



# Village of Biscayne Park

640 NE 114<sup>th</sup> 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 9<sup>th</sup> Court

**Tuesday, August 5, 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. New voting system demonstration by Representatives from Office of the Miami-Dade County Supervisor of Elections
  - B. Yves Lafontant, Investigator, Community Outreach Division of Miami State Attorney's Office
  - C. Presentation of Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending September 30, 2007, by Alberni Caballero & Castellanos, C.P.A., LLP (CAFR distributed previously)
  - D. Father Jean-Ricot Gay, Episcopal Church of the Resurrection
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 January 8, 2008  
(2) Regular Meeting June 3, 2008  
(3) Special Meeting July 15, 2008  
(4) Preliminary Budget Workshop July 15, 2008
  - B. Approval to use State Forfeiture Funds for Special Police Project (includes Certification of Use and Availability of Forfeiture Funds)

**Village of Biscayne Park - Agenda**

**7. PUBLIC HEARINGS - TAB #7**

**A. SECOND READING OF ORDINANCES**

**ORDINANCE NO. 2008-2**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING AND TRANSMITTING THE 2008 EVALUATION AND APPRAISAL REPORT OF THE VILLAGE'S COMPREHENSIVE PLAN FOR REVIEW AND COMMENT AND REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DELEGATE THE SUFFICIENCY REVIEW OF THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC) PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATIONS ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE (2<sup>ND</sup> Reading)  
(P&Z Board/LPA recommended approval on 7/21/08.)**

**(1) Consideration of proposal by Bell David Planning Group, Inc., to begin the next phase of revising the Village's Comprehensive Plan by processing the Evaluation and Appraisal Report-Based Amendments.**

**(2) Consideration of proposal by Bell David Planning Group, Inc., to develop a Water Supply Plan and associated amendments to address 2005 Growth Management Act requirements.**

**8. ORDINANCES – FIRST READING – TAB #8**

**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**

**9. RESOLUTIONS – None**

**10. OLD BUSINESS – TAB #10**

**A. Report on inspecting alternate Public Works Facility site**

**B. Status report on architectural review of plans for Public Works Building**

## Village of Biscayne Park - Agenda

### 11. NEW BUSINESS – TAB #11

- A. Consideration of Replacement of Alternate vacancy on the Code Enforcement Board due to resignation of Maria Camara
- B. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position

### 12. GOOD AND WELFARE (PUBLIC)

### 13. REPORTS

#### A. Committee Reports

- 1. Star gazing Group – Brett Shinn
- 2. Parks & Parkways Board – Dan Keys  
(See report distributed previously recommending new tree planting locations)
- 3. Anniversary Committee – Mayor Hornbuckle

#### B. Village Attorney Comments

#### C. Village Manager Comments

- 1. Report from Police Chief Glansberg
- 2. 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 9<sup>th</sup> Court

- |              |             |   |
|--------------|-------------|---|
| * Wednesday, | August 6    | Parks & Parkways Board at 6:30 pm   |
| * Wednesday, | August 6    | Commission Budget Workshop 6:30 pm  |
| * Monday,    | August 11   | Commission Budget Workshop 6:30 pm  |
| * Tuesday,   | August 12   | Code Review Committee at 6:30 pm  |
| * Monday,    | August 18   | Planning and Zoning Board at 6:30 pm  |
| * Monday,    | August 18   | Commission Budget Workshop 6:30 pm (if needed)                                |
| * Tuesday,   | August 19   | Code Enforcement Board at 7:00 pm   |
| * Tuesday,   | August 26   | Code Review Committee at 6:30 pm  |
| * Tuesday,   | August 26   | Primary Election – 2 precincts in Recreation Center                           |
| * Monday,    | September 1 | All Departments closed in observance of Labor Day                             |
| * Wednesday, | September 3 | Parks & Parkways Board 6:30 pm  |
| * Monday,    | September 8 | Planning & Zoning Board 6:30 pm   |
| * Tuesday,   | September 9 | Regular Commission Meeting 7 pm<br>1 <sup>st</sup> Budget Public Hearing 6 pm |

### 15. ADJOURNMENT - NOTE: TBS = To Be Submitted

Visit our website at [www.biscayneparkfl.gov](http://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 9<sup>th</sup> Court  
Tuesday, August 5, 2008 - 7:00 pm

Mayor Hornbuckle called the meeting to order at 7:05 p.m. In addition to Mayor Hornbuckle, present were Commissioners Bob Anderson, Steve Bernard, and Kelly Mallette, and Vice-Mayor Chester "Doc" Morris. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Holly Hugdahl, Acting Finance Director; Police Chief Mitchell Glansberg; Bernard Pratt, Public Works Director; and Ann Harper, Village Clerk.

Commissioner Anderson led the Pledge of Allegiance, which was followed by a moment of silence.

Mayor Hornbuckle introduced Mr. Cynamon, whose wife, Abby Cynamon, is a candidate for Circuit Court Judge.

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

Mr. Spence added item 11C, Addendum regarding a Recreation Advisory Board and Transit System Surtax Audit. Commissioner Anderson added item 11E with four different subjects.

### **4. PRESENTATIONS**

#### **A. New voting system demonstration by Representatives from Office of the Miami-Dade County Supervisor of Elections**

Candice Colebrook, Outreach and Training Division, said a table has been set up in the lobby with information on voting, and the new scanning machine is available for people to use.

#### **B. Yves Lafontant, Investigator, Community Outreach Division of Miami State Attorney's Office - cancelled**

#### **C. Presentation of Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending September 30, 2007, by Alberni Caballero & Castellanos, C.P.A., LLP (CAFR distributed previously)**

Nestor Caballero introduced himself to the Commission and responded to questions from Commissioner Bernard.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to accept the audit report. The motion carried by voice vote, 5/0.

**D. Father Jean-Ricot Gay, Episcopal Church of the Resurrection**

Father Gay said he appreciates all that the Village has done for the Church. He introduced three other Staff members and asked for help from the Village to establish a primary school at the Church.

Attorney Hearn suggested that he meet with the Building Official.

Commissioner Morris asked about the location for the Village entry sign. Father Gay said he has not received approval from the diocese as yet.

**5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS**

Chuck Ross commented on the public works, recreation center, and tree planting agenda items.

Patty Rodriguez said she was in favor of the Parks Board project.

Lisa Peterson said she supports the Parks Board.

Arthur Ehrhardt complimented Village staff.

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

- A. Approval of Minutes – (1) Regular Meeting January 8, 2008  
(2) Regular Meeting June 3, 2008  
(3) Special Meeting July 15, 2008  
(4) Preliminary Budget Workshop July 15, 2008**

**B. Approval to use State Forfeiture Funds for Special Police Project (includes Certification of Use and Availability of Forfeiture Funds)**

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

**7. PUBLIC HEARINGS - TAB #7**

**A. SECOND READING OF ORDINANCES**

**ORDINANCE NO. 2008-2**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING AND TRANSMITTING THE 2008 EVALUATION AND APPRAISAL REPORT OF THE VILLAGE'S COMPREHENSIVE PLAN FOR REVIEW AND COMMENT AND REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DELEGATE THE SUFFICIENCY REVIEW OF THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC) PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATIONS ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE (2<sup>ND</sup> Reading)**

**(P&Z Board/LPA recommended approval on 7/21/08.)**

Attorney Hearn read the title of the Ordinance.

Jerry Bell, Bell David Planning Group, addressed the Commission and reviewed his recommendations.

Mayor Hornbuckle opened the Public Hearing.

Barbara Kuhl said many of the recommendations may not be desirable. Attorney Hearn explained that the recommendations are general goals.

There were no more speakers, and the Mayor closed the Public Hearing.

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

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

NAYS: None.

**(1) Consideration of proposal by Bell David Planning Group, Inc., to begin the next phase of revising the Village's Comprehensive Plan by processing the Evaluation and Appraisal Report-Based Amendments.**

Attorney Hearn said the proposed cost of Phase II is \$5,000, and he recommended the Commission approve the proposal with provisions which he will add. In response to Vice-Mayor Morris' questions, Mr. Spence said we do have the money for this project and this project must be completed.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to approve the proposal. The motion carried by voice vote, 5/0.

**(2) Consideration of proposal by Bell David Planning Group, Inc., to develop a Water Supply Plan and associated amendments to address 2005 Growth Management Act requirements.**

Attorney Hearn read the title of the proposal and said the cost would not exceed \$4,000. Mr. Spence said South Florida Water Management District (SFWMD) has said that every user must develop a ten year plan, and even though the Village gets water from North Miami, this is a State mandate.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to accept the proposal. The motion carried by voice vote, 5/0.

**8. ORDINANCES – FIRST READING – TAB #8**

**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**

Attorney Hearn read the title of the Ordinance and said that there are ordinances establishing different boards and committees. This ordinance affects all committees and gives the authority for appointing board and committee alternates.

Motion was made by Commissioner Bernard, seconded by Commissioner Anderson, to approve the ordinance on first reading and schedule second reading for September 9, 2008. The motion carried by roll-call vote, as follows:

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

NAYS: None.

**9. RESOLUTIONS – None**

**10. OLD BUSINESS – TAB #10**

**A. Report on inspecting alternate Public Works Facility site**

Mr. Spence referred to his memorandum dated July 31, 2008, which is attached to these minutes, and said based upon the inspection and meeting with Mr. Savits, he does not recommend relocating Public Works.

Commissioner Mallette said putting a trailer on this site would be cheaper than putting a building in the Village, and this proposal did not get the attention it should have been given.

Mr. Spence said it was a legal question of the primary owner agreeing to a long-term lease.

**B. Status report on architectural review of plans for Public Works Building**

Mr. Spence said he received an email from the architect of the building, and he has finished the process of bringing it up to the current code. The intent is to solicit bids.

Commissioner Mallette said we should research using a modular building.

Commissioner Anderson said we should consider moving the building to a different location, such as where the Learning Center would have been built.

Commissioner Morris said the trucks and equipment should stay where they are.

Commissioner Bernard said modular and manufactured buildings are not mentioned in the code.

Commissioner Mallette commented that we would not need storage space for equipment if outside contractors are used.

**11. NEW BUSINESS – TAB #11**

**A. Consideration of Replacement of Alternate vacancy on the Code Enforcement Board due to resignation of Maria Camara**

Motion was made by Commissioner Morris, seconded by Commissioner Mallette, to appoint Janey Anderson to the position of Alternate on the Code Enforcement Board. The motion carried by voice vote, 5/0.

**B. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position**

No appointment was made. Residents were encouraged to advise Commissioners of their interest in being appointed.

**C. Consideration of creating a Recreation Advisory Board to assist the Commission in evaluating recreation programs and operations**

Mr. Spence commented that many other cities, such as Miami Springs, have a Recreation Advisory Board, but the Village has never had one.

Motion was made by Commissioner Morris, seconded by Commissioner Anderson, to create a Recreation Advisory Board. The motion carried by voice vote, 5/0.

**D. Correspondence from Miami-Dade County Transit System Surtax Auditors asking for a refund of \$170,015, going back to Fiscal Year 2003**

Mr. Spence referred to the letter dated July 29, 2008, from the auditors which was distributed to the Commissioners and said the Village must respond to this letter before August 29<sup>th</sup>. The letter states that during the Fiscal Year 2002-2003, the start-up year for the program, the auditors found that the Village did not spend the funds quickly enough in accordance with the ordinance. We do not agree with the finding and we will protest. It was suggested that we request an appeal for a waiver or through Commissioner Sally Heyman. If this problem is wide-spread, it will cause an additional hardship on other cities in Dade County.

Commissioner Anderson said a resident served on the CITT Board at that time, and the Village was assured that we were doing everything right.

**E. Commissioner Anderson said he wanted Commission consensus on the following:**

- (1) Employees will be paid only for hours worked, not lunch hours**
- (2) Employees will be paid overtime only after working a 40-hour week;**
- (3) No city vehicles can be taken out of the park, and all take-home cars must be approved in writing by the Manager**
- (4) The Manager and Attorney submit something in writing dealing with proper Advisory Board protocol**

Attorney Hearn said he would review the union contracts dealing with the lunch issue and draft a memo dealing with what can and cannot be done under the Fair Labor Standards Act.

## **12. GOOD AND WELFARE (PUBLIC)**

Barbara Kuhl commented on the proposed new public works building.

Roxanne Ross spoke about the Public Works Committee.

Amy Refeca spoke in favor of creating a Recreation Board.

## **13. REPORTS**

### **A. Committee Reports**

#### **1. Star gazing Group – Brett Shinn – no report**

#### **2. Parks & Parkways Board – Dan Keys (See report distributed previously recommending new tree planting locations)**

Mr. Spence said he was notified that we must commit to the \$11,000 grant by September 30, 2008, or we will lose it. The grant is for the purchase and installation of new trees, not the removal of trees. The trees must be out for bid before September 30<sup>th</sup>, or the grant will be lost.

Motion was made by Vice-Mayor Morris, seconded by Commissioner Anderson, for the Manager to move forward and start the bid process for purchase and installation of the trees. The motion carried by voice vote, 5/0.

#### **3. Anniversary Committee – Mayor Hornbuckle**

Mayor Hornbuckle said there will be a parade and family day on October 4<sup>th</sup> and a banquet and dance at Miami Shores Country Club on October 18<sup>th</sup> at a cost of \$50 per person. He is looking for people who would like to be sponsors. Next meeting is August 13<sup>th</sup> at 6:30 pm.

Commissioner Bernard said he would like a report from the Code Review Committee at the September meeting since they have been meeting for six months.

### **B. Village Attorney Comments**

Attorney Hearn said he would draft language for a sign at Recreation regarding permit requirements for groups of twelve or more using the facilities.

Regarding the cost of the Charter lawsuit, Attorney Hearn said the "hard costs" of \$2,000 has been awarded to the Village. This represents a lien on the individuals who sued.

**C. Village Manager Comments**

**1. Report from Police Chief Glansberg** – Chief Glansberg gave the June and July statistics for the Police Department.

**2. Updates on various projects**

Mr. Spence said the Village has received a grant of \$60,000 to "harden" the Recreation Center for use as a Emergency Operations Center.

Mr. Spence said he and the Attorney met with the PBA this afternoon and gave them a proposal they can take back to their members for a vote. This contract must be in compliance with the new Charter.

**D. Commission Comments**

- 1. Commissioer Anderson** urged people to vote for the Childrens' Trust on the ballot at the August 26, 2008, election.
- 2. Commissioner Bernard** also commented on the August 26 election.
- 3. Commissioner Mallette** – no comments.
- 4. Vice-Mayor Morris** commented on the possibility of FPL underground lines
- 5. Mayor Hornbuckle** – no comments

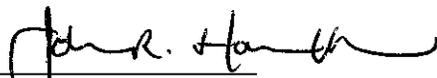
**14. ANNOUNCEMENTS -All public meetings are held at the Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court**

- \* **Wednesday, August 6** Commission Budget Workshop 6:30 pm
- \* **Monday, August 11** Commission Budget Workshop 6:30 pm
- \* **Tuesday, August 12** Code Review Committee at 6:30 pm
- \* **Wednesday August 13** Parks & Parkways Board at 5:30
- \* **Monday, August 18** Planning and Zoning Board at 6:30 pm
- \* **Monday, August 18** Commission Budget Workshop 6:30 pm ( if Needed)
- \* **Tuesday, August 19** Code Enforcement Board at 7:00 pm
- \* **Wednesday August 20** Parks & Parkways Board at 6:30 pm
- \* **Tuesday, August 26** Code Review Committee at 6:30 pm
- \* **Tuesday, August 26** Primary Election – 2 precincts in Recreation Center
- \* **Monday, September 1** All Departments closed in observance of Labor Day
- \* **Wednesday, September 3** Parks & Parkways Board 6:30 pm ( tentative )
- \* **Monday, September 8** Planning & Zoning Board 6:30 pm
- \* **Tuesday, September** Regular Commission Meeting 7 pm  
1<sup>st</sup> Budget Public Hearing 6 pm

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

Commission approved \_\_\_\_\_December 2, 2008\_\_\_\_\_

Attest:

  
John Hornbuckle, Mayor

  
Ann Harper, Village Clerk

**VILLAGE OF BISCAYNE PARK**

**MEMORANDUM**

**TO: Mayor Hornbuckle and Commission Members**

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



**DATE: July 31, 2008**

**SUBJECT: INSPECTION OF ALTERNATE PUBLIC WORKS SITE**

On July 17<sup>th</sup> Commissioner Mallette, Attorney John Hearn and I inspected the proposed site for the relocation of the Public Works facility and operations. The site is the former Crippen Oldsmobile service repair site on the east side of the FEC railroad tracks south of NE 125<sup>TH</sup> Street, in the unincorporated area of the county (not in the City of North Miami). We met with Mr. Chris Savits who advised us that Anchor Towing was going to move to this location and would be willing to provide space along the back of the property and would fence it in for our use. What he later disclosed was the Anchor Towing did not own the property out-right, but merely has an option to purchase which had approximately 34 months to go.

The property offered to us does not have any offices, or toilets, or showers, or locker space. We would have to bring in industrial type trailers to accommodate our needs with the necessity of running water, sewer and power lines to it. All of this would cost money. And the real owner of the property would have to agree on a long term lease to protect the Village's investment were it to go forward with this location.

I called Mr. Savits three times this week trying to set up a meeting with the real owners, but could only leave voice messages.

Based on the above, I cannot recommend relocating the Public Works yard to this location.

*Attachment  
to minutes  
8-5-2008*