



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161
(305) 899-8000

Mayor and Commission

John R. Hornbuckle
Mayor

Steve Bernard
Vice-Mayor

Robert "Bob" Anderson
Commissioner

Kelly Mallette
Commissioner

Chester H. Morris, M.D.
Commissioner

Frank R. Spence
Village Manager

John J. Hearn
Village Attorney

Ann Harper
Village Clerk

AGENDA

REGULAR COMMISSION MEETING

Ed Burke Recreation Center – 11400 NE 9th Court
Tuesday, May 6, 2008 - 7:00 pm

1. CALL TO ORDER and ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR DELETIONS TO AGENDA
4. PRESENTATIONS
 - A. Presentation of Draft Financial Reports for the Fiscal Year ending September 30, 2007, by Albern Caballero & Castellanos, C.P.A., LLP
 - B. Presentation by Lewis J. Beilman, Senior Intergovernmental Representative, South Florida Water Management District (SFWMD)
 - C. Presentation by Major Tom Gross, Miami-Dade County Communications Bureau
 - D. Presentation by Yves Lafontant, Community Outreach Division, State Attorney's Office
 - E. Proclamation to Sandi Dioli-Dumm, representing North Miami Foundation for Senior Citizens Services, in recognition of thirty-four years of community service
5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS
6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) Tab #6
 - A. Approval of Minutes – (1) Regular meeting March 4, 2008
(2) Regular meeting April 1, 2008
 - B. Financial Statement for Six Months - October 1, 2007 through March 31, 2008

Village of Biscayne Park - Agenda

7. PUBLIC HEARINGS – TAB #7

A. SECOND READING OF ORDINANCES

ORDINANCE NO. 2008-1

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Continued from April 1, 2008)

Manager and Attorney Recommendation: Continue to next Commission meeting, June 3, 2008

B. VARIANCES - None

8. ORDINANCES – FIRST READING – None

9. RESOLUTIONS – TAB #9

A. RESOLUTION NO. 2008-8

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, OPPOSING ANY COMPELLED CONSOLIDATION OF MUNICIPAL ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

10. OLD BUSINESS

A. Status of Public Works Yard research (continued from April 1, 2008, Commission meeting) (Village Manager)

B. Motion to construct a new Public Works facility on the current site (Commissioner Morris)

11. NEW BUSINESS – TAB #11

A. Official appeal of disciplinary action against Officer Carlos Meza

Village of Biscayne Park - Agenda

11. NEW BUSINESS – TAB #11 (Continued)

- B. Request approval for use of Federal Forfeiture Funds of \$700 to improve the Recreation Center's surveillance system, which was originally installed utilizing Federal Forfeiture Funds. (Police Chief)
Manager's Recommendation: Approval
- C. Consideration of recommendation to accept the proposal for renewing employee health insurance coverage with Blue Cross Blue Shield of Florida with a rate increase of 15% for the period of 6/1/08 to 6/1/09 as recommended by the Village's Agent of Record Robert Shafer (Village Manager)
Manager's Recommendation: Approval
- D. Discussion of creating a resolution to give residents the opportunity to adopt and care for specific medians and to establish a tax free donation fund to help subsidize median improvements. (Commissioner Anderson)
- E. Recommendation to lease seven (7) 2008 Dodge Charger Police cars from Mears Motor Leasing using the Florida Sheriff's Association Bid
Manager's Recommendation: Approval

TBS

1. Manager's Feasibility Study

12. GOOD AND WELFARE (PUBLIC)

13. REPORTS

A. Committee Reports

- 1. Star gazing Group – Brett Shinn
- 2. Parks & Parkways Board – Dan Keys
- 3. Anniversary Committee – Mayor Hornbuckle
- 4. Code Review Committee

B. Village Attorney Comments

C. Village Manager Comments

- 1. Report from Police Chief Glansberg
- 2. Report on cost of recent Recreation Department events
- 3. Updates on various projects

D. Commission Comments

- 1. Commissioner Anderson
- 2. Commissioner Mallette
- 3. Commissioner Morris
- 4. Vice-Mayor Bernard
- 5. Mayor Hornbuckle

Village of Biscayne Park - Agenda

14. ANNOUNCEMENTS -All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

- | | |
|---------------------|---|
| *Wednesday, May 7 | Parks & Parkways Board at 6:30 pm |
| * Tuesday, May 13 | Code Review Committee at 6:30 pm |
| * Monday, May 19 | Planning and Zoning Board at 6:30 pm |
| * Tuesday, May 20 | Code Enforcement Board at 7:00 pm |
| * Wednesday, May 21 | Anniversary Committee at 6:30 pm |
| * Monday, May 26 | Village Hall, Public Works, Recreation CLOSED in observance of Memorial Day |
| * Tuesday, May 27 | Code Review Committee at 6:30 pm |
| * Monday, June 2 | Planning and Zoning Board at 6:30 pm |
| * Tuesday, June 3 | Regular Commission Meeting 7:00 pm |
| * Wednesday, June 4 | Parks & Parkways Board at 6:30 pm |

15. ADJOURNMENT - NOTE: TBS = To Be Submitted

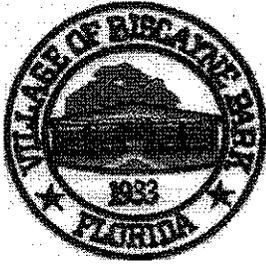
Visit our website at www.biscayneparkfl.gov

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899-8000 no later than (4) days prior to the proceeding for assistance.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court

Tuesday, May 6, 2008 - 7:00 pm

Vice-Mayor Bernard called the meeting to order at 7:10 p.m. In addition to Vice-Mayor Bernard, present were Commissioners Bob Anderson, Kelley Mallette, and Dr. Chester Morris. Mayor Hornbuckle was out of town because of a death in the family. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Holly Hugdahl, Acting Finance Director; Mitchell Glansberg, Police Chief; Bernard Pratt, Public Works Director; Elisa Tankersley, Recreation Director, and Ann Harper, Village Clerk.

Commissioner Mallette led the Pledge of Allegiance followed by a moment of silence in memory of Mayor Hornbuckle's father.

3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR DELETIONS TO AGENDA

Commissioner Mallette said she would like to defer 10A and 10B in the absence of the Mayor. Commissioner Morris objected saying the item has been deferred many times since 2006 and it is time to take action. Village Manager Spence said there is a strong possibility that in the near future a real alternative will be available for Commission review, and he will have the details no later than next meeting. The Commission agreed to defer this item to the meeting on June 3, 2008.

4. PRESENTATIONS

A. Presentation of Draft Financial Reports for the Fiscal Year ending September 30, 2007, by Albarni Caballero & Castellanos, C.P.A., LLP

Nestor Caballero introduced himself to the Commissioners and distributed copies of the draft financial reports. He said these draft reports are being distributed so the Commissioners can review them prior to the next Commission meeting, when the final audited statements will be presented. Mr. Caballero reviewed the reports and said the Village will lose approximately two hundred thousand dollars next year because of reduced property taxes as a result of Amendment 1 which was approved by voters earlier this year. He will be bringing comprehensive financial statements to the June meeting which will include data for the past ten years. Commissioner Anderson asked Mr. Caballero for the amount of funds the Village should have in "reserves." Mr. Caballero responded that there is no "fixed" amount, but good accounting practice recommends a balance equal to fifteen to twenty percent of operating expenses, and the amount is a management decision.

B. Presentation by Lewis J. Beilman, Senior Intergovernmental Representative, South Florida Water Management District (SFWMD)

Mr. Beilman spoke about water shortage and water conservation.

C. Presentation by Major Tom Gross, Miami-Dade County Communications Bureau

Major Gross distributed a chart showing the number of calls for emergency services (911) calls which are handled by the Communications Bureau. He said the Bureau is fourth in the nation for the number of calls received.

D. Presentation by Yves Lafontant, Community Outreach Division, State Attorney's Office – Mr. Lafontant did not attend the meeting.

E. Proclamation to Sandi Dioli-Dumm, representing North Miami Foundation for Senior Citizens Services, in recognition of thirty-four years of community service

Commissioner Morris read the Proclamation and presented it to Mrs. Dioli. Mrs. Dioli spoke of the work of the Foundation and encouraged senior citizens to participate in the activities and programs.

5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS

Barbara Kuhl spoke about item 11D and said Public Works should be responsible for median maintenance.

Dan Keys spoke about agenda items 11D, 11F, and 11G.

Chuck Ross said it is a good idea to start the budget process early (agenda item 11G).

Roxanna Ross spoke about agenda items 7A, 9A, 10A and 10B, and 11G.

Steve Taylor spoke about agenda item 11F.

6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) Tab #6

**A. Approval of Minutes – (1) Regular meeting March 4, 2008
(2) Regular meeting April 1, 2008**

B. Financial Statement for Six Months - October 1, 2007 through March 31, 2008

Vice-Mayor Bernard removed the Minutes from the April 1 meeting for discussion purposes.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to approve the Consent Agenda without the April 1 minutes. The motion carried by voice vote, 4/0.

Vice-Mayor Bernard referred to page 5, second paragraph under Village Manager Comments, on the third line, the words "water assessment" should be added after "this issue". Commissioner Anderson agreed. Motion was made by Vice-Mayor Bernard, seconded by Commissioner Anderson, to approve the April 1, 2008, minutes as amended. The motion carried by voice vote, 4/0.

7. PUBLIC HEARINGS – TAB #7

A. SECOND READING OF ORDINANCES

ORDINANCE NO. 2008-1

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK,

**CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Continued from April 1, 2008)
Manager and Attorney Recommendation: Continue to next Commission meeting, June 3, 2008.**

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Bernard, to continue the second reading to June 3, 2008. Vice-Mayor Bernard said he would like to amend the motion to defer to the October meeting because of the issue of the budget, the Village's only monetary gain in granting early approval would be income of \$11,000. He continued saying that as a Commission courtesy, such as was extended to Commissioner Mallette in postponing the agenda item on Public Works, he would like to postpone action on this ordinance.

Commissioner Morris said we should vote down this ordinance, talk to other cities, and come back with a new one.

Commissioners Mallette and Anderson said a full Commission should have input on this item, and it should be decided at the next meeting.

Attorney Hearn said that FPL representatives expect the issue to be deferred to the June meeting.

Vice-Mayor Bernard called for a roll-call vote on the motion, which carried as follows:

AYES: Commissioners Anderson, Mallette, and Morris;
Vice-Mayor Bernard.

NAYS: None.

ABSENT: Mayor Hornbuckle

B. VARIANCES - None

8. ORDINANCES – FIRST READING – None

9. RESOLUTIONS – TAB #9

A. RESOLUTION NO. 2008-8

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, OPPOSING ANY COMPELLED CONSOLIDATION OF MUNICIPAL ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE
Manager's Recommendation: Approval**

Attorney Hearn read the title of the Resolution. Mr. Spence said that this Resolution was furnished by the League of Cities in response to request from municipalities to retain their individual election dates rather than joining with the County for consolidated elections.

10. OLD BUSINESS

- A. **Status of Public Works Yard research (continued from April 1, 2008, Commission meeting) (Village Manager)**
- B. **Motion to construct a new Public Works facility on the current site (Commissioner Morris)
Deferred to June 3, 2008, meeting**

11. NEW BUSINESS – TAB #11

A. **Official appeal of disciplinary action against Officer Carlos Meza**

Attorney Hearn said that this appeal is on the Agenda because of the terms of the old PBA contract, which was written before the new Charter took effect. Under this contract, the third step of the appeal process was to come in front of the Commission. Both Officer Meza and his representative, Attorney Christina Escobar, are present. If necessary, this can go to arbitration.

Attorney Escobar reviewed the events of the call for service, a domestic violence or battery 911 call, and asked that the written reprimand be rescinded.

Attorney Hearn summarized the written reprimand and said the Commission is being asked to uphold the discipline or approve the grievance.

In response to questions from the Commission, Chief Glansberg said Officer Meza has received training in the Police Academy and additional mandated training. He does not think that training is the issue. This was one of the basic calls for service and is not a complex matter; it does not require supervisory support.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to deny the grievance. The motion carried by voice vote, 4/0.

Attorney Hearn said this Commission action is upholding the discipline.

B. **Request approval for use of Federal Forfeiture Funds of \$700 to improve the Recreation Center's surveillance system, which was originally installed utilizing Federal Forfeiture Funds. (Police Chief) Manager's Recommendation: Approval**

Mr. Spence said the original installation of the surveillance system was financed with Federal Forfeiture Funds, and Staff is recommending that the improvements be funded in the same way.

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to approve the use of Federal Forfeiture Funds. The motion carried by voice vote, 4/0.

C. **Consideration of recommendation to accept the proposal for renewing employee health insurance coverage with Blue Cross Blue Shield of Florida with a rate increase of 15% for the period of 6/1/08 to 6/1/09 as recommended by the Village's Agent of Record Robert Shafer (Village Manager) Manager's Recommendation: Approval**

Mr. Spence said that the current Blue Cross contract expires on May 31, and this is the last Commission meeting before that date. The Village hired Robert Shafer as our insurance agent, and he recommends that the Village stay with the same company and the same plan with an increase of fifteen percent.

Commissioner Anderson said he can see by the information provided that much research has been done, and he recommended that this be approved.

Commissioner Morris commented that every year the premiums increase, and eventually the deductible will have to be increased in order to lower the premium.

Vice-Mayor Bernard suggested that alternatives and other types of policies be considered next year.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to approve. The motion carried by voice vote, 4/0.

D. Discussion of creating a resolution to give residents the opportunity to adopt and care for specific medians and to establish a tax free donation fund to help subsidize median improvements. (Commissioner Anderson)

Commissioner Anderson described his plans to authorize residents to work with the Public Works Department and the Parks & Parkways Board to improve medians.

Attorney Hearn said certain insurance requirements will have to be met and there must be definite specifications as to what people can and cannot do.

Commissioner Mallette said that conceptually it is a good idea.

Commissioner Anderson asked Staff to discuss this suggestion with Parks & Parkways and with Public Works and come back at another meeting with recommendations.

**E. Recommendation to lease seven (7) 2008 Dodge Charger Police cars from Mears Motor Leasing using the Florida Sheriff's Association Bid
Manager's Recommendation: Approval**

Village Manager Spence read into the record his memorandum (attached to these minutes) explaining the need for the vehicles and the method of financing.

Commissioner Morris asked whether or not we can see the cars we have, and Mr. Spence said we anticipate selling them at auction.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to approve entering into the lease agreement as outlined.

Attorney Hearn clarified the motion that the Commission was adopting a resolution to lease the vehicles and authorizing the use of the Sheriff's contract which was previously bid.

Vice-Mayor Bernard said he had a few questions. He commented about the cost of maintenance and about spending \$45,000 a year for the next four years. He asked whether or not this could be postponed. He said this was a big decision and suggested waiting for the Mayor to return so he could vote on the issue.

A roll-call vote was taken on the motion, which carried as follows:

AYES: Commissioners Anderson, Mallette, and Morris.

NAYS: Vice-Mayor Bernard

ABSENT: Mayor Hornbuckle.

F. Trees in the Park (added at the beginning of the meeting)

Vice-Mayor Bernard said parents want to know where we are going to find shade. Many trees were lost during the hurricanes several years ago, and he displayed aerial photographs of the tree canopy before and after Hurricane Wilma. He asked the Parks & Parkways Board to come up with specific planting plans and cost estimates and submit it to the Commission.

Commissioner Anderson said that until we know where and how the new pavilion will be constructed, no plans can be made for planting trees.

Mr. Spence said we are contacting Dade County to find out where they purchased the pavilions in their parks so we can piggy-back on their bids. He said the Parks & Parkways Board will discuss the pavilion and trees at their next meeting.

Regarding the tree at the Recreation Center which was removed, Mr. Spence said the tree had rotting limbs, and almost half of the tree was already gone and the other half could have been blown over and fallen on the building. It was removed for safety reasons.

Vice-Mayor Bernard said he should have waited for the Parks & Parkways Board to meet, and there are certain trees that cannot be cut down.

Commissioner Anderson said he agreed that the tree was in bad shape and it was a liability.

G. Budget Process Discussion (added at the beginning of the meeting)

Vice-Mayor Bernard said other cities start thinking about budgets before August.. He wants to have a departmental budget presented at each of the next three monthly meetings beginning with the Police Department.

Commissioner Anderson said under the old Charter each Commissioner was responsible for one department and each one developed that departmental budget. Now the Village has a professional manager and finance director. He would rather have the Manager present a balanced budget to the Commission, then the Commissioners can go through that balanced budget in a workshop and decide which department has too much and or not enough and move funds around.

Mr. Spence said this is the third budget he has prepared for the Village. State law requires the budget to be balanced. It is the Manager's budget and it is only a recommendation to the Commission. The Commissioners can do anything they wish with the budget, and it becomes the Commission budget. The budget cannot be prepared until the Village receives the estimate of ad valorem tax assessments until June the first, and the final tax roll comes out July the first. These are important because we are dependent upon ad valorem taxes.

Commissioner Morris said he agrees with Commissioner Anderson and the Manager, and it is premature to start talking about things when we do not know how much money we will have.

Commissioner Mallette said it might be productive to see a list of proposed budget cuts prior to the workshops. It is important for residents to know what the cuts will be if the millage

rate remains the same. She would like to see something showing what the situation is under tax reform, what we are required to do, and where our cuts are going to be.

Mr. Spence said he understands and he will move forward with budget preparation as soon as it is realistically possible. Laws are still being issued, and formulas are complicated. We are looking to the Florida League for advice on what this means to us.

12. GOOD AND WELFARE (PUBLIC)

Millie DiSanti suggested that the Village get an HMO for employee insurance coverage and asked about Police bicycle patrol.

Steve Taylor said he was troubled by the attitude of the Commissioners and the Village Manager and asked who is watching the job that the Manager is doing.

Barbara Kuhl commented that four years was wasted being on the Median Review Committee.

Roxanna Ross said she supports the Police Department and believes that the Village should have policies and procedures in place.

13. REPORTS

A. Committee Reports

- 1. Star gazing Group – Brett Shinn** – no report
- 2. Parks & Parkways Board** – Barbara Kuhl reported on the site selected for the pavilion.
- 3. Anniversary Committee – Mayor Hornbuckle** – no report
- 4. Code Review Committee** – Mr. Spence reported that things are going well, but some people appointed to the Committee have not attended the first two meetings. These people will be contacted to see whether or not they are interested in serving on the committee.

B. Village Attorney Comments – Attorney Hearn thanked the Commissioners for attending the Executive Session prior to the Commission meeting and he will be contacting the PBA.

C. Village Manager Comments

- 1. Report from Police Chief Glansberg** – Chief Glansberg gave the monthly report of activities and noted in April there were no burglaries or robberies.
- 2. Report on cost of recent Recreation Department events**
- 3. Updates on various projects** – Mr. Spence said he and Bernard Pratt would be attending an all-day FEMA meeting tomorrow; Chief Glansberg will attend a hurricane workshop; he received calls from the Governor's Office requesting further information for our requests for \$200,000 for Stormwater work and \$60,000 to harden the Recreation Center for use as the EOC. Commissioner Mallette urged all residents and the Commissioners to email the Governor and encourage him to approve the requests.

D. Commission Comments

- 1. Commissioner Anderson** spoke about the trees on NE 121st Street.
- 2. Commissioner Mallette** – no comments
- 3. Commissioner Morris** read a letter which was sent to Audrey Ehrhardt from former Mayor Ed Burke.
- 4. Vice-Mayor Bernard** made a revision to the April minutes and commented on the low amount of landlord permit fees and home occupational fees in the financial reports and suggested it be mentioned in the newsletter. He said after watching Commission meetings for many years, he feels that no goals or priorities have been established.
- 5. Mayor Hornbuckle** - absent

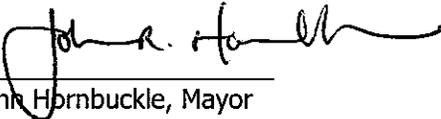
14. ANNOUNCEMENTS -All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

- | | |
|---------------------|---|
| *Wednesday, May 7 | Parks & Parkways Board at 6:30 pm |
| * Tuesday, May 13 | Code Review Committee at 6:30 pm |
| * Monday, May 19 | Planning and Zoning Board at 6:30 pm |
| * Tuesday, May 20 | Code Enforcement Board at 7:00 pm |
| * Wednesday, May 21 | Anniversary Committee at 6:30 pm |
| * Monday, May 26 | Village Hall, Public Works, Recreation CLOSED in observance of Memorial Day |
| * Tuesday, May 27 | Code Review Committee at 6:30 pm |
| * Monday, June 2 | Planning and Zoning Board at 6:30 pm |
| * Tuesday, June 3 | Regular Commission Meeting 7:00 pm |
| * Wednesday, June 4 | Parks & Parkways Board at 6:30 pm |

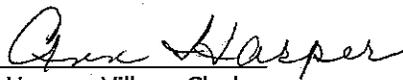
There being no further business to come before the Commission, the meeting adjourned at 10:30 p.m.

Commission approved _____ June 3, 2008 _____

Attest:



John Hornbuckle, Mayor



Ann Harper, Village Clerk