



**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**  
**Tuesday, September 10, 2013 at 7:00pm**  
**Presentations at 6:30PM**  
**Meeting at 7:00PM**

**1 Call to Order**

Mayor Noah Jacobs called the meeting to order at 6:40pm

**2 Roll Call**

Mayor Noah Jacobs - present

Vice Mayor Bob Anderson - present

Commissioner Bryan Cooper - absent (*Arrived at 6:55pm*)

Commissioner Roxanna Ross - present

Commissioner Barbara Watts - absent (*Arrived at 7:16pm*)

Present from staff were:

Interim Village Manager Maria C. Camara

Village Attorney Eve Boutsis

Chief Ray Atesiano

Asst to the Manager / Public Services Director Candido Sosa-Cruz

Finance Director Irwin Williams

Assistant Public Works Director Cesar Hernandez

**3-4 Pledge of Allegiance and Presentations**

- 4.a Mayor Jacobs presented Brian Gillard and Jeremy Moore from the Boy Scouts of America

Mr. Moore from the Boy Scouts of America proudly led the pledge of allegiance.

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*Commissioner Cooper arrived at 6:55pm*

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- 4.b Mr. Jared Susi and Solomon Susi provided a presentation on metal roofs.

Vice Mayor Anderson requested that Mr. Susi provide examples of homes with metal roofs with the tile design in our area.

4.c Mayor Jacobs read the proclamation Commemorating the 226th Anniversary of the Constitution of the United States.

4.d Director Sosa-Cruz introduced Mr. Al Caruso and Steve Smith from Craig A. Smith & Associates.

Mr. Smith provided the background on the project as detailed in item 11.b of the agenda.

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*Commissioner Watts arrived at 7:16pm*

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Mayor Jacobs: Can you determine if the cavities in the road are stagnant or will they grow and can you determine the cause.

Mr. Smith: It will get worse. If it is a pipe failure, yes, and the drainage system will fail. On 9th Ct. there is no drainage in the vicinity. Could be a landfill issue from the past. When it was probed, the void was 6' deep. Recommends the use of video to tell you where the failure is, if a joint or a longitudinal failure. Has seen this in other communities. Though guaranteed by the manufacturer, has to be installed specifically to the manufacturer's standards. But with water movement outside the pipe and sub-surface conditions, it could affect it.

Commissioner Watts: Is there a preferable type of material?

Mr. Smith: For us we prefer some over others, but cost is a factor. Concrete works well. Key to the installation is per the manufacturer's requirements and properly inspected during installation. We provide a full service including inspection.

Mayor Jacobs: How quickly do they grow and what is the urgency. How quick will it expand.

Mr. Smith: Each issue is different. Other cities keep filling the hole, and then you don't have drainage anymore. Something you need to address soon. It will create problems and it is a safety hazard.

Vice Mayor Anderson: Confirms it is 6' deep and it could give way at any time.

Commissioner Ross: Report indicates that the area on 9th Ct. needs immediate attention. GPR used to detect voids underground of 4' to 6' deep. The one on the swale, that resident is happy that it no longer floods. But when he drove his pick-up on the grass, the tire started to sink. On the proposal it recommends a video probe. The \$34,000 estimate includes the complete excavation and repair.

Mr. Smith: On exhibit H, #10, to do the inspection it is \$2,945.

Commissioner Ross: We know something is wrong. Should we just excavate and do the work?

Mr. Smith: Recommends to do the video probe first.

Commissioner Cooper: Confirms we have photographs of the road repair work that was previously done.

Mr. Smith: Many communities in South Florida had landfills back in the day.

Commissioner Cooper: Possibility of sink hole could be due to the problem with the limestone base.

Mr. Smith: Not what we stated. More towards landfill.

Commissioner Ross: On 111th St. where it goes across the roadway, concerned with traffic, including our sanitation trucks. Should we limit traffic.

Mr. Smith: Yes, you should.

Director Sosa-Cruz: Will make provisions for that.

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*Mayor moves item 11.b up in conjunction with the presentation.*

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**11.b Resolution 2013-41**

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

Attorney Boutsis read the title.

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

Commissioner Watts: Do we have a maximum amount we are allocating?

Mr. Smith: However you want to proceed, you would get bids or estimates. What has been provided are preliminary estimates.

In order to clarify the costs for the video probe, and then the estimated work for the road repair, Attorney Boutsis recommends to pull the item.

Vice Mayor Anderson withdraws his motion and Commissioner Watts agrees.

Vice Mayor Anderson makes a motion to pull the item and defer it to the September 11th meeting. It is seconded by Commissioner Ross.

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

Opposed: None

Motion carries: 5/0

**5 Additions, Deletions or Withdrawals to Agenda**

Commissioner Cooper pulls item 13.d indefinitely.

Commissioner Watts pulls items 11.a and 13.b and moves it to the October 1st meeting.

Commissioner Ross: Pulls the minutes of August 6, 2013 and August 12, 2013 to the next regular meeting.

Mayor Jacobs will move item 12.a to be heard immediately after the consent agenda.

Interim Manager Camara pulls item 9.k, Resolution 2013.40.

## **6 Public Comments Related to Agenda Items / Good & Welfare**

Marie Smith: 15 Australian Pines were cut by Miami Dade County without notification to residents or a meeting. Only 3 of the 15 were defective. Because of this, we got a new commission. In these last two years, all has been quiet. Commissioner Bernard had made a motion in the past that before a tree was cut down, an independent arborist is to be contacted. I read that Commissioner Watts saw trees being cut down. What is the procedure when you decide to cut trees. Why is this occurring again? Ana Garcia told North Miami to cut down trees. Not what residents wanted. Let us get together when decisions are made to cut trees. We are supposed to be a Tree City. I want to change what we are doing. My husband is rolling over in his grave. I want the Australian Pines protected. Only 19 are left in the Village. They have beautiful trunks. Have children paint them. There is no diversity in our canopy. Only oaks. Please do the proper thing for the residents. Stop making deals.

Chuck Ross: Thanks Dan Samaria for the 9/11 exhibit. Crime Watch attended the meeting in Miami Shores about home invasions. Called a meeting here in Biscayne Park and had a great turnout. One suspect has been caught. Residents had a lot of questions about the loose dogs and coming home alone. The events took place between 10:00pm and 1:00am. Be careful and take note of your surroundings. Additional 30 members added to Crime Watch group.

On annexation, have spoken about raising millage to 9.90. Need to discuss the value adjustment board. They are two years behind in making adjustments. We have to take this into consideration and build up our reserves. One way to mitigate is to annex the adjoining commercial property. This is \$65 million taxable value. Urge you to act on this as soon as possible and to add to our reserves. We would also get additional revenues, not just ad valorem. The cap for property value increase is 3%, but on commercial the cap is 10%.

Jorge Marinoni: On the roads and streets, completely crumbling. 119th between 10th and 8th avenues are falling apart. Gravel coming up and needs new tar. We have to look to fund it. Millage is high enough. If we raise, it will hurt duplex' and those that live in them. Prices of duplex' will go down.

Bill Campbell: On 9.j, commend Commissioner Cooper for presenting this. Greynolds Park is the jewel of northeast Miami-Dade. A wonderful endorsement to stop the growth they are purporting. Their attempting to put in 10-15 story buildings. Just the beginning. This park will suffer. The shade will cover the park. Lights at night will endanger animals. Already heavily congested area. Will add noise and pollution to the area. Parks and Recreation of Miami-Dade County issued a letter before North Miami Beach Council that they were opposed. But they did not listen. This would help if we stood up to them.

Charles Baron: On item 9.j, I am the attorney handling the legal challenge to the rezoning to allow the proposed hotel and office building. Here to answer any of your questions on this zoning matter. Happy to convey the arguments in favor of this. Also have the full scale architectural site plan. This project would have similar height to Aventura Hospital.

Isabel Denez: On loose dog issue and cat attacks, thanks for your serious response. Great that police have found the dogs. They were not strays. Owners will have more charges if it happens again. Idea of hiring a private company, is it being considered. You are in budget time, please add this.

Deborah Bachar: On item 9.j, I am a North Miami Beach resident. Here to thank you if you vote in favor to support Greynolds Park. This is a northeast Dade park. Kids use it. A very important historical park and why we appeal to those outside of North Miami Beach. As a private property owner, have lived 30 years at my home. Have attended all meetings and it has fallen on deaf ears. No one hears us. They have the gall to say that it would not affect single family homes. At end of my block there will be a hotel. As a Village with residential only, you can imagine this and the possibility of lowering property values. Safety for kids is a concern as the boundary will only be 2 lanes.

Barbara Kuhl: Came in at the end of the Boy Scout presentation. I cannot support an organization that is against gay men. Congratulates Dan Samaria on 9/11 presentation. Even though Commissioner Cooper pulled item 13.d, want to say why would anybody introduce a report that is so negative and incriminating against them and want to dredge up the facts again. Has been four years and he still wants his rebuttal posted. Here are the conclusions of the report that are worth repeating: Commissioner Cooper has attacked, challenged and threatened when he did not get the response he wanted; conduct has had harmful effect on Village operations with threats and innuendos. Mr. Cooper threatened the attorney who did report with submitted a flawed report and reporting him to the bar association. This is Mr. Cooper in a nut shell. At last meeting, Gary Kuhl made verifiable facts about Australian Pines. Mr. Cooper stated Mr. Kuhl's facts were wrong and what could happen to him for providing those incorrect facts. Again, disagree with Mr. Cooper and he will come after you. Commission has a fiduciary responsibility.

Should be making decisions based on facts and recommendations from staff and attorney. You are responsible for financial health of Village. Jacobs, Cooper and Watts are throwing away our time and money. Our last Manager and Finance Director told you we were running out of money. Yet you spend on costly murals, potato vine removal and tree trunk art. Why aren't you addressing our problems. You have increased our liability by ignoring the attorney, boards and staff, by changing our code on signs, and refusing to accept dangerous conditions of trees. We are going to run out of money. Will only have a contingency of \$20,000, an amount for a house, not a city. I support public art, but there has been no direction from Commissioner Watts on fundraising for it. I don't want public money to pay for the mural. Get donations for it. Wonder why the three of you wanted to be on this commission. Commissioner Cooper has left a trail of ethics violations. Commissioner Watts is obsessed with art. Mayor Jacobs you have brought little vision or leadership. The only way to better the Village is to work together. You reject compromise, you alienate citizens, and you use your position as Mayor only to further your own agenda. You are soon going to decide on a new Village Manager, so please put aside your own opinions and work together to do what is needed for the Village.

Gary Kuhl: At last meeting Commissioner Cooper accused me of lying regarding Australian Pines, and he made slanderous remarks and erroneous statements about the Australian Pines. Today I am providing factual/scientific information about the statements I made regarding the Australian Pines of which I will provide a copy. Concerning your remarks, the Australian Pines is not a replacement for slash pines and not a part of the pine family. You stated they were not imported, but there are three species that were that were imported for various purposes and to soak up swamps. On using the needles for mulch, there are chemicals that come from those needles and have a dramatic impact on the soil. You stated the removal would have a psychological effect. On the historic value, you are correct. But there are many other species that have a historic value. On the limestone sub-base, the Australian pines affect it. Not a habitat for wildlife. The Australian pines are a threat to agriculture and environment and a public nuisance. Mr. Cooper, in your own words. Need to recognize when false statements put forth. Options: State your statements were not true or apologize.

Commissioner Cooper: Will not be apologizing. You misquoted many of the things that I said.

Janey Anderson: Thirty years of attending meetings. Have never seen a commission that has justification to bully the people that pay their salaries. Noah, Bryan and Barbara, in your position you will be criticized - so what? It is part of your job, deal with it. You go after our volunteers, who don't get paid a salary. You come after the people that work for us. Barbara, maybe you are having a bad day regarding the public art. You were so out of proportion to the whole issue. The liability that we can face if a tree falls is huge. On the mural project, you are allow non-residents to vote and there are so many more issues with it. Noah and Bryan, you refer to the people who always come to this meeting as the small group that try to influence. We are here to speak as per our charter. Everyone has the right to speak. Like the people you agree with. Well those that you do not agree with have the right to speak. The more I see the bullying, the more I see you want to shut down the process. There is a word for this, it is call communism.

Dan Keys: On 12.c, in favor of having the annexation workshop. Worth the discussion. A good exercise for the community. May come to light that it would be of value. On 12.d, in favor of that item, but hopes it is not one-sided as was presented here. The general idea is good. On 12.b, vacancies on the board, Mayor and Bryan, you have vacancies on Parks & Parkway. At our meetings we have good conversations. We need your representation. Not in favor on the consolidation of the boards. They are each unique and have their own responsibilities. Let's fill up the boards first. On mural, a nice idea, but not the year to use public funding. On 11.a, that was deferred, don't like the way it was written. Have offered 10 times my services and the services of the Parks & Parkway Advisory Board. The issue of tree removal is emotional and most are uninformed. On the Boy Scouts of America, not in favor on my tax dollars going to this organization. I am a gay man and not in favor of an organization that would not accept me.

Mayor Jacobs: In the future, when e-mails are submitted to be read at the Commission meeting, will instead have them distributed to each Commissioner.

Commissioner Ross: Objects to the Mayor's decision on this matter.

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*The following resident comments were read by Interim Manager Camara:*

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Andrew Olis: Regarding metal roofs, as a member of Planning & Zoning, this has come before us. Metal roofs do not fit into Biscayne Park. Will have no control over the architecture if approved. There are horrible examples of metal roofs in Miami Shores. They diminish the resale value of property. Metal roofs are an inexpensive alternative to tile. Regarding the mural, I highly approve of public art, but in our case, this needs to be accomplished by donations. We have more immediate needs for the \$5,000. Also have a problem with the artist fees. If they are charging \$5,000, they need to prove their market/sales value as this is an investment to the Village. On the item of enabling future cost effective investigations into Village ethical and procedural problems, I do not support this. Too many implications for a small Village. The legal costs will be even greater in the long run. Thank you for your time and service to the Village.

Chester "Doc" Morris: Sorry unable to attend. Do not understand why taxpayer money will be used for a mural when Village Hall is in need of repairs. It is truly irresponsible for anyone to propose it. Should only be done through donations. Do not understand why three of our Commissioners fail to come to events. At the crime watch meeting, only Bob and Roxy were there. This shows a lack of interest. If you are too busy, you should resign. When I had the privilege of being a Commissioner, I came to all events. You are being paid a stipend to represent us. If you don't want to take part, then return the money. I hope you take this as constructive criticism and to make an effort to get involved.

Fred Jonas: Bryan, I am perplexed. You have spoken against people who don't vote and that if you don't vote in BP elections, you don't deserve to vote. So it's confusing when you disparage those who faithfully come to Commission meetings. You complain about low attendance in the past, and then criticize those that actually attend, and accuse them of trying to exert inordinate influence by expressing their opinions. How is it that you single out those that demonstrate unflinching dedication to BP. You also complain that they have some sort of influence over Commissioners. It appears that people you dislike don't have any influence on you. You devote yourself to frustrate them, even at the expense of the Village overall. But you and other commissioners with who you often agree with, take positions that represent those that don't attend meetings, and that are anonymous. But you complain about those that take the time to come to meetings, give their names and addresses for the record?

Dan Samaria: Asks to extend 9/11 exhibit to September 16th. Read a story dedicated to 9/11.

## **7 Interim Village Manager**

7.a Due to a conflict with the Miami Dade County Special Election on November 5, 2013, the November regular commission meeting will be on Wednesday, November 6, 2013.

## **8 Village Attorney**

< None >

## **9 Consent Agenda**

Vice Mayor Anderson pulls item 9.j and it is moved to item 11.c.

Mayor Jacobs: On item 9.d, adds the directive that the board return with their recommendation within 90 days.

Commissioner Cooper pulls item 9.i and it is moved to item 11.d.

Left on the consent agenda:

9.a Approval of Minutes

> June 4, 2013 Regular Commission Meeting

- > July 9, 2013 Regular Commission Meeting
- > July 17, 2013 Special Commission Meeting

9.b Acceptance of Board Minutes

- > Code Compliance Board - August 13, 2013
- > Parks & Parkway Advisory Board - July 17, 2013
- > Planning & Zoning Board - August 5, 2013
- > Planning & Zoning Board - August 19, 2013
- > Planning & Zoning Board - September 3, 2013
- > Recreation Advisory Board - August 1, 2013

9.c Commissioner Ross: Observing September 11 - National Day of Service and Remembrance

Directing the Code Review Board to solicit community and expert input concerning construction and roofing materials, analyze options and present recommendations to the Commission within a reasonable amount of time.

9.e **Resolution 2013-34**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE MAYOR TO **RENEW THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE NONPROFIT ASSISTANCE CENTER** AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

9.f **Resolution 2013-35**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **RATIFYING THE APPOINTMENT OF PATRICK J. MCGEEHAN TO THE RECREATION ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE

9.g **Resolution 2013-36**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK IN **SUPPORT OF THE MIAMI-DADE COUNTY MOBILE TRAVELING LIBRARY** AND URGING MIAMI DADE COUNTY MAYOR CARLOS GIMENEZ AND THE MIAMI DADE COUNTY BOARD OF COMMISSIONERS TO CONTINUE FUNDING FOR THIS SERVICE; PROVIDING FOR AN EFFECTIVE DATE

9.h **Resolution 2013-37**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE INTERIM VILLAGE MANAGER TO **EXECUTE THE ACCEPTANCE FOR THE PURCHASE OF THE ACCOUNTING SOFTWARE APPLICATION FROM BS&A SOFTWARE**; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross makes a motion to approve the balance of the consent agenda and 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.a Village Manager Position - Review of top candidates selected; process and timeline for scheduling interviews.

Mayor Jacobs: Looking for the next steps in the process. Would prefer to go forward with the recommendation of the Resident Review Committee.

Commissioner Ross: Suggests to come up with a maximum of eight candidates and for the Clerk to contact to fill out the formal application and provide them with a salary range. Then we can dwindle down to less for individual interviews, then make determination at October 1st meeting.

Commissioner Cooper makes a motion to go with the candidates from group A that were selected by the residents and meet two weeks from now. It is seconded by Mayor Jacobs.

Commissioner Cooper amends the motion to include application, salary range and due date of two weeks. Amendment accepted by Mayor Jacobs.

Commissioner Ross: Both committees found common ground. I chose 4 candidates from group B, and there was some in group A that I felt did not work for the Village.

Commissioner Watts: In group A, I found one that I wanted to go forward with and on group B, there were two that warranted an interview.

Commissioner Cooper amends the motion to go with the eight from group A, and allow Commissioners Ross and Watts to add additional from group B. Mayor Jacobs does not accept the amendment.

The motion is called to a vote:

All in favor: Mayor Jacobs and Commissioner Cooper.

Opposed: Vice Mayor Anderson, Commissioner Ross and Commissioner Watts.

Motion fails: 2/3

Commissioner Ross makes a motion to try to dwindle down to 8 from both groups. Solicit their availability for interviews in October. At 10/1 meeting we will set interview dates. 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

The following candidates were selected:

1. Lee Evett
2. Sarah Hannah-Spurlock
3. Antonio Lopez
4. Kyle McCain

5. Sharon Ragoonan
6. Heidi Shafran
7. Charles Smith
8. Gregory Tindle
9. Elbert Lee Waters

Commissioner Ross makes a motion to set the salary between \$80,000 and \$90,000 with a description of the additional benefits. 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 move the 9 names selected to the next step in the process. 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

## 10 Ordinances

### FIRST READING

#### 10.a Ordinance 2013-09

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; **APPROVING THE SCHEDULE FOR SOLID WASTE COLLECTION AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title.

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

Interim Manager Camara provided the background.

Commissioner Ross makes a motion to approve Ordinance 2013-09 at first reading and 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

#### 10.b Ordinance 2013-10

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **TRANSFERRING FUNDS FROM UNRESTRICTED GENERAL FUND RESERVES TO COVER NEGATIVE FUND BALANCES** OF \$23,341 FROM THE FORFEITURE FUNDS AND \$44,203 FROM THE CAPITAL IMPROVEMENTS FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR 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.

Vice Mayor Anderson makes a motion to approve Ordinance 2013-10 at first reading and it is seconded by Commissioner Ross.

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

Opposed: None

Motion carries: 5/0

## **SECOND READING**

### **10.c Ordinance 2013-02**

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **PROVIDING FOR A UNIFORM METHOD OF IMPOUNDING VEHICLES USED IN THE COMMISSION OF A CRIME; PROVIDING FOR IMPOUNDMENT AND TRANSPORTATION FEES**; PROVIDING FOR WRECKER FEES; PROVIDING METHOD FOR ASCERTAINING PERSONS OF INTEREST; PROVIDING FOR PRELIMINARY HEARING COSTS; PROVIDING FOR FINAL HEARING COSTS; PROVIDING FOR BOND; PROVIDING FOR NOTICE TO PERSONS OF INTEREST; PROVIDING FOR HEARING BY HEARING OFFICER; PROVIDING FOR PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.

Attorney Boutsis read the title.

Commissioner Ross makes a motion to defer to date certain September 24, 2013. 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

## **11 Resolutions**

### **11.c Resolution 2013-39**

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, VOICING SUPPORT FOR NORTH MIAMI BEACH AND MIAMI-DADE COUNTY RESIDENTS WHO OPPOSE RECENT REZONING AND PLANNED DEVELOPMENTS ADJACENT TO BEAUTIFUL AND HISTORIC GREYNOLDS PARK, AND THE RESULTING IMMEDIATE THREAT OF TEN TO FIFTEEN STORY BUILDINGS IMPACTING SINGLE FAMILY RESIDENCES NEAR THE PARK; AND THE BLOCKING OF SUNLIGHT AND OTHER NEGATIVE ENVIRONMENTAL IMPACTS UPON THE PARK ENVIRONMENT, USERS OF THE PARK AND NEARBY RESIDENTS; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title.

Commissioner Cooper: A vote of solidarity is important and sends a message to Biscayne Park residents that we will be vigilant to this that it does not happen here.

Commissioner Watts: How close is hotel to the entrance of Greynolds Park?

Mr. Baron: Entrance with limestone wall immediately adjacent and next to a large banyon tree a turtle pond. One part of hotel is a short stay and the other side is an extended stay hotel. The bottom four floors of the office building is a parking garage for 600 vehicles. Council put a restrictive covenant of 10 stories, but feels it is a sham.

Vice Mayor Anderson: There is a process for an agenda item. This item had no backup, no background, no financial analysis. You always want us to follow policy, but you just go ahead and stick this in there. You want us to get into another city's business. How would you feel if this was done to us? Bring this back to next meeting with full backup.

Commissioner Ross: Really fell most that my tax dollars and resident tax dollars are being used up in this discussion. We have other items on agenda that are important to us. Perhaps you don't know that this has been in discussion in North Miami Beach for a long time. It is that community's issue for the last five years. Their council voted unanimously and they had public hearings. There was a process that that city followed. This commission out of arrogance would dare ask them to reverse their position that is not our concern? Based on what was distributed to us without any backup or reasoning, it is difficult to form an opinion. I did research though and spoke with North Miami Beach and Commissioner Heyman. Do not want to waste time on what does not impact the Village. I viewed an aerial view of the proposed buildings. Happens to be a building just to the north of Greynolds Park and it shows that Mr. Baron's condominium is closer to the boathouse and not where to proposed building is going. Parks are important to all of us. But this is a city issue, an issue of North Miami Beach, but not my city's.

Mayor Jacobs: It is disingenuous that certain Commissioners talk about how much time is spent on a subject. This is a Miami Dade county park and important to the entire community. Important to think at the macro level. Protect our green spaces for our children, elderly and middle aged. It is a regional issue.

Commissioner Cooper makes a motion to approve Resolution 2013-39 and it is seconded by Commissioner Watts.

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

Opposed: Vice Mayor Anderson and Commissioner Ross

Motion carries: 3/2

**11.d Resolution 2013-38**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANT AND ANY SUBSEQUENT AGREEMENTS OR DOCUMENTS ASSOCIATED WITH THE GRANT; PROVIDING FOR AN EFFECTIVE DATE**

Attorney Boutsis read the title.

Commissioner Cooper: Why didn't this go to the Ecology Board and why just the Parks & Parkway Advisory Board.

Director Sosa-Cruz provided the background.

Commissioner Ross makes a motion to approve Resolution 2013-38 and 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

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*Mayor Jacobs calls a recess at 10:15pm.*

*Mayor Jacobs resumes the meeting at 10:25pm.*

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*Item 13.e is heard out of order.*

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**13 New Business**

**13.e Commissioner Ross: Prepaid Postage on Absentee Ballots for Municipal Elections**

Commissioner Ross: This is not a matter of the cost, more so the convenience. Total cost approximately \$97. Looking for commission endorsement.

Commissioner Ross makes a motion that we implement the grand jury's recommendation and like Miami-Dade County, add prepaid absentee ballots. It is seconded by Vice Mayor Anderson.

Commissioner Cooper: Not sure of the benefit.

Vice Mayor Anderson: A great idea, but currently we are working on our finances. Not sure we have \$97 to spend.

Commissioner Watts: Sees both sides. Agrees with Vice Mayor Anderson. Good for certain neighborhoods. But for this election, would not be.

Commissioner Ross: This is a measure implemented by the grand jury 15 years ago and to protect against voter fraud. Recently implemented by the County. Voter suppression comes in quiet ways, to bring up obstacles and to keep voters from voting. Based on projection of 200 absentee votes, would cost \$97. A cost of less than \$100 to increase voter participation would be a positive thing.

Motion is called to a vote:

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

Opposed: None

Motion carries: 5/0

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Vice Mayor Anderson makes a motion to move the balance of the agenda items to tomorrow's meeting (September 11, 2013), which are items 12.b, 13.a and 13.c. It is seconded by commissioner Watts.

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

Opposed: None

Motion carries: 5/0

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## 12 Old Business

- 12.c Commissioner Ross: Proceeding with a Workshop previously scheduled for 9/21/2013 to Discuss Annexation and Municipal Revenue Options

Commissioner Ross: Look to have a workshop to discuss annexation as was previously agreed to. Propose to have in on Saturday, September 21st. References the report from Ken Small. It would be fiscally irresponsible to abandon this. No other area in proximity that has those features or to provide half of our taxable value and little need to expend resources.

Commissioner Ross makes a motion to proceed with the workshop that was previously agreed on with a 5 / 0 vote. It is seconded by Vice Mayor Anderson.

Commissioners Cooper and Watts question whether the county would allow us to "cherry pick".

Commissioner Ross: It is important that we get serious on this. We can't stand still on this. Need to give a statement of intent to the Miami Dade County Commission.

Motion is called to a vote:

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

Opposed: None

Motion carries: 5/0

- 12.d Mural Project - Status of voting and art professional reviews.

Commissioner Watts: The commission voted unanimously on this project back in March. We should now move forward to find funding for it.

Commissioner Watts makes a motion to defer to the September 11th meeting to continue discussion. 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

#### **14 Final Public Comment**

Dan Samaria: Some of the mural submissions look like they are photo-shopped. How can you confirm they will be able to do the mural.

Linda Dillon: Concerned that people who do not live in Biscayne Park can speak at length at our meetings. Yet you want to limit those that do not come to our meeting to have their comments read.

Janey Anderson: Glad that you passed to pay for absentee ballot postage. Considering how much you spent on attorney fees on a matter for another city, \$97 is nothing. Other concern is that items that were noticed for today, are being moved to tomorrow night's meeting and that is not enough notice.

Attorney Boutsis: Confirms that the deferral to tomorrow night's meeting is sufficient notice.

Chuck Ross: Concerned how you come to a meeting and making up rules at the beginning of the meeting. Don't know how long anyone will be able to speak. You need to be consistent. Changing rules month to month, letting residents who don't live here have more time is not right. And not letting resident comments that can't make the meeting be read is not right.

Interim Manager Camara: Just to be clear, I was the one that brought up the concern of reading e-mails for those unable to attend at the meeting.

#### **16 Announcements**

Wednesday September 11, 2013 - 1st Public Hearing FY 2013-14 Budget at 6:30pm

Wednesday September 11, 2013 - Code Compliance Board at 7:00pm

Monday September 16, 2013 - Planning & Zoning Board at 6:30pm

Monday September 16, 2013 - Ecology Board at 6:30pm

Wednesday September 18, 2013 - Parks & Parkway Advisory Board at 6:00pm

Friday September 20, 2013 - Food & Tunes starting at 7:00pm

Tuesday September 24, 2013 - 2nd Public Hearing FY 2013-14 Budget at 6:30pm

Saturday September 28, 2013 - Fun Run / Walk at 8:00am

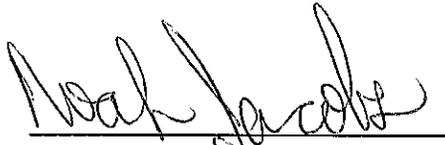
Saturday September 28, 2013 - Health & Fitness Expo from 9:00am to 11:00am

Our next regular Commission meeting is Tuesday, October 1, 2013 at 7:00pm.

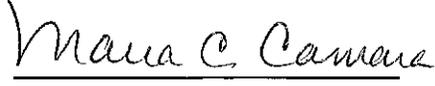
**Adjournment**

The meeting was adjourned at 10:59pm.

Commission approved on November 6, 2013.

  
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Noah Jacobs, Mayor

Attest:

  
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Maria Camara, Village Clerk