



Village of Biscayne Park

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

Mayor and Commission

John R. Hornbuckle
Mayor

Chester "Doc" Morris
Vice-Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Kelly Mallette
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, September 9, 2008 - 7:00 pm

or immediately following

1st Budget Public Hearing

1. CALL TO ORDER and ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR DELETIONS TO AGENDA
4. PRESENTATIONS
 - A. Senator Gwen Margolis, Representative Ronald Brise, Attorneys David Caserta, and Karen Stanley
 - B. Presentation of Certificate to Captain Antonio Sanchez upon graduating from the Southern Police Institute Command Officers School
 - C. Yves Lafontant, Investigator, Community Outreach Division of Miami State Attorney's Office
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 – none
 - B. Agreements
 - (1) Miami-Dade County Joint Purchase and Entity Revenue Sharing Agreement
 - (2) Contract for the Provision of Public Assistance Coordination between the Village of Biscayne Park and Solid Resources, Inc.

Village of Biscayne Park - Agenda

B. Agreements – Continued

- (3) Integrated Emergency Management Services Proposal by Solid Resources, Inc.**
- (4) Debris Management Plan Proposal by Solid Resources, Inc.**
- (5) Interlocal Agreement with Miami-Dade County for the Parking Fines Reimbursement Program**

7. PUBLIC HEARINGS - TAB #7

A. SECOND READING OF ORDINANCES

ORDINANCE NO. 2008-4

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE COMMISSION TO APPOINT ALTERNATES ON ANY AND ALL BOARDS AND COMMITTEES OF THE VILLAGE AS IT DEEMS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE (2nd Reading)

8. ORDINANCES – FIRST READING – None

9. RESOLUTIONS – None

10. OLD BUSINESS – TAB #10

- A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from August 5, 2008, meeting)**

11. NEW BUSINESS – TAB #11

- A. Status report from Code Review Committee by Al Childress, Chairman**
- B. Appointment of Members to the Recreation Advisory Board**
- C. Award of bid to purchase and install trees with funds from Urban Forestry Grant (bids being received at noon on 9/8/08)**
- D. Consideration of proposal by Commissioner Anderson that:**
 - (1) Unless prohibited by law or union contract, employees are not to be paid for their lunch time. The exception would be the Police Department as they are expected to respond to calls even if on a break.****Manager's Recommendation: Not approve**

Village of Biscayne Park - Agenda

D. Consideration of proposal by Commissioner Anderson that: (Continued)

(2) Unless prohibited by law or union contract, all employees are to be paid only for hours worked. If they are paid for 40 hours, they must work 40 hours.

Manager's Recommendation: Not approve

(3) Unless prohibited by law or union contract, overtime is to be paid on the basis of a 40-hour week, not an 8-hour day.

Manager's Recommendation: Not approve. Not necessary. Village must follow Fair-Labor Standards Act.

(4) All take-home cars must be approved in writing by the Village Manager.

Manager's Recommendation: Approve

(5) No city vehicles are to be taken out of Biscayne Park unless on official city business or if they are approved take home cars by the Village Manager.

Manager's Recommendation: Approve

(6) No city vehicles, even those allowed as take-home cars are to be Used for personal use of any kind.

Manager's Recommendation: Approve

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

B. Village Attorney Comments

1. Report on PBA issues and personnel matters

C. Village Manager Comments

1. Report from Police Chief Glansberg
2. Updates on various projects
 - a. Entry sign easement
 - b. Pavillion
 - c. Public Works Building
 - d. Job descriptions and personnel policies

Village of Biscayne Park - Agenda

D. Commission Comments

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

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

- | | | |
|------------|--------------|---|
| *Wednesday | September 10 | Parks & Parkways Board at 6:30 |
| *Thursday | September 11 | Code Review Committee at 6:30 pm |
| *Wednesday | September 16 | Code Enforcement Board at 7 pm |
| *Monday | September 22 | Planning & Zoning Board at 6:30 pm |
| *Tuesday | September 23 | 2 nd Budget Public Hearing at 6 pm |
| *Tuesday | September 23 | Code Review Committee at 6:30 pm |

15. ADJOURMENT - 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, September 9, 2008 - 7:00 pm
or immediately following
1st Budget Public Hearing

Mayor Hornbuckle called the meeting to order at 7:10 p.m. In addition to Mayor Hornbuckle, present were Commissioners Bob Anderson, Steve Bernard, Kelly Mallette, and Vice-Mayor Dr. Chester Morris. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Mitchell Glansberg, Police Chief; Tony Sanchez, Police Captain; Bernard Pratt, Interim Public Works Director; Elisa Tankersley, Recreation Director, and Ann Harper, Village Clerk.

4. PRESENTATIONS

A. Senator Gwen Margolis, Representative Ronald Brise, Attorneys David Caserta, and Karen Stanley

Mayor Hornbuckle introduced Attorney Caserta, who then introduced State Senator Gwen Margolis and State Representative Ronald Brise. He said that Senator Margolis will be leaving the Florida Senate after thirty-four years of service. Mr. Caserta said the Village fared well this year by receiving \$200,000 from the State for Stormwater Drainage and \$60,000 funding to secure the Recreation Center. Mayor Hornbuckle thanked the representatives for coming to the meeting.

B. Presentation of Certificate to Captain Antonio Sanchez upon graduating from the Southern Police Institute Command Officers School

Chief Glansberg introduced Earl Mitchell, Program Coordinator for the Southern Police Institute Command Officers School. Mr. Mitchell congratulated Captain Sanchez and presented him with a plaque. He also said that Captain Sanchez was elected Class President and graduated in the top ten percent of the class.

C. Yves Lafontant, Investigator, Community Outreach Division of Miami State Attorney's Office – cancelled

The meeting recessed at 7:15 p.m. and returned to the 1st Public Hearing on the Budget.

The meeting was reconvened at 9:15 p.m.

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

Mr. Spence withdrew item 6B2, 3, and 4. He distributed the backup for item 11c. Commissioner Anderson added item 11E, Contract for Miami-Dade programs agreement for services.

5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS – no speakers

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

- A. Approval of Minutes – none**
- B. Agreements**

- (1) Miami-Dade County Joint Purchase and Entity Revenue Sharing Agreement**
- (2) Contract for the Provision of Public Assistance Coordination between the Village of Biscayne Park and Solid Resources, Inc. – This was withdrawn from the agenda.**
- (3) Integrated Emergency Management Services Proposal by Solid Resources, Inc. – This was withdrawn from the agenda.**
- (4) Debris Management Plan Proposal by Solid Resources, Inc. – This was withdrawn from the agenda.**
- (5) Interlocal Agreement with Miami-Dade County for the Parking Fines Reimbursement Program**

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Morris, to approve the Consent Agenda (two agreements). The motion carried by voice vote, 5/0.

7. PUBLIC HEARINGS

A. SECOND READING OF ORDINANCES

ORDINANCE NO. 2008-4

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE COMMISSION TO APPOINT ALTERNATES ON ANY AND ALL BOARDS AND COMMITTEES OF THE VILLAGE AS IT DEEMS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE (2nd Reading)

Attorney Hearn read the title of the Ordinance. Mayor Hornbuckle opened the Public Hearing. No one came forward to speak, and the Mayor closed the Public Hearing.

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Morris, to approve the Ordinance on second and final reading. The motion carried by roll-call vote, as follows:

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

NAYS: None.

Commissioner Bernard asked whether or not Alternate members are expected to attend all meetings. Attorney Hearn said the best practice would be to allow the Alternate members to participate in the meetings but not vote.

8. ORDINANCES – FIRST READING – None

9. RESOLUTIONS – None

10. OLD BUSINESS

A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from August 5, 2008, meeting) – no action

B. Entry Sign (Commissioner Morris) – added to agenda

Vice-Mayor Morris said the business of the entry sign should be turned over to our Attorney.

Attorney Hearn said he recommends giving them a reasonable time to answer our letter.

Mr. Spence said we need to appear before the Diocese and advise them that the Village has been maintaining their property.

Commissioner Mallette said Attorney Hearn should talk with their attorney.

Commissioner Bernard said the contract or agreement should include an option to buy the parcel if the property is sold.

11. NEW BUSINESS

A. Status report from Code Review Committee by Al Childress, Chairman – Mr. Childress presented the report later in the meeting.

B. Appointment of Members to the Recreation Advisory Board

Commissioner Mallette appointed Victoria O'Bryan; Commissioner Bernard appointed Stephen Taylor. The Commission selected Tracy Truppman as Alternate.

C. Award of bid to purchase and install trees with funds from Urban Forestry Grant (bids being received at noon on 9/8/08)

Mr. Spence said that after advertising in the Miami Herald and soliciting at least eight nurseries, only two bids were received, and only one bid met specifications. Funding for the purchase of these trees is from a matching grant from the Department of Agriculture Division of Urban Forestry in the amount of \$22,000. Mr. Spence recommended the Commission accept the bid that met specifications and authorize the Attorney to draw up a contract with the company.

Dan Keys, Chairman of the Parks & Parkways Advisory Board, said the Board will meet and make recommendations for planting.

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Morris, to accept the bid that met specifications and authorize the Attorney to draw up a contract for purchase. The motion carried by voice vote, 5/0.

D. Consideration of proposal by Commissioner Anderson that:

- (1) Unless prohibited by law or union contract, employees are not to be paid for their lunch time. The exception would be the Police Department as they are expected to respond to calls even if on a break.**

Manager's Recommendation: Not approve

Mr. Spence's response to these recommendations is attached to these minutes. After Mr. Spence read his response to this recommendation, Commissioner Anderson said this is a very poor practice. Commissioner Mallette said there should be a better standard for all employees.

- (2) Unless prohibited by law or union contract, all employees are to be paid only for hours worked. If they are paid for 40 hours, they must work 40 hours.**

Manager's Recommendation: Not approve

Attorney Hearn said after Commission direction is given to Staff, he will confirm the legality of proposed actions. Whether employees are salaried or exempt depends on Fair Labor Standards.

Mayor Hornbuckle said these six recommendations should be in the policies and procedures manual.

- (3) Unless prohibited by law or union contract, overtime is to be paid on the basis of a 40-hour week, not an 8-hour day.**

Manager's Recommendation: Not approve. Not necessary. Village must follow Fair-Labor Standards Act.

- (4) All take-home cars must be approved in writing by the Village Manager. Manager's Recommendation: Approve**

- (5) No city vehicles are to be taken out of Biscayne Park unless on official city business or if they are approved take home cars by the Village Manager**

Manager's Recommendation: Approve

- (6) No city vehicles, even those allowed as take-home cars are to be used for personal use of any kind.**

Manager's Recommendation: Approve

11. NEW BUSINESS – Continued from earlier in the meeting

A. Status report from Code Review Committee by Al Childress, Chairman

Mr. Childress said that the committee has been meeting since May, and there are ten members looking at the entire Code. Their focus is now on land use, and a property maintenance section is being written which was not included previously.

Mayor Hornbuckle thanked Mr. Childress for the report.

E. Contract Agreement with Miami-Dade for Services (Commissioner Anderson) – added to agenda

Commissioner Anderson said Miami-Dade College wants to rent rooms at the Recreation Center for classes. They will pay eight dollars an hour for using the facility. He asked the Attorney to look at the contract.

The Commission agreed to hold a short special meeting to make a decision on the contract.

F. County Tax Increase (Vice-Mayor Morris) – added to agenda

Vice-Mayor Morris said the League is holding a meeting on September 18, and recommended elected officials attend.

12. GOOD AND WELFARE (PUBLIC)

Dan Keys said he is disappointed that the millage rate is going lower because the community has been moving forward and needs to invest in itself.

13. REPORTS

A. Committee Reports

- 1. Star gazing Group – Brett Shinn – no report**
- 2. Parks & Parkways Board – Dan Keys** asked that the dead trees throughout the Village be removed.
- 3. 75th Anniversary Committee – Mayor Hornbuckle** said the Committee is seeking Sponsors for the anniversary events.

B. Village Attorney Comments

- 1. Report on PBA issues and personnel matters - Attorney Hearn** said he has received notice of a new lawsuit.

C. Village Manager Comments

- 1. Report from Police Chief Glansberg**
- 2. Updates on various projects**
 - a. Entry sign easement**
 - b. Pavillion - continuing with plans**
 - c. Public Works Building – architect is reviewing plans**
 - d. Job descriptions and personnel policies – in progress**

D. Commission Comments

- 1. **Commissioner Anderson** – no comments
- 2. **Commissioner Bernard** said the water fountain in Recreation is broken again.
- 3. **Commissioner Mallett** - no comments
- 4. **Vice-Mayor Morris** – no comments
- 5. **Mayor Hornbuckle** – no comments

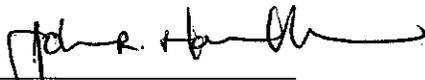
14. ANNOUNCEMENTS -All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

- *Thursday September 11 Code Review Committee at 6:30 pm
- *Wednesday September 16 Code Enforcement Board at 7 pm
- *Monday September 22 Planning & Zoning Board at 6:30 pm
- *Tuesday September 23 2nd Budget Public Hearing at 6 pm
- *Wednesday September 24 Code Review Committee at 6:30 pm

There being no further business to come before he Commission, the meeting was adjourned at 11:00 p.m.

Approved by Commission: _____ November 5, 2008 _____

Attest:



John R. Hornbuckle, Mayor



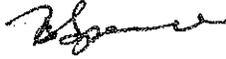
Ann Harper, Village Clerk

VILLAGE OF BISCAYNE PARK

MEMORANDUM

**TO: Mayor Hornbuckle and
Commission Members**

**FROM: Frank R. Spence
Village Manager**



DATE: September 4, 2008

**SUBJECT: RESPONSE AND RECOMMENDATIONS TO AGENDA
ITEMS 11.D. (1), (2), (3)**

ITEM 11.D. (1). I cannot support the policy that “employees are not to be paid for their lunch time.” Police officers eat their meals while working their eight hour shift. The employees in Village Hall eat in Village Hall during lunch time in the conference room (rather than at their desk, which is a poor management practice.) They continue to answer phones and people coming to the front counter during this time. The service to the public does not suffer. This includes all full-time and part-time personnel. Productivity is neither gained nor lost.

ITEM 11.D. (2). I cannot support this proposed policy because, after exempting the police and the public works department (which incidentally only work 7.5 hours a day, which is 37.5 hours a week, that leaves only two full-time administration people that might be affected; the Building Clerk and the Code Enforcement Officer who work different hours because of their duties. The regular Village Hall hours are M-F 9am-4pm. However, on Tuesdays and Thursdays the Building Department hours are 10am-6pm. These have been the Village’s business hours as long as anyone can remember. To single out these two employees gives the appearance of imposing an unneeded and unnecessary condition on them to work longer than Village Hall hours which, in my opinion, would be discriminatory. People are paid a salary to work these hours and no where does it say, in any job application or ad, that the pay is for 40 hours work.

ITEM 11.D. (3); Again, by eliminating the police and public works employees because of their union contracts, this policy would be directed at only two full-time Administrative employees: the Building Clerk and the Code Enforcement Officer. Again, such action is unnecessary because it is already super-ceded and controlled by the Fair Labor Standards Act of the Federal Government.

I have no problem with recommending ITEMS 11. (4), (5), and (6).