



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
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Mayor and Commission

Roxanna Ross
Mayor

Steve Bernard
Vice Mayor

Robert "Bob" Anderson
Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, January 11, 2011 at 7:00PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:07PM. In addition to Mayor Ross, present were:

Vice Mayor Steve Bernard
Commissioner Bob Anderson
Commissioner Al Childress
Commissioner Bryan Cooper

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Village Attorney John Hearn
Finance Director Michael Arciola
Police Chief Mitchell Glansberg
Public Works Director Bernard Pratt
Public Works Administrative Assistant Cesar Hernandez
Parks & Recreation Director Issa Thornell

3 Pledge of Allegiance and Moment of Silence

4 Presentations

Certificate of Appreciation presented to Busy Bee Car Wash, Mr. David James accepting.

Certificate of Appreciation presented to Miami-Dade Commissioner Sally Heyman.

Certificate of Appreciation presented to Miami Shores Rotary, Mr. Chester "Doc" Morris accepting.

Certificate of Appreciation presented to the Knights of Columbus Marian Council, Mr Michael McDearmaid and Mr. James Murphy accepting.

Jack Osterholt provided the background of the Strategic Planning Session that took place on October 23, 2010, and provided a recap of the report. He explained that the report needs to go to staff so that they can review and discuss prior to the beginning of the budget cycle. Then staff is to present to Commission to make sure staff understands the items and priorities.

The Mayor directs the Manager to discuss the report with our legislators and use this document to explore the opportunities to find available funding.

Commissioner Cooper asked if he could cast his votes on the items discussed by proxy. Attorney Hearn advised that due to Sunshine, he could not. But he could at a Commission meeting.

Vice Mayor Bernard makes a motion to accept the report. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Vice Mayor Bernard makes a motion to include the discussion of the report in the May 2011 regular commission meeting. It was seconded by Commissioner Anderson.

Commissioner Cooper asks for an amendment to the motion to direct the Manager to also look for grant opportunities to advance the directives and priorities of the report. The amendment is accepted by both Vice Mayor Bernard and Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

5 Additions, Deletions or Withdrawals to the Agenda

Item 12d removed by Vice Mayor Bernard to allow the Recreation Advisory Board and Parks & Parkway Board to meet to discuss the item. It was moved to the February 1, 2011 meeting.

Vice Mayor Bernard adds an item for discussion on the creation of an Art Review Board. The item is added as 12d.

Commissioner Cooper requests that the following items are added to the Manager's Report, item 14.c: Status of tree grant, removal of tree, and issue of FPL to add concrete pole as reported by a resident.

Commissioner Anderson makes a motion to defer item 11a to a date certain at a special commission meeting. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Commissioner Childress and Commissioner Anderson.

All opposed: Vice Mayor Bernard, Commissioner Cooper and Mayor Ross

Motion fails: 2/3

6 Public Comments Related to Agenda Items / Good Welfare

Judi Hamelburg & Susan Serfer - Item 7f, Expansion of Miami Shores Montessori School

Barbara Kuhl - Consider moving Manager and Commissioner reports earlier in the agenda; item 7b FPL donation; item 7e King Day of Service; Item 11a Soloff Report

John Holland - Gratitude to Commissioners for their time; Item 7j Recreation Advisory Board appointee

Fred Jonas - Rejection of items offered by Vice Mayor Bernard and Commissioner Cooper by Commissioner Childress, Commissioner Anderson and Mayor Ross; Village events not attended by Vice Mayor Bernard or Commissioner Cooper; how Vice Mayor Bernard and Commissioner Cooper perform their duties

Gary Kuhl - Appreciation of service by the Commissioners; long agendas and long meetings are the fault of the entire commission; lack of respect among Commissioners

Carmen DiBernardi - Gratitude to Commissioners for their service; item 7b FPL donation; supports Commissioner Cooper.

7 Consent Agenda

Commissioner Bernard pulls item 7a, the minutes for December 2, 2010, and December 7, 2010; pulls item 7b, FPL Donation; pulls item 7f, Expansion of Miami Shores Montessori.

Commissioner Anderson pulls item 7e, King Day of Service.

Commissioner Cooper pulls item 7d, Port of Miami Deep Dredge Project; item 7g, Policy for Recognition of Exemplary Performance.

Left on consent are items 7c, 7h, 7i and 7j.

Commissioner Anderson makes a motion to accept the items left on the consent agenda. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Item 7a: On the minutes of December 2, 2010, Vice Mayor Bernard makes a motion to approve the minutes with additions. It was seconded by Commissioner Cooper.

Clerk Camara would prefer to receive Vice Mayor Bernard's additions in writing so that they can be forwarded to and reviewed by the entire Commission.

Vice Mayor Bernard amends his motion to defer the minutes for both December 2, 2010, and December 7, 2010, to the February 1, 2011 meeting and to include his additions that will be considered by the Commission.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Item 7b: FPL Donation

Manager Garcia provided the background.

Commissioner Childress asked Attorney Hearn whether the donation request by the Manager was unethical or illegal. Attorney Hearn responded that it was not.

Mayor Ross opened the meeting for public comment on this item.

Barbara Kuhl

Gary Kuhl

Fred Jonas

Rosalyn Cotzie

Carmen DiBernardi

After discussion, motion made by Commissioner Childress to accept the \$15,000 donation with a stipulation that the funds be added to the reserves instead of being used for park enhancements; and earmarked to be utilized by a future Commission for a different purpose, or in the event of an emergency situation. It was seconded by Commissioner Cooper.

Vice Mayor Bernard requests an amendment that instead of putting in reserves, the amount is equally divided among all residents of the Village. Commissioner Childress does not accept.

Mayor Ross asks Commissioner Childress to reconsider his motion as these funds could go a long way in improving the condition of our central park. Commissioner Childress does not accept.

After further discussion, the motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.

All Opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries 3/2

Item 7d: Port of Miami Deep Dredge Project.

Mayor Ross provided the background.

After discussion, Commissioner Cooper makes a motion to research the potential impact of freight traffic on the eastern border of our Village and to bring the item back at the February 1, 2011 meeting. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Item 7e: King Day of Service

Mayor Ross provided the background.

After discussion, and request that any landscaping ideas go through Parks & Parkway Advisory Board, and that the standard Hold-Harmless agreement be provided to anyone participating at the event, Vice Mayor Bernard makes a motion to approve the resolution. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Item 7f: Expansion of Miami Shores Montessori School.

Mayor Ross provided the background.

After discussion, Commissioner Anderson makes a motion to approve the resolution. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, and Commissioner Anderson

All opposed: Commissioner Cooper

Motion carries: 4/1

Item 7g: Implementing a policy for recognition of exemplary performance.

Manager Garcia provided the background

A motion made by Commissioner Childress to approve the resolution. It was seconded by Commissioner Anderson.

After discussion, Commissioner Cooper makes an alternate motion to provide a substantial reward system when it results in a significant form of crime prevention, in the amount of \$500.

Vice Mayor Bernard asks Attorney Hearn whether forfeiture funds can be utilized for the bonus reward. Attorney Hearn stated it could be a possibility and would have to do further research.

Commissioner Anderson clarified that the resolution was for a policy to reward employees for any type of exemplary performance, not just those related to crime prevention; and that there should be a separate reward system for that.

Commissioner Childress instructs the Manager to create a policy to reward employees when it specifically results in crime prevention and to confirm whether or not forfeiture funds can be utilized.

The original motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

8 Public Hearings

< None >

Item 11c, selection of board member replacement for Parks & Parkway advisory board was moved up and discussed at this point.

Commissioner Cooper selects Dan Samaria.

9 Ordinances - First Reading

< None >

Ordinances - Second Reading

Ordinance 2010-14

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE VI ENTITLED "FINANCE" BY ADDING SECTIONS 2-76 "DEFINITIONS" AND 2-77 "**AUTHORITY TO MAKE INTRADEPARTMENTAL BUDGET AMENDMENTS BY VILLAGE MANAGER**" TO ESTABLISH PROCEDURES BY WHICH THE VILLAGE MANAGER MAY AUTHORIZE AMENDMENTS WITHIN DEPARTMENT BUDGETS WITHOUT VILLAGE COMMISSION APPROVAL; AMENDING CHAPTER 2, ARTICLE VIII TO HAVE REFERENCES TO THE DIRECTOR OF FINANCE REPLACED WITH VILLAGE MANAGER THROUGHOUT ARTICLE VIII AND AMENDING CHAPTER 2, ARTICLE VIII REFERENCING BUDGET APPROPRIATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and Manager Garcia provided the background.

Mayor Ross opened the meeting for public comments on the ordinance and there were none.

Vice Mayor Bernard makes a motion to include a \$900 limit of inter department transfers, and for the Manager to be required to report at next regular meeting, as is similiarly done in the Miami Lakes. It was seconded by Commissioner Childress.

Clarification on whether the limited amount is by month, or by department, or by line item was discussed, as well as clarification on when it has to be brought forward.

After further discussion on clarification of the motion and how to word the entire motion, Mayor Ross asks to break up the changes in separate motions to be clear.

Vice Mayor Bernard amends his original motion to add language to the ordinance to include the \$900 limitation per month.

The motion was called to a vote:

All in favor: Vice Mayor Bernard, Commissioner Childress, and Commissioner Cooper.

All opposed: Mayor Ross and Commissioner Anderson

Motion carries: 3/2

Vice Mayor Bernard makes a motion to add language to the ordinance on the timing of when the Manager is to report the changes made.

Discussion continued on the wording for when the Manager was to report; and the wording on whether to define it as a budget amendment, reallocation, transfer, or other terms. It was also brought up that Miami Lakes was a city that outsourced most of their services.

Commissioner Childress requests that since there is no time constraint to approve this ordinance, and that further discussion is needed to iron out the language, that it should be deferred to the next regular commission meeting.

Vice Mayor Bernard amends his motion to defer second reading to date certain February 1, 2011. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Ordinance 2010-16

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, **TO AMEND ORDINANCE 2009-6 ADOPTED ON SEPTEMBER 22, 2009 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2009-2010, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

Attorney Hearn read the title of the ordinance and Manager Garcia and Finance Director Arciola provided the background.

Mayor Ross opened the meeting for public comments on the ordinance and there were none.

A motion made by Commissioner Childress to approve at second reading. It was seconded by Commissioner Anderson. This motion was later withdrawn.

After discussion and a review of specific line items, a motion made by Commissioner Anderson to move the second reading to date certain February 1, 2011. This motion was withdrawn after Finance Director Arciola advised that we had already exceeded the timeline to make these adjustments, and any further delay would delay the completion of our annual audit.

A motion made by Commissioner Anderson to approve at second reading. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress, and Commissioner Anderson

All Opposed: Vice Mayor Bernard and Commissioner Cooper

Motion carries: 3/2

At 11:05PM, a motion made by Vice Mayor Bernard to extend the meeting to 11:15PM. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

14

Reports

Manager Garcia provided a report on:

> Monthly financial report for December 2011.

> Requested Commissioner Cooper to provide resident information to research placement of FPL utility poles.

> Forrestry grant update; no plans for tree removal; possibility of future Forrestry grant in April 2011.

Attorney Hearn provided a report on:

> Attorney General opinion on Biscayne Park Foundation still pending.

> Informed Commission that Robert Soloff had completed his investigation and that his invoice was due for payment.

Since item 11a, Soloff Investigative Report was not heard, decision made to discuss this item at a Special Commission meeting. Clerk Camara instructed to contact Comcast to confirm the meeting will be taped and televised and to use these dates for possible scheduling: Thursday, January 20th; Wednesday, January 26th; or Wednesday, January 19th.

Since item 11b, draft legislation for code changes for fences and walls, corner lots and hedges was not heard, decision made to bring this item as an ordinance at first reading at the February 1, 2011 meeting.

All other items from the agenda not heard would be moved to the February 1, 2011 meeting.

The Clerk read the announcements:

Announcements

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, January 12th - Recreation Advisory Board at 6:30PM

Saturday, January 15th - King Day of Service

Monday, January 17th - All Village departments are closed in observance of Martin Luther King Day.

Tuesday, January 18th - Planning & Zoning Board at 6:30PM

Tuesday, January 18th - Code Enforcement Board at 7:00PM

Wednesday, January 19th - Parks & Parkway Advisory Board at 6:00PM

Thursday, January 20th - Ecology Board at 6:30PM

Tuesday, January 25th - Code Review Board at 7:00PM

The next regular Commission meeting is Tuesday, February 1, 2011 at 7:00PM.

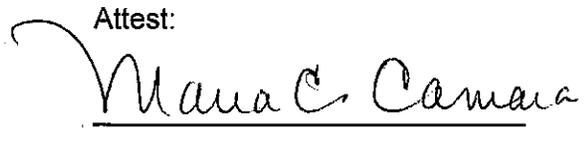
Motion made by Commissioner Childress to adjourn and seconded by Commissioner Anderson.

The meeting was adjourned at 11:24PM

Commission approved on March 1, 2011.



Roxanna Ross, Mayor

Attest:

Maria Camara, Village Clerk