head back west. Not a good plan due to the close proximity. Not enough stacking. U-turn at 7th Avenue is not sufficient for all types of vehicles, but bulk of vehicles can make the U-turn.

Vice Mayor Anderson: What can be done to mitigate impact to swales when U-turns are not properly executed.

Mr. Vargas: These vehicles will do this every day. After 3-4 days, driver will know what to do to stay pavement to pavement. Suggests yellow lines to guide vehicles.

Commissioner Watts: How will larger vehicles be handled?

Mr. Vargas: They will have to use an alternate route, such as north on 7th, then left on 115th Street.

Vice Mayor Anderson: Can we put a sign that does not allow U-turns during certain hours?

Chief Atesiano: Yes, if we get County approval.

Mr. Vargas: In my professional opinion, could not have a sign to differentiate between large or small vehicles. Does not think it will be a problem, but if so, such a sign with U-turn restrictions during certain times can be implemented with County approval.

Commissioner Ross: Adverse to too many signs in our Village, but do understand the need. In paragraph 21, which speaks of sign requirements, would suggest to add language, "and striping to guide traffic pattern", and clarify that it applies to not only County roads, but Village roads as well.

Commissioner Watts: In addition to striping, raised reflectors?

Mr. Vargas: Not in this case. Primarily used for improving visibility.

Mayor Jacobs: To the applicant, how many schools have you worked with and how many students, and your years of experience.

Applicant Busta: One school where we started with 75 and then it grew to 250. Approximately 50 families. Majority of children will be dropped off between 9-9:30am. Have 27 years experience.

Mayor Jacobs: At pick up time, is there a spread?

Applicant Busta: Pickups are at 12Noon and 2:00pm. Majority will be at 2:00pm, then balance later until closing at 6:30pm.

Mayor Jacobs: Were there any traffic accidents in the prior school, were there torn up streets?

Applicant Busta: None. It is important to be visible and I monitor it.

Attorney Boutsis: The applicant provided confirmation that she would provide to all parents the traffic rules and get their commitment.

Mayor Jacobs: Can you encourage staggering?

Applicant Busta: Yes, will work with parents, but it usually works out that way on its own.

Commissioner Watts: Clarified that drop off and start times, and the traffic study numbers.

Chuck Ross: I live across the street from Church. Morning traffic between 7:45am and 8:45 am is already high. Have timed the green light which is 35 seconds. Could be increased to 60 seconds. Can we make it a school zone? Instead of using Griffing as drop off, can we use the lot across the street? If there is congestion now, there will be an issue. Provided pictures of traffic backup on Griffing.

Attorney Boutsis: The County does not recommend dropping off kids across the street. You have the option of using a Biscayne Park police officer during that time.

Chief Atesiano: Recommends that for the first three months, a Biscayne Park police officer monitor and be the eyes for the Village.

Applicant Busta: When I open, it will be mid year, so a smaller enrollment. Will allow me to work out the kinks.

Rosemary Weiss: On U-turn issue, can we use concrete buttons.

Attorney Boutsis: Those are illegal.

Commissioner Ross: Agrees with the planners on the set back issue.

Commissioner Ross makes a motion to accept the planner's interpretation of the set back definition. It is seconded by Commissioner Cooper.

All in favor: Mayor Jacobs, Commissioner Cooper and Commissioner Ross

Opposed: Vice Mayor Anderson and Commissioner Watts

Motion carries: 3/2

Attorney Boutsis provides an explanation of the Declaration of Restrictive Covenants which confirms that the Church property across the street from the Church/daycare site will be used for parking for as long as the church use exists.

Commissioner Cooper: Confirms that the covenant can be amended.

Commissioner Cooper makes a motion to extend the meeting in order to finish this item and the Resolution on the mural item. It is seconded by Mayor Jacobs.

All in favor: Mayor Jacobs, Commissioner Cooper, Commissioner Ross and Commissioner Watts.

Opposed: Vice Mayor Anderson

Motion carries: 4/1

Commissioner Ross makes a motion to accept the covenant. It is seconded by Commissioner Cooper.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Ross makes a motion to authorize the parking of the daycare staff in the church property/vacant lot across the street. It is seconded by Commissioner Watts.

All in favor: Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: Mayor Jacobs

Motion carries: 4/1

Commissioner Ross makes a motion to amend condition no. 11, "that there be no child drop-off or pick-up along NE 113th Street". It is seconded by Mayor Jacobs.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Ross makes a motion to amend condition no. 21, that signage is for both 113th Street and Griffing Blvd, and to add striping or other treatment to guide traffic patterns for U-turns on 113th Street. It is seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Ross makes a motion to amend condition no. 32, that it will be the applicant's responsibility to contact Miami-Dade Signals and Signs Division. It is seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Vice Mayor Anderson makes a motion to accept the rest of the conditions with the

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Commissioner Ross makes a motion to accept the Development Agreement, Declaration of Covenant, Planning and Zoning Recommendations to allow the development of the daycare. It is seconded by Mayor Jacobs.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

9 Consent Agenda

Commissioner Anderson pulls item 9.e, Resolution 2013-51, to be discussed immediately after, which becomes item 12.c.

Left on the consent agenda:

9.a Approval of Minutes

- > August 13, 2013 2nd Budget Workshop FY 2013-14 Budget
- > September 10, 2013 Regular Commission Meeting
- > September 11, 2013 1st Public Hearing FY 2013-14 Budget
- > September 21, 2013 Annexation Workshop
- > September 24, 2013 2nd Public Hearing FY 2013-14 Budget
- > October 1, 2013 Regular Commission Meeting
- > October 17, 2013 Special Commission Meeting

9.b Acceptance of Board Minutes

- > Parks & Parkway Advisory Board - September 18, 2013
- > Ecology Board - August 19, 2013
- > Planning & Zoning Board - October 10, 2013
- > Planning & Zoning Board - October 21, 2013
- > Code Compliance Board - October 8, 2013
- > Code Review Board - October 2, 2013
- > Resident Review Committee - August 21, 2013

9.c **Resolution 2013-48**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **URGING AND ENCOURAGING THE FLORIDA LEGISLATURE TO REPEAL ALL LAWS WHICH DENY THE RESTORATION OF VOTING RIGHTS;** PROVIDING FOR AN EFFECTIVE DATE

9.d **Resolution 2013-49**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **SUPPORTING EFFORTS TO REDUCE GUN VIOLENCE AND ILLEGAL FIREARMS TRAFFICKING** THROUGH MORE RESPONSIBLE GUN SALES AND MARKETING PRACTICES; DIRECTING THE INTERIM VILLAGE MANAGER TO COORDINATE WITH THE CHIEF OF POLICE TO PARTNER WITH OTHER MUNICIPALITIES TO CREATE A COALITION IN SUPPORT OF THIS INITIATIVE AND TO WORK WITH GUN AND AMMUNITION SUPPLIERS TO ENCOURAGE THE CONSIDERATION OF SALES AND MARKETING SAFEGUARDS; PROVIDING FOR AN EFFECTIVE DATE

9.f **Resolution 2013-52**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **SCHEDULING A SPECIAL COMMISSION MEETING ON TUESDAY, DECEMBER 10, 2013, FOR THE PURPOSE OF CERTIFYING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION; ADMINISTERING THE OATH OF OFFICE TO THE NEWLY ELECTED COMMISSIONERS; PROVIDING A WORKSHOP AND ORIENTATION TO ALL ELECTED OFFICIALS;** PROVIDING FOR AN EFFECTIVE DATE.

9.g **Resolution 2013-53**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AFFIRMING **SUPPORT FOR THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR**; URING MUNICIPALITIES OF MIAMI DADE COUNTY TO SUPPORT THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR EFFECTIVE DATE

9.h **Resolution 2013-55**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **DECLARING VILLAGE VEHICLE AS SURPLUS PROPERTY** AND GRANTING THE INTERIM VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS THROUGH GOV DEALS; PROVIDING FOR AN EFFECTIVE DATE

9.i **Resolution 2013-56**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE EXPENDITURE OF \$11,976.00 FOR BULLET PROOF VESTS THAT WILL BE REIMBURSED IN FULL THROUGH AN AWARDED GRANT**; PROVIDING FOR AN EFFECTIVE DATE

9.j **Resolution 2013-57**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE THE BUSINESS CLASS SERVICE ORDER AGREEMENT BETWEEN COMCAST AND THE VILLAGE OF BISCAYNE PARK FOR INTERNET SERVICE**; PROVIDING FOR AN EFFECTIVE DATE

9.k Commission approval to waive fees for Meet the Candidate event scheduled for Monday, November 25, 2013.

Commissioner Ross makes a motion to approve the balance of the consent agenda.
It is seconded by Vice Mayor Anderson.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper,
Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

12 Resolutions

12.c **Resolution 2013-51**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **AUTHORIZING THE MAYOR TO EXECUTE THE PUBLIC ART AGREEMENT BETWEEN CECILIA LUEZA AND THE VILLAGE OF BISCAYNE PARK FOR THE COMMISSION OF A MURAL AT THE ED BURKE RECREATION CENTER**; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Vice Mayor Anderson: There is no specification of a warranty and what the staff and material cost will be for preparing the wall for the artist.

Interim Manager Camara: Besides the \$2,500 budgeted for the project, there has been donations collected to date of \$545. Staff time will be approximately 3 hours at the rate of \$13.00/hour. Based on the size of the wall, will need two 5-gallon containers of paint.

Commissioner Ross makes a motion to approve Resolution 2013-51 amending it to include that the artist will oversee the preparation and color selection for the wall. It is seconded by Commissioner Cooper.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Cooper, Commissioner Ross and Commissioner Watts

Opposed: None

Motion carries: 5/0

Left on the agenda are items 12.a, Resolution 2013-44, and 12.b, Resolution 2013-54. Consensus to have both items moved to the November 14th Special Commission meeting.

Announcements

Thursday, November 7th - Recreation Advisory Board at 7:00pm

Monday, November 11th - All Village Departments are closed for Veteran's Day

Tuesday, November 12th - Code Compliance Board at 7:00pm

Thursday, November 14th - Special Commission Meeting at 6:30pm

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

Monday, November 18th - Ecology Board at 6:30pm

Wednesday, November 20th - Parks & Parkway Advisory Board at 6:00pm

Friday, November 22nd - 80th Anniversary Art/Music Celebration

Thursday, November 28th - All Village Departments are closed for Thanksgiving

Friday, November 29th - Village Hall is closed. Public Works is operational.

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

Tuesday, December 3rd - Biscayne Park Election from 7:00am to 7:00pm

Thursday, December 5th - Recreation Advisory Board at 7:00pm

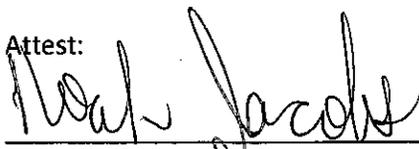
Our next regular Commission meeting is Tuesday, December 10, 2013 at 7:00pm.

Adjournment

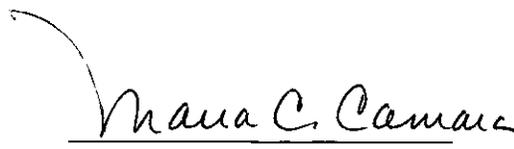
The meeting was adjourned at 11:37pm.

Commission approved on November 14, 2013.

Attest:



Noah Jacobs, Mayor



Maria Camara, Village Clerk