



**VILLAGE OF BISCAYNE PARK**  
640 NE 114TH STREET  
BISCAYNE PARK, FL 33161  
TEL: 305 899 8000 FAX: 305 891 7241  
www.biscayneparkfl.gov

**AGENDA**  
**REGULAR COMMISSION MEETING**  
**Church of the Resurrection - 11173 Griffing Blvd**  
**Biscayne Park, FL 33161**  
**Tuesday, March 1, 2011 at 7:00PM**

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



Indicates documents are attached to this agenda.

**1 Call to Order**

**2 Roll Call**

**3 Pledge of Allegiance**

**4 Presentations**

4.a Chief Mitchell Glansberg - The Village of Biscayne Park Police Department: 2010 - A year in Review

4.b Chief Mitchell Glansberg - Introduction of new reserve police officer, Jesenia Cotilla.

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

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

**7 Village Manager Report**



7.a Tree City USA update and scheduling of Arbor Day 2011 and Earth Day 2011

7.b Drainage improvement project, phase 3 update/schedule.

7.c Finance Report from Finance Director Michael Arciola



7.d Aventura Hospital and Medical Center invitation.

## 8 Consent Agenda



### 8.a Approval of Minutes

- > January 11, 2011 - Regular Commission Meeting
- > January 20, 2011 - Special Commission Meeting
- > February 1, 2011 - Regular Commission Meeting



### 8.b Resolution 2011-11

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO AWARD THE BID FOR MEDIAN MAINTENANCE SERVICES BETWEEN THE VILLAGE AND GROUNDKEEPERS, INC.;** PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Manager Garcia)*



### 8.c Resolution 2011-12

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AUTHORIZING THE VILLAGE MANAGER TO OBTAIN APPRAISALS ON REAL PROPERTY** LOCATED WITHIN THE VILLAGE WHEN NEEDED TO PURSUE MUNICIPAL OPPORTUNITIES INVOLVING PURCHASING OF REAL PROPERTY FOR USE BY THE VILLAGE; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Manager Garcia)*



Approval authorizing Chief Mitchell Glansberg to sign the Mutual Aid Agreement between the Florida Department of Law Enforcement (FDLE).

## 9 Public Hearings

< None >

## 10 Ordinances - FIRST READING



### 10.a Ordinance 2011-01

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" **BY ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS** AND AMENDING THE DEFINITION FOR HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6; **ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES;** PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

## Ordinances - SECOND READING

< None >

### 11 Resolutions

< None >

### 12 Old Business

< None >

### 13 New Business

-  13.a Commissioner Cooper: "New police department procedures vs. continuing crime waves in the Village." *(Moved from the February 1, 2011 meeting.)*
-  13.b Commissioner Cooper: "Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission". *(Moved from the February 1, 2011 meeting.)*
-  13.c Vice Mayor Bernard: A discussion of a new shade tree at the Recreation Center. *(Moved from the February 1, 2011 meeting.)*
-  13.d Vice Mayor Bernard: A DISCUSSION for an Ad Hoc Art Review Board. *(Moved from the February 1, 2011 meeting.)*
-  13.e Commissioner Cooper: Police style badges given to Commissioners.
-  13.f Vice Mayor Bernard: FPL Hardening Project
-  13.g Mayor Ross: Follow up on Kimley-Horn traffic studies.

### 14 Final Public Comment

### 15 Reports

- 14.a Committee Reports
- > Parks & Parkway Advisory Board
  - > Code Review Board
  - > Recreation Advisory Board
  - > Ecology Board
- 14.b Village Attorney
- 14.c Commissioner Comments
- > Vice Mayor Bryan Cooper
  - > Commissioner Bob Anderson
  - > Commissioner Steve Bernard

- > Commissioner Al Childress
- > Mayor Roxanna Ross

## 16 Announcements

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

Friday, March 4th - MOVIE NIGHT in the Park starting at 6:00PM.

Monday, March 7th, Planning & Zoning at 6:30PM

Tuesday, March 8th, Code Review at 7:00PM

Wednesday, March 9th, Recreation Advisory Board at 6:30PM

Tuesday, March 15th, Miami Dade County Special Election - 7AM to 7PM

Tuesday, March 15th, Code Enforcement at 7:00PM

Wednesday, March 16th, Parks & Parkway at 6:00PM

Thursday, March 17th, Ecology Board at 6:30PM

Monday, March 21st, Planning & Zoning at 6:30PM

Tuesday, March 22nd, Code Review at 7:00PM

Our next regular Commission meeting is Tuesday, April 5th, at 7:00PM.

Please visit our website regularly at [biscayneparkfl.gov](http://biscayneparkfl.gov) and click on the Calendar of Meetings & Events to view the full schedule.

## 17 Adjournment

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 accomodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (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.

DIVISION OF FORESTRY  
(850) 488-4274



THE CONNER BUILDING  
3125 CONNER BOULEVARD  
TALLAHASSEE, FLORIDA 32399-1650

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER ADAM H. PUTNAM

---

FM  
CFA  
Tree City

January 26, 2011

Mr. John Rosenow  
Executive Director  
National Arbor Day Foundation  
211 North 12<sup>th</sup> Street  
Lincoln, Nebraska 68508

Dear Mr. Rosenow:

The Village of Biscayne Park, Florida has filed the attached application for certification as a Tree City USA. The application and supporting documentation has been examined by my staff. We have determined that this community has met all requirements for the award. Accordingly, I recommend the award for the Village of Biscayne Park, Florida be certified as a Tree City USA 2010.

Sincerely,

**ADAM H. PUTNAM**  
**COMMISSIONER OF AGRICULTURE**

A handwritten signature in black ink, appearing to read "James R. Karels".

James R. Karels, Director  
Division of Forestry

JRK/saf

Attachment

cc: ✓ Ana M. Garcia, Village Manager, Village of Biscayne Park, FL  
David Crane, District Manager, Everglades District  
Mark Torok, Senior Forester, Everglades District



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000  
Fax: 305 891 7241  
[www.biscayneparkfl.gov](http://www.biscayneparkfl.gov)

Roxanna Ross  
Mayor

Steve Bernard  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana M. Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria C. Camara  
Village Clerk

Arbor Day –

Nationally recognized on Friday, April 22, 2011

Earth Day –

Nationally recognized on Friday, April 29, 2011

Tentative date for the Village's celebration and commemoration of Earth Day / Arbor Day / Tree City USA designation:

**Saturday, May 14, 2011**

Would include tree planting project and continued improvements on northeast sixth avenue.

**village clerk**

---

**From:** Ana M. Garcia [villagemanager@biscayneparkfl.gov]  
**Sent:** Tuesday, February 22, 2011 11:18 AM  
**To:** Jeanette.Nunez@hcahealthcare.com  
**Cc:** 'Rox Ross'; 'Commissioner Bernard'; 'Commissioner Bob Anderson'; 'Al Childress'; 'Bryan Cooper'; villagelclerk@biscayneparkfl.gov; 'VOBP Archives'  
**Subject:** RE: Follow up

Hi Jeanette, the pleasure was mine, our elected official are very much in touch with our Community and any information and or services that we can pass on to the residents of the Village of Biscayne Park is certainly something we want to do. I will have our clerk include this in my Manager's report for the next commission meeting. Thank you.

Ana M. Garcia  
Village Manager  
Village of Biscayne Park

---

**From:** Jeanette.Nunez@hcahealthcare.com [mailto:Jeanette.Nunez@hcahealthcare.com]  
**Sent:** Monday, February 21, 2011 4:19 PM  
**To:** agarcia@biscayneparkfl.gov  
**Subject:** Follow up

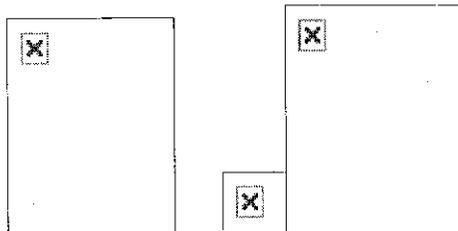
Hi Ana,

Hope all is well. It was a pleasure speaking with you today. As I mentioned, we would like to invite the elected officials of Biscayne Park to come to Aventura Hospital for breakfast or lunch so our CEO, Heather Rohan, can provide an update on all the exciting developments taking place at Aventura Hospital and Medical Center.

Please provide me with some dates/times that would be convenient for the group. Feel free to contact me via email or on my cell.

Regards,

*Jeanette M. Nunez*  
Vice President, External Affairs  
Kendall Regional Medical Center and  
Aventura Hospital and Medical Center  
Phone: 305-222-6770  
E-mail: [jeanette.nunez@hcahealthcare.com](mailto:jeanette.nunez@hcahealthcare.com)



This email and any files transmitted with it may contain PRIVILEGED or CONFIDENTIAL information and may be read or used only by the intended recipient. If you are not the intended recipient of the email or any of its attachments, please be advised that you have received this



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

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

Fed 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 \_\_\_\_\_

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



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

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**  
**SPECIAL COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Thursday, January 20, 2011 at 7:00PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:05PM. 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  
Attorney Michael Piper  
Finance Director Michael Arciola  
Police Chief Mitchell Glansberg  
Public Works Administrative Assistant Cesar Hernandez

**3 Pledge of Allegiance and Moment of Silence**

**4 Presentations**

< None >

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

Vice Mayor Bernard makes a motion to consider postponing the meeting in light of the day's happenings where two Miami-Dade Police Officers were killed; and in respect to the loss of Dan Key's father whose services were being held. It was seconded by Commissioner Cooper for discussion.

After discussion and gratitude expressed by Chief Glansberg for the thoughtful consideration, Vice Mayor Bernard withdraws the motion.

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

Barbara Kuhl  
Judi Hamelburg  
Milton Hunter  
Linda Dillon  
Gary Kuhl  
Dan Samaria  
Barbara Watts  
Estelle Hacia

Clerk Camara read comments from:

- > Former Mayor John Hornbuckle
- > Resident Carmen Di Bernardi
- > Former Code Enforcement Officer Sira Ramos

Additional public comments from:

Drew Dillworth  
Steve Taylor

**7 Old Business**

October 21, 2010 Investigative Report from Robert D. Soloff, Esquire

Attorney Piper provided an overview of the investigation and Mr. Soloff's findings and recommendations.

A motion made by Commissioner Anderson to accept the report. It was seconded by Commissioner Childress.

Mayor Ross asks Commissioner Cooper to consider withdrawing his rebuttal of the report as they are beyond the scope of the report. After some discussion the Mayor withdrew her request.

Commissioner Childress asks for an amendment to the motion to also include forwarding a copy of the complete report to the Commission on Ethics.

Mayor Ross asked to vote on the original motion first to accept the report, then later decide what to do with the report and its findings.

After discussion from the Commission, Manager Garcia was provided with an opportunity to speak on the item.

After final comments from the Commission and Manager Garcia, the original 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

Vice Mayor Bernard makes a motion to act on the recommendations made by Mr. Soloff:

- > Clear communication, conflict resolution techniques, organizational growth and development.
- > Seminar of the Florida Public Records law and development of basic Village public records policy.

It was seconded by Commissioner Cooper with a request for a friendly amendment to specify that we obtain a facilitator that provides consensus building/training in addition to the conflict management training. Vice Mayor Bernard accepts the amendment.

Commissioner Childress states that by asking for this motion it is redundant as the original motion to accept the report includes accepting both the findings and the recommendations.

Commissioner Anderson was also concerned with the financial impact of the recommendations.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper

All Opposed: Mayor Ross, Commissioner Childress, and Commissioner Anderson

Motion fails: 2/3

Commissioner Childress directs the Manager to come back at a regular commission meeting and provide a report on how to implement the recommendations.

Mayor Ross asks for consensus from both Vice Mayor Bernard and Commissioner Cooper on Commissioner Childress' directive and both agree.

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

The meeting was adjourned at 9:40PM.

Commission approved on \_\_\_\_\_

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



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

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, February 1, 2011 at 7:00PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:08PM. 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  
Attorney Chris Ambrosio  
Finance Director Michael Arciola  
Police Chief Mitchell Glansberg  
Public Works Director Bernard Pratt  
Public Works Administrative Assistant Cesar Hernandez  
Parks & Recreation Director Issa Thornell  
Building Official Sal Annese

**3 Pledge of Allegiance and Moment of Silence**

The pledge of allegiance was led by the junior and varsity members of the Youth Soccer Program.

**4 Presentations**

Parks & Recreation Coordinator Issa Thornell introduced the junior and varsity members of the Youth Soccer Program, and the instructor of the program, Coach Joe Ademet.

Police Chief Mitchell Glansberg introduced the police officers of the year:  
> Officer of the Year - Lawrence Churchman

- > Investigator of the Year - Ray Atesiano
- > Supervisor of the Year - Captain Antonio Sanchez

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

Vice Mayor Bernard adds an item for discussion on the FPL pole replacement project. It is added as item 13e under New Business.

Commissioner Cooper requests that the Manager provides her comments on the information provided by Tom Leach during her report.

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

Linda Dillon - Training session recommendations from Soloff's report; handout provided for each commissioner

Fred Jonas - Item 13d, Art Review Committee

Tracy Truppmann - Fencing of corner lots, height of hedges, corner visibility

Dan Samaria - Idea of a town hall meeting

Doug Tannehill - Resolution 2011-02 Support of Port of Miami Deep Dredge Project.

Barbara Watts - Resolution 2011-02 Support of Port of Miami Deep Dredge Project; Resolution 2011-08 Regulating Pill Mills; Resolution 2011-07 Selling of MetLife stock; Resolution 2011-09 Kimley-Horn Traffic Engineering agreement; Art Review Committee; FPL pole replacement

---

Mayor Ross provided a summary of Roberts Rules of Order as it applies to the running of the Commission meetings.

---

## **7 Village Manager Report**

Manager Garcia expressed her gratitude to the Police Department and the seamless relationship with all other Village departments and the community.

Manager Garcia provided a status/report on:

- > Tree City USA designation has been received by the State and in process.
- > Will be looking at the next US Forestry grant cycle for new opportunities.
- > Manager and Clerk will be participating in a training seminar on ethics from the Florida Cities and County Manager's Association.
- > Doing a complete review of Village wide security and will be getting quotes from current alarm services provider.
- > Looking to implement a weekly Saturday village-wide sweep by Public Works to keep up with the activity that occurs on weekends.
- > Manager and Finance Director will meet with resident Tom Leach to review the report he provided and will come back to the March meeting with a report.

Village Clerk Camara provided a status/report on:

- > Residents can utilize a public records request form to obtain a DVD copy of commission meetings that is available 30 days after the date of the meeting, or an audio CD copy that is available 3 days after the date of the meeting.
- > Looking into a mail box drop at Village Hall for residents.
- > Reminded entire commission to include the VOBP archives e-mail on all e-mails, including e-mail blasts to residents.
- > Working with Finance Director Arciola to create an RFP to obtain quotes for IT service providers on upgrade of our IT infrastructure.

Finance Director Arciola provided a status/report on:

- > HTE accounting software.
- > Monthly financial report for January 2011 will be available and sent to the Commission by the following week.
- > The Florida Retirement System completed an audit of the Village and is currently reviewing their findings and will report back to the Commission on the results.
- > MetLife stock background and history.

---

Commissioner Childress arrived at 8.09PM

---

## **8 Consent Agenda**

Commissioner Bernard pulls item 8a, the minutes for December 2, 2010, December 7, 2010, January 11, 2011 and January 20, 2011, for discussion. Also pulls item 8e, Resolution 2011-10, which is moved to agenda item 11.c.

Commissioner Cooper pulls item 8d, Resolution 2011-09, which is moved to agenda item 11.d

Left on consent are items 8b, 8c, 8f, and 8g.

Commissioner Childress 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 8a: On the minutes of December 2, 2010, and December 7, 2010, Vice Mayor Bernard makes a motion to approve the minutes with the additions he provided. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

Commissioner Childress makes a motion to approve the minutes of December 2, 2010, and December 7, 2010, as submitted by the Clerk. It was seconded by Commissioner Anderson.

The motion was called to a vote:

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

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

Vice Mayor Bernard makes a motion to defer the minutes for both January 11, 2011, and January 20, 2011, to the March 1, 2011 meeting and will provide his additions and corrections to be considered by the Commission.

The motion was called to a vote:

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

All opposed: Commissioner Anderson and Commissioner Childress

Motion carries: 3/2

**9 Public Hearings**

< None >

**10 Ordinances - First Reading**

**Ordinance 2011-01**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" **BY ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS** AND AMENDING THE DEFINITION FOR HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6; **ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES**; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Ambrosia read the title of the ordinance.

Mayor Ross opened the meeting for public comment on the ordinance:

- > Dan Keys
- > Steve Secary

Code Review Board member Gary Kuhl represented the board in place of the chair, Gage Hartung, who was not able to attend.

After discussion, a motion made by Vice Mayor Bernard to direct the Code Review Board to craft language to add to the ordinance to allow fencing in the front yard with the following:

- > A maximum of a 3' opaque masonry wall

> Additional maximum of 3' ornamental iron or aluminum for a total of up to 6'.

> Or 6' maximum of ornamental iron or aluminum with concrete pylons every so many feet, to be determined.

It was seconded by Commissioner Anderson

The motion was called to a vote:

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

Opposed: Commissioner Childress

Motion carries: 4/1

A motion made by Commissioner Anderson to direct the Code Review Board to craft language to add to the ordinance to allow fencing on the side yard of a corner lot allowing:

> A maximum of 5' with allowable materials and requiring hedging to be placed along the side that abuts the neighbor.

It was seconded by Vice Mayor Bernard

The motion was called to a vote:

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

Opposed: Commissioner Childress

Motion carries: 4/1

After further discussion on allowing picket fences, gates, and fencing materials, Commissioner Childress requested that additional discussion on this be done through a workshop to get input from all residents. There was consensus to schedule a workshop to review the entire ordinance and all proposed additional changes and language.

Meeting tentatively scheduled for Thursday, February 24, 2011, at 7:00PM.

---

Meeting order changed to discuss items 11b and 11d.

---

11

## **Resolutions**

### **Resolution 2011-06**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE AGREEMENT FOR STORMWATER SERVICES PHASE III BETWEEN THE VILLAGE AND MAGNA CONSTRUCTION, INC; PROVIDING FOR AN EFFECTIVE DATE.

Manager Garcia provided background on the resolution and introduced the owner of Magna Construction, Inc., Mitch Tourino.

Commissioner Childress makes a motion to accept the Manager's recommendation to approve the resolution. It was seconded by Commissioner Anderson.

Vice Mayor Bernard asks for an amendment to the motion to add a one year warranty clause to the agreement and to strike the fourth whereas clause in the agreement where it states the Manager negotiated the contract. The amendment was accepted by Commissioner Childress and added that the Manager is to review the agreement with the Village attorney for any additional required language.

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

**Resolution 2011-09**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE AGREEMENT FOR TRAFFIC ENGINEERING AND PLANNING SERVICES BETWEEN THE VILLAGE AND KIMLEY-HORN & ASSOCIATES, INC., PROVIDING FOR AN EFFECTIVE DATE

Manager Garcia provided background on the resolution and introduced Greg Kyle from Kimley-Horn & Associates.

Commissioner Childress makes a motion to accept the Manager's recommendation to approve the resolution. It was seconded by Commissioner Anderson.

Vice Mayor Bernard asks for an amendment to the motion to add that Kimely-Horn provide an estimate on the project and to set a limit to not exceed.

The Mayor asked for all those in favor of the amendment:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Request to amend the motion fails: 2/3

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

---

Meeting order resumed.

---

**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 Ambrosia read the title of the ordinance.

The second reading of this ordinance was deferred from the last meeting to date certain February 1, 2011. At the last meeting, a change was made to the ordinance to include a limit of \$900 of inter department transfers.

Mayor Ross opened the meeting for public comment on the ordinance:

> Fred Jonas

Commissioner Childress makes a motion to change the limit of the inter department transfers to 40%, and anything above would come back to the Commission.

After discussion, Commissioner Childress withdraws his motion due to lack of a second.

Mayor Ross asks for a reconsideration of the vote taken to add the \$900 limitation which would require any of those that voted in the affirmative to make a motion to rescind it.

Vice Mayor Bernard asks for an appeal to the request made by the Chair.

---

Mayor Ross requests a five minute recess.

---

The meeting resumes and Attorney Ambrosio clarified that any Commissioner on the prevailing side that voted for the \$900 limit at the last meeting can make a motion to rescind it.

Commissioner Childress makes a motion to rescind the addition of the \$900 limit of inter department transfers. It was seconded by Commissioner Anderson.

The motion was called to a vote:

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

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

Commissioner Anderson makes a motion to adopt the resolution as to its original form. It was seconded by Commissioner Childress.

The motion was called to a vote:

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

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

---

At 11:00PM, Vice Mayor Bernard makes a motion to extend the meeting for an additional 20 minutes. 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

---

11

## **Resolutions**

### **Resolution 2011-02**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA EXPRESSING SUPPORT FOR FEDERAL FUNDING IN SUPPORT OF THE PORT OF MIAMI DEEP DREDGE PROJECT; DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE APPROPRIATE OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE**

A motion made by Vice Mayor Bernard to approve. It was seconded by Commissioner Anderson.

Commissioner Childress requests an amendment to the original motion to add that when copies of the resolution are transmitted, that a cover letter is added expressing the Village's concern in the increase of rail traffic along the eastern border of the Village.

The Mayor asked for all those in favor of the amendment:

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

Request to amend the motion carries: 5/0

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

**Resolution 2011-10**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ESTABLISHING THE COST FOR ADDITIONAL/UNSCHEDULED TRASH REMOVAL; PROVIDING FOR AN EFFECTIVE DATE**

A motion made by Vice Mayor Bernard to approve. It was seconded by Commissioner Anderson.

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

**12 Old Business**

Mayor Ross: Report on King Day of Service

Mayor Ross provided a summary on the donations collected, expenditures and possible future projects discussed.

---

Vice Mayor Bernard makes a motion to extend the meeting for an additional 15 minutes. It was seconded by Commissioner Cooper.

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

---

The Clerk read the announcements:

**Announcements**

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

Monday, February 7th - Planning & Zoning at 6:30PM

Tuesday, February 8th - Special Primary Election starting at 7:00AM until 7:00PM.

Wednesday, February 9th - Recreation Advisory Board at 6:30PM

Tuesday, February 15th - Code Enforcement at 7:00PM

Wednesday, February 16th - Parks & Parkway Advisory Board at 6:00PM.

Tuesday, February 16th - Code Review at 7:00PM

Thursday, February 17th - Ecology Board at 6:30PM

Monday, February 21st - All Village departments closed in observance of President's Day.

Tuesday, February 22nd - Planning & Zoning at 6:30PM

Wednesday, February 23rd - Code Review at 7:00PM

The next regular commission meeting is Tuesday, March 1, 2011, at the Church of the Resurrection due to the elections taking place at the recreation center.

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

The meeting was adjourned at 11:30PM

Commission approved on \_\_\_\_\_

Attest:

\_\_\_\_\_

Roxanna Ross, Mayor

\_\_\_\_\_

Maria Camara, Village Clerk



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## 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

February 23, 2011

To: Mayor Roxana Ross  
Vice Mayor Steve Bernard  
Commission Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

**Re: Resolution 2011-11 – Bid award for Median Maintenance Services**

### **Background Analysis:**

The Public Works Department has lost four full time employees within the past three years that the Village has not replaced, yet the work load has only increased with the maintenance of the Sixth Avenue medians, the landscaped area of our Village entrance sign, the new plantings at the Public Works facility, the Butterfly Park, Ed Burke Park, Griffing Park and areas around Village Hall. Additionally, renovations at the Ed Burke Park call for added building maintenance and upkeep, and the Cabin is in need of more attention as are our ball fields.

The Public Works team needs assistance so they can focus on some of the details, projects and enhancements that can and will be done in the Village of Biscayne Park. Putting out fires and a band aid approach to maintenance is a disservice to our Village, its residents, and the Public Works team.

To hire a minimum of two full time employees at a rate of \$8.00 per hour would cost the Village of Biscayne Park approximately \$53,588 including all benefits. Additionally, equipment cost, repair, storage and on going training and uniform cost would also need to be included in the cost analysis. Hence the recommendation to outsource a portion of our median maintenance is the conclusion of our research.

The medians of 111<sup>th</sup>, 113<sup>th</sup>, 115<sup>th</sup>, 117<sup>th</sup>, and 119<sup>th</sup> streets, as well as 5<sup>th</sup> and 6<sup>th</sup> avenues would be outsourced and the large medians and parks would be maintained in house, as the large medians are identified in any parks system as linear parks. Our in house team can better plan and execute their assignments, we can better train and develop our team, the Village saves money and we are able to enhance the aesthetics of our Village.

Request for Bid 2011-01 resulted in seven firms responding based on the attached scope of work. The Village Clerk received and certified the bid packages and a bid opening was held on February 11, 2011. The low bidder for the services requested was Groundkeepers, Inc. (Environmental Maintenance and Landscape Development). Groundkeepers is an established and experienced company with satisfied clients from the Town of Miami Lakes to the Village of Palmetto Bay. Their expertise goes above and beyond lawn care. Maintenance of athletic fields is an area where Groundkeepers has excelled as well.

**Manager Recommendation**

**Page 1 of 2**

This local company is home grown with a team ready to assist the Village of Biscayne Park in a variety of areas.

**Fiscal/Budgetary Impact:**

These services would commence the first week of April, and the service for the months of April through September would be bi-monthly. The cost per complete service for all the medians listed above would be \$877.00 per service. This fiscal year that would equate to \$11,401. We have budgeted \$5,000 in Public Works under "Summer Mowing", and the additional \$6,401.00 would come out of the Road Fund, under the Road Materials line item budgeted for fiscal year 2010-2011.

**Manager Recommendation:**

We will work with Attorney Hearn on the details of the agreement to include a probationary period so as we are insured the satisfaction of our expectations, and in the upcoming budget workshop process designate the necessary funding for a complete yearly service.

Manager recommends approval.

1  
2  
3 **RESOLUTION NO. 2011-11**  
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION OF THE**  
6 **VILLAGE OF BISCAYNE PARK, FLORIDA AWARDDING THE BID**  
7 **FOR MEDIAN MAINTENANCE SERVICES TO**  
8 **GROUNDKEEPERS, INC.; AUTHORIZING THE VILLAGE**  
9 **MANAGER AND THE VILLAGE ATTORNEY TO NEGOTIATE AN**  
10 **AGREEMENT FOR MEDIAN MAINTENANCE WITH**  
11 **GROUNDKEEPERS, INC.; PROVIDING FOR AN EFFECTIVE**  
12 **DATE**  
13

14 WHEREAS, the Village's Public Works Department has lost four full-time employees in the  
15 last two years and has not been able to hire replacements as the cost to hire a minimum of two full-time  
16 employees would cost the Village approximately \$53,588.00 annually; and

17 WHEREAS, additional funding would also be necessary to cover the cost of uniforms, training,  
18 equipment, and storage; and

19 WHEREAS, the work load of the remaining employees in the Public Works Department has  
20 dramatically increased due to the employee shortage as well as new landscaping features, additional  
21 maintenance at the Village's parks, and numerous other projects/facilities; and

22 WHEREAS, on January 28, 2011, the Village sent out an Invitation to Bid for median  
23 maintenance services and received seven (7) responses;

24 WHEREAS, Groundkeepers, Inc. was found to be the lowest bidder to complete the Invitation  
25 to Bid package; and

26 WHEREAS, these services would commence in the month of April, 2011, on a bi-monthly  
27 basis and would cost the Village an estimated amount of \$17,540.00 annually, with funding to be  
28 provided through the budgeted dollars in the Public Works Department's budget under "Summer  
29 Mowing" and under the Road Fund budget under "Road Materials"; and

30 WHEREAS, the Village Commission finds it to be in the best interests of the residents of the  
31 Village to award the bid for median maintenance to Groundkeepers, Inc. and to further authorize the  
32 Village Manager and the Village Attorney to negotiate an agreement for services; now, therefore

33 BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE  
34 PARK, FLORIDA:

1            **Section 1.**     The foregoing "Whereas" clauses are hereby ratified and confirmed as  
2 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

3            **Section 2.**     The Bid for median maintenance is hereby awarded to Groundkeepers, Inc.  
4 for median maintenance services.

5            **Section 3.**     The Village Manager and the Village Attorney are hereby authorized to  
6 negotiate an agreement for median maintenance services between the Village and Groundkeepers,  
7 Inc.

8            **Section 4.**     This Resolution shall become effective upon adoption.

9  
10 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

11

**The foregoing resolution upon being  
Put to a vote, the vote was as follows:**

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

Mayor Ross : \_\_\_\_\_  
Vice Mayor Bernard: \_\_\_\_\_  
Commissioner Anderson : \_\_\_\_\_  
Commission Childress : \_\_\_\_\_  
Commissioner Cooper: \_\_\_\_\_



Date: February 11, 2011

**RE: MEDIAN MAINTENANCE SERVICES  
BID OPENING**

RFP 2011-1

Bid Due Date: Friday, February 11, 2011 at 2:00PM

Bid Opening: Friday, February 11, 2011 at 2:30PM

Bid Pick Up Date	Firm	Bid Submit Date	Bid Amount Per Service
1 2/2/2011	Groundkeepers, Inc.	2/11/2011	\$877.00
2 2/4/2011	Florida Turf & Landscaping	2/11/2011	\$890.00
3 2/4/2011	Tip Top	2/11/2011	\$900.00
4 2/2/2011	Valleycrest	2/11/2011	\$1,064.00
5 2/7/2011	Aquatic Landscaping	2/11/2011	\$1,190.00
6 2/4/2011	OrchidMan Landscape	2/11/2011	\$1,447.08
7 2/7/2011	SFM Services, Inc.	2/11/2011	\$1,500.00
8 2/4/2011	Superior Landscaping		



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000  
Fax: 305 891 7241  
[www.biscayneparkfl.gov](http://www.biscayneparkfl.gov)

## MEDIAN MAINTENANCE SERVICES

### MAINTENANCE STANDARDS:

1. Grass areas shall be maintained as lawn areas, cared for and evenly trimmed as prescribed in the landscape maintenance specification.
2. Areas remaining in a natural state shall receive only such maintenance as needed to sustain their continued growth, free from disease and clear of all dead and fallen materials.
3. Shrubs, beds, existing ornamental and feature trees shall be maintained in accordance with prescribed specifications.
4. Maintenance of all grounds shall conform to high standards. Litter and debris shall be removed on a "per cutting" basis so as to maintain the ground in a clean and attractive condition.

### MAINTENANCE SPECIFICATIONS:

#### 1. MOWING:

- No more than 40% of leaf height should be cut back at one time.
- Raking and cleaning of all appropriate areas shall be completed on the same day as mowed

#### 2. EDGING:

- Lawn areas will be neatly edged and all grass invasions eliminated from bed area. Edging will be done every service, with debris removed from the area.
- Beds will be edged and cleaned either by chemical or hand of any undesirable growth with debris removed from the bed area.
- All shooters around trees shall be removed as needed and debris removed from premises the same day.

#### 3. TRIMMING (WEED-EATING):

- Shall be done with each service, areas including, but not limited to signs and/or water meters.

#### 4. HEDGE/SHRUB TRIMMING:

- Shrubs, hedges and group covers will be trimmed as needed, specifically, spring flowering plants will be pruned in a manner appropriate to promote maximum flower display and kept in a neat condition, shrub trimming shall maintain a sculpture appearance, no flat tops and close cutting.

**5. PROCEDURES:**

- Sprinkler heads and pipes will be repaired by **CONTRACTOR**, if broken by its crews during maintenance. If a particular cutting is not completed in a particular day, crew will returned the following work day to complete balance of work.

**MAINTENANCE SCHEDULE:**

**1. SCHEDULE:**

- December – March: 1 service per month
- April – November: 2 services per month (or bi-monthly)

# MEDIANS MEASUREMENTS

5th Ave - South to North		
	Length	Width
1	601 ft..	11 ft..

6th Ave - South to North		
	Length	Width
1	240 ft..	10 ft..
2	252 ft..	10 ft..
3	282 ft..	9 ft..
4	284 ft..	9 ft..
5	596 ft..	10 ft..

8th Ave - South to North		
	Length	Width
1	142 ft..	20 ft..
2	289 ft..	18 ft..
3	308 ft..	19 ft..
4	305 ft..	18 ft..
5	99 ft..	18 ft..
6	172 ft..	18 ft..
7	305 ft..	19 ft..
8	298 ft..	18 ft..
9	308 ft..	18 ft..
10	301 ft..	18 ft..
11	306 ft..	19 ft..
12	286 ft..	18 ft..
13	309 ft..	20 ft..
14	288 ft..	18 ft..

10th - Ave South - North		
	Length	Width
1	312 ft.	26 ft.
2	300 ft.	26 ft.
3	304 ft.	26 ft.
4	312 ft.	26 ft.
5	322 ft.	24 ft.
6	300 ft.	22 ft.
7	324 ft.	22 ft.
8	288 ft.	22 ft.
9	268 ft.	21 ft.
10	290 ft.	22 ft.

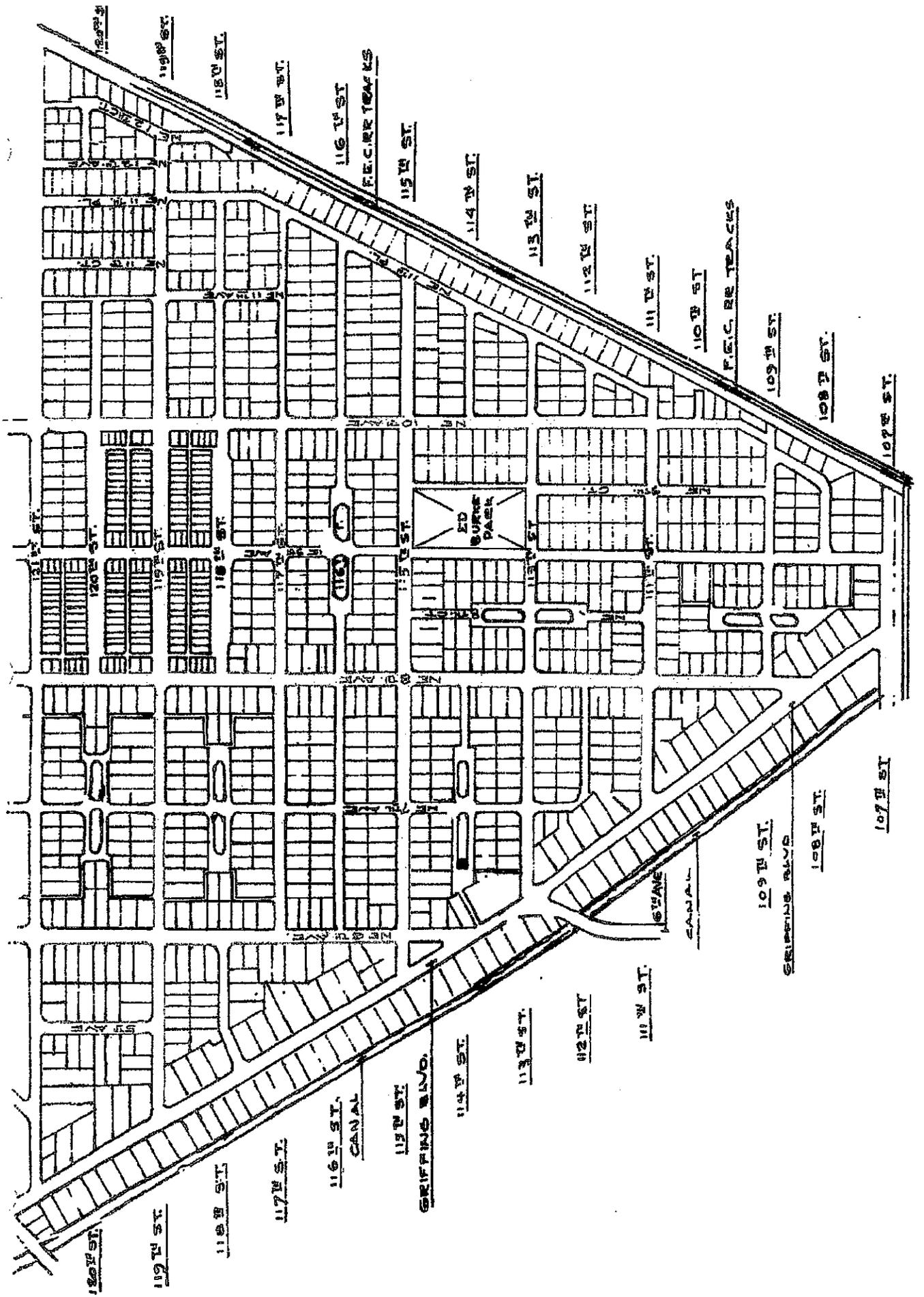
111th Street - West to East		
	Length	Width
1	597 ft.	14 ft.
2	289 ft.	10 ft.
3	275 ft.	10 ft.

113th Street - West to East		
	Length	Width
1	405 ft.	15 ft.
2	589 ft.	12 ft.
3	224 ft.	12 ft.
4	40 ft.	13 ft.
5	215 ft.	11 ft.

115th Street - West to East		
	Length	Width
1	164 ft.	18 ft.
2	604 ft.	18 ft.
3	1018 ft.	14 ft.
4	275 ft.	15 ft.
5	278 ft.	14 ft.

117th Street - West to East		
	Length	Width
1	602 ft.	13 ft.
2	606 ft.	13 ft.
3	618 ft.	10 ft.
4	596 ft.	8 ft.

119th Street - West to East		
	Length	Width
1	405 ft.	12 ft.
2	407 ft.	15 ft.
3	590 ft.	13 ft.
4	610 ft.	11 ft.
5	600 ft.	20 ft.
6	592 ft.	20 ft.



120th St

119th St

118th St

117th St

116th St

115th St

114th St

113th St

112th St

111th St

109th St

108th St

107th St

Griffiths Blvd

Canal

Stake Canal

F.E.C. RR TRACKS

F.E.C. RR TRACKS

Ed Burke Park



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

## 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

February 23, 2011

To: Mayor Roxana Ross  
Vice Mayor Steve Bernard  
Commission Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Re: **Resolution 2011-12 –Authorization for property appraisals**

### **Background Analysis:**

The Village has spent over \$40,000 over the last five years for outside storage facilities. We currently pay \$700.00 per month for storage. The Village needs to move in the direction of eliminating this costly practice and there hasn't been a better time than now to explore the possibility of purchasing a property in the Village of Biscayne Park.

I have attached an example of a property located in the northeast section of the Village of Biscayne Park, approximately 2500 sq ft., where the bidding was set to start at \$19,000. It could provide the storage we need as well as a sub station for Police presence and possibly housing Code enforcement, while giving us the opportunity to purchase rather than rent and possibly finance a monthly mortgage that could actually be significantly less than what we pay monthly for storage rental. The possibility could exist that we can buy something outright at the right price also.

As your Manager, I have the responsibility to bring to your attention possibilities where we can position ourselves in a better financial situation and this economy has a silver lining that can benefit the Village of Biscayne Park. I have met with our Finance Director and we have worked out the numbers in regards to amortization at different levels and this is an example. For a purchase of \$50,000, the monthly payment for a 30 year fixed mortgage at 5% would be \$268.42. We have also taken into consideration a monthly payment of insurance and maintenance of \$150.00. We would be looking at a monthly payment of \$418.42.

Additionally we are currently paying \$330.00 per month for the rental of the Mobile Modular Unit that houses a component of our Police operation. This number does not include utilities and is being paid out of forfeiture, a well that will eventually dry out.

**Manager Recommendation**

Page 1 of 2

**Fiscal/Budgetary Impact:**

I have met with Attorney Hearn to discuss how we can position ourselves if the right opportunity comes along and his recommendation was for me to seek Commission support for an amount not to exceed \$500 to seek an appraisal for a property in the Village that could be beneficial for our needs, as well as cost effective today and in the future.

The dollars will come from our contingency line item to a line item created in the General Government as determined by the Finance Director and Village Manager. We would limit the appraisals cost not to exceed \$1000.00 for the fiscal year or a max of \$500.00 per appraisal.

**Manager Recommendation:**

Manager recommends approval.

**RESOLUTION NO. 2011 - 12**

**A RESOLUTION OF THE VILLAGE COMMISSION OF  
THE VILLAGE OF BISCAYNE PARK, FLORIDA  
AUTHORIZING THE VILLAGE MANAGER TO OBTAIN  
APPRAISALS ON REAL PROPERTY LOCATED WITHIN  
THE VILLAGE WHEN NEEDED TO PURSUE MUNICIPAL  
OPPORTUNITIES INVOLVING PURCHASING OF REAL  
PROPERTY FOR USE BY THE VILLAGE; PROVIDING  
FOR AN EFFECTIVE DATE**

WHEREAS, the Village of Biscayne Park is in need of storage and office space; and

WHEREAS, over the last five years, the Village has expended over forty thousand dollars (\$40,000.00) for the lease of storage space; and

WHEREAS, the growth of the Village Police Department has caused the Department to have to rent a mobile modular unit in order to house staff, equipment, records, and community policing services; and

WHEREAS, Village staff has researched the cost-effectiveness of purchasing real property as compared to leasing and has found that due to today's market conditions, purchasing real property would be more cost effective; and

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of the citizens of the Village to authorize the Village Manager to proceed with obtaining appraisals of property located within the Village with the future intention of purchasing property for use by the Village; now, therefore

**BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK,  
FLORIDA:**

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

**Section 2.** The Village Manager is hereby authorized to obtain appraisals of property located within the Village in an amount not to exceed \$500.00, consistent with Section 166.045, Florida Statutes with the future intention of purchasing property for use by the Village.

**Section 3.** This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**The foregoing resolution upon being  
Put to a vote, the vote was as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

Mayor Ross \_\_\_\_\_  
Vice Mayor Bernard \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commission Childress \_\_\_\_\_  
Commissioner Cooper \_\_\_\_\_

\_\_\_\_\_  
Maria Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

BROKER CO-OPERATION | RECEIVE ALERTS | LOGIN | REGISTER | JOIN OUR LIST | ENTER YOUR EMAIL

**auction.com** family of companies

**search auction listings** ADDRESS, CITY & STATE, OR ZIP Any Type

BLOG LICENSING

residential commercial land notes auction calendar online bidding

Auctions Home > Florida >> Biscayne Park > 11790 Ne 12th Ct

PREVIOUS LISTING you are viewing 142 of 401 matches NEXT LISTING back to property list

**live chat help**  
Need some tips, pointers or advice on the fly?  
All you need to do is ask.

**11790 Ne 12th Ct Biscayne Park, FL 33161**

**get the facts** Property Item#: 298E  
Property ID: 1241395

Property Type: Duplex # of bedrooms: 5  
Year Built: 1969 # of bathrooms: 3  
Square footage: 2,364 Total Rooms: 9  
Lot Size: 0.02

**Starting Bid: \$19,000** AGENT INFO:  
Previously valued to: \$380,000 [Click here for agent info](#)

Financing Available: Not Available. Cash Purchase Only

THIS DUPLEX IS A GREAT INVESTMENT OPPORTUNITY ON A WONDERFUL LOT IN GREAT LOCATION. THE PROPERTY HAS SOME AMAZING POTENTIAL.

**auction info/registration**

When: Saturday Feb. 26, 2011  
Time: Registration Starts Promptly at 8:00 AM Auction starts promptly at 9:30 AM  
Where: Hyatt Regency Miami - Ballroom 400 SE Second Ave, Miami, FL 33131

**WHAT TO BRING**

Properties open for inspection from 11AM to 4PM on 2/12/11, 2/18/11 & 2/20/11. Please check individual property for specific open house information.

[click here for event info](#)

---

**my saved listings**

---

**my alerts**

Log in or create your free account to see your recent saved items and recent saved searches.

[Purchase Agreement](#) [Terms and Conditions](#)

**licensing information**

Real Estate Broker  
Auction.com CQ1031187

Auctioneer License  
Mark Buleziuk AU3448  
Michael E. Carr AU2913  
Jeffrey Johnston AU3449  
Shane Ratliff AU3784

**open house dates and times**

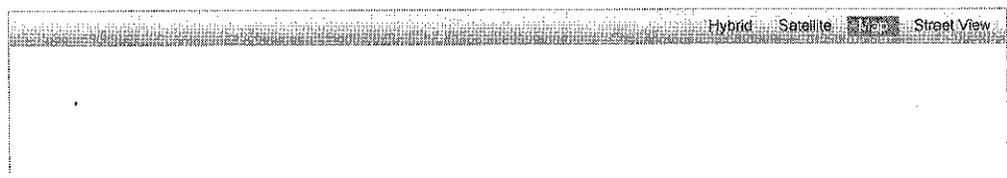
Open House 02/12/2011  
To be determined  
Open House 02/19/2011  
Open from 11AM to 4PM  
Open House 02/20/2011  
Open from 11AM to 4PM

**disclosure documents**

Click on a link below to browse all available documents related to this property.

- Protect Your Family From Lead In Your Home
- Lead Based Paint Hazard Disclosure
- Protect Your Family From Lead In Your Home - Spanish
- Energy Efficiency Rating Information Brochure
- Homeowners Association Disclosure
- Condominium Association Disclosure
- Real Estate Agency Disclosure
- Unincorporated Miami-Dade County Flood Zone Disclosure
- Special Notice-Certificates of Use Miami-Dade

All disclosure documents may not be available at this time. Be sure to check back as additional documents will be added periodically



**Storage Expense**  
**2005 to 2010**

	2005	2006	2007	2008	2009	2010	Total
Extra space	\$ 2,422.00	\$ 4,769.91	\$ 5,141.00	\$ 5,848.00	\$ 6,478.00	\$ 6,011.00	\$ 30,669.91
Iron Mountain	\$ 619.15	\$ 1,399.77	\$ 1,536.12	\$ 1,494.86	\$ 1,889.59	\$ 2,847.00	\$ 9,786.49
							<b>\$ 40,456.40</b>



## **BISCAYNE PARK POLICE DEPARTMENT**

**640 N.E. 114<sup>th</sup> Street  
Biscayne Park, Florida 33161  
(305) 899-8000**

Date: February 7<sup>th</sup>, 2011  
To: Ana M. Garcia, Village Manager  
From: **Chief Mitchell Glansberg**  
Re: Police Agenda Item- Mutual Aid: March, 2011 Commission Meeting  
Cc: Maria Camara, Village Clerk

---

### **1. Background**

Attached please find the Mutual Aid Agreement between the Florida Department of Law Enforcement, (FDLE) inclusive of a multi-agency effort and the Village of Biscayne Park Police Department. The agencies subscribed in this agreement join together in a multi-jurisdictional effort to rescue abducted children and under circumstances allocate their resources to missing/endangered children cases.

### **2. Fiscal Impact**

None

### **3. Legal**

The Village Attorney, Mr. John Hearn has reviewed the agreement and has deemed the agreement legally sufficient.

### **4. Recommendation**

Due to the size of our Village, limited resources and investigative confines, the Village would profit enormously from the benefits of having a shared, tactical, multi-agency response to a missing or abducted child investigation.

Recommend approval authorizing Chief Mitchell Glansberg to sign the Mutual Aid Agreement.



Florida Department of  
Law Enforcement

Gerald M. Bailey  
*Commissioner*

**Miami Regional Operations Center**  
1030 NW 111th Avenue  
Miami, Florida 33172  
1-800-226-3023  
[www.fdle.state.fl.us](http://www.fdle.state.fl.us)

Rick Scott, *Governor*  
Pam Bondi, *Attorney General*  
Jeff Atwater, *Chief Financial Officer*  
Adam Putnam, *Commissioner of Agriculture*

February 2, 2011

Chief Mitchell S. Glansberg  
Biscayne Park Police Department  
640 NE 114th Street  
Biscayne Park, Florida 33161

**RE: "Child Abduction Response Team"**

Dear Chief Glansberg:

Thank you for your interest in participating in the establishment of the Child Abduction Response Team (CART). The program has been extended through December 31, 2012. Enclosed please find a copy of the signature page executed by the Florida Department of Law Enforcement which is considered as binding to the "Child Abduction Response Team" Mutual aid agreement.

Additionally, please find a signature page for your agency. If said Mutual Aid Agreement meets with your approval, please sign and return the original to me at the address listed above. Once all of the signatures have been received, a complete copy of the executed agreement will be forwarded to you.

Should you require any further information or assistance in this matter, please do not hesitate to contact me at 786 336-1004. Thank you in advance for your anticipated attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amos Rojas, Jr.', is written over a horizontal line.

Amos Rojas, Jr.  
Special Agent in Charge  
Miami Regional Operations Center

Attachment

**MUTUAL AID AGREEMENT BETWEEN THE MEMBER  
AGENCIES OF THE CHILD ABDUCTION RESPONSE TEAM  
AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

**WHEREAS**, the below subscribed law enforcement agencies have joined together in a multi-jurisdictional effort to rescue abducted children and under circumstances allocate their resources to missing/endangered children cases; and

**WHEREAS**, the undersigned agencies are all participants in a multi-agency effort known collectively as the Children Abduction Response Team.

**WHEREAS**, the undersigned agencies agree to utilize applicable state and federal laws to prosecute criminal, civil, and forfeiture actions against identified violators, as appropriate; and

**WHEREAS**, the undersigned agencies have the authority under Part 1, Chapter 23, Florida Statutes, "the Florida Mutual Aid Act," to enter into a voluntary agreement for cooperation and assistance of a routine law enforcement nature that crosses jurisdictional lines; and

**WHEREAS**, the subscribing law enforcement agencies are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to continuing, multi-jurisdictional criminal activity, so as to protect the public peace and safety, and preserve the lives and property of the citizens; and

**WHEREAS**, this agreement does not supercede or take the place of any other agreement entered into by the various members of the Children Abduction Response Team . Those agreements shall remain in full effect.

**NOW THEREFORE**, the parties agree as follows:

Pursuant to signing this Agreement, each of the undersigned law enforcement agencies approve, authorize and enter into this Agreement at the request of the member agencies of the Child Abduction Response Team and the Florida Department of Law Enforcement (FDLE) to implement within the jurisdictional and other limits as noted herein for the purposes and goals indicated.

**Parties To This Agreement:**

The Florida Department of Law Enforcement (FDLE) – Miami  
Aventura Police Department  
Bal Harbor Police Department  
Biscayne Park Police Department  
Boca Raton Police Department  
Boynton Beach Police Department  
Broward County Sheriff's Office

Coconut Creek Police Department  
Coral Gables Police Department  
Coral Springs Police Department  
Davie Police Department  
Dept. of Children and Families Services  
Doral Police Department  
El Portal Police Department  
Florida Fish and Wildlife Cons. Commi.  
Fort Lauderdale Police Department  
Golden Beach Police Department  
Hallandale Beach Police Department  
Hialeah Police Department  
Hollywood Police Department  
Homestead Police Department  
Jupiter Police Department  
Key West Police Department  
Lake Clarke Shores Police Department  
Lantana Police Department  
Lighthouse Point Police Department  
Manalapan Police Department  
Margate Police Department  
Miami Beach Police Department  
Miami Police Department  
Miami-Dade Police Department  
Miami-Dade School Police Department  
Miramar Police Department  
Monroe County Sheriff's Office  
North Miami Police Department  
North Miami Beach Police Department  
Opa-Locka Police Department  
Palm Beach County Sheriff's Office  
Palm Beach Gardens Police Department  
Pembroke Pines Police Department  
Pinecrest Police Department  
Plantation Police Department  
Seminole Police Department  
South Miami Police Department  
State Attorney's Office – Broward County  
State Attorney's Office – Dade County  
State Attorney's Office – Monroe County  
State Attorney's Office – Palm Beach County  
Sunny Isles Beach Police Department  
Sunrise Police Department  
Surfside Police Department  
Sweetwater Police Department  
Wilton Manors Police Department

Additional parties may, at the request and with the approval of FDLE and the other Child Abduction Response Team members, enter in this Agreement at a later date as evidenced by their signing of the Agreement. Any party may cancel its participation in the Agreement upon delivery of written notice of cancellation to the Florida Department of Law Enforcement.

**CHILD ABDUCTION RESPONSE TEAM GOALS AND COOPERATION TO BE  
RENDERED:**

The primary goal of the Child Abduction Response Team is to provide a pool of specialized investigators which are available to focus dedicated and intensive investigative, preventative, and general law enforcement efforts primarily with regard to cases involving abducted children. To provide for voluntary cooperation, each of the Child Abduction Response Team agencies hereby approve and enter into this agreement whereby each of the agencies may request and render law enforcement assistance to Child Abduction Response Team member agencies, or other, in dealing with any violations of law including, but not limited to, the investigation, arrest and prosecution of those involved in criminal child kidnapping, abduction, false imprisonment and similar or related violations (utilizing state and federal law and prosecutions, as appropriate), the rescue of the abducted child or children and the seizure and forfeiture of assets of those engaged in child abduction or otherwise supporting such activity (utilizing state and federal forfeiture options, as appropriate).

Nothing herein shall otherwise limit the ability of participating Child Abduction Response Team members to provide, as provided by or allowed by law, such assistance in any enforcement action as may be lawfully requested by a law enforcement officer having jurisdiction over an incident, crime or matter under consideration.

The parties to this Agreement are contributing personnel and resources in support of the Child Abduction Response Team efforts, with the operations of the Child Abduction Response Team being coordinated with FDLE and other agency members.

**JURISDICTION, PROCEDURES FOR REQUESTING ASSISTANCE, COMMAND AND  
SUPERVISORY RESPONSIBILITY:**

Jurisdiction: The principal site of the South Florida CART covering Palm Beach, Broward, Miami-Dade and Monroe County activity shall be in Miami-Dade County, Florida. When engaged in Child Abduction Response Team operations that have been approved by the Florida Department of Law Enforcement, as contemplated by this Agreement, Child Abduction Response Team members that do not otherwise have jurisdictional authority shall enjoy full jurisdictional authority anywhere in the State of Florida, although principally focused within the region, with full power to enforce Florida laws and avail themselves of the provisions of this Agreement. Officers assigned to Child Abduction Response Team operations pursuant to this agreement shall be empowered to render enforcement assistance and take enforcement action in accordance with the law and the terms of this Agreement. Execution of this agreement and continued participation by FDLE and one or more Child Abduction Response Team member agencies shall constitute a general reciprocal, continuing request for and granting of assistance between the members of the Team that shall be considered authorized in accordance with the provisions of this Agreement. No additional or specific formal request for assistance is required. Child Abduction Response Team members operating outside the jurisdiction of their respective Agencies shall not enjoy extra-jurisdictional authority as law enforcement officers unless engaged in approved Child Abduction Response Team activities as stated herein. Pursuant to Section 23.127(1), Florida Statutes, employees and agents of the undersigned Agencies

participating in the Child Abduction Response Team shall, when engaging in authorized mutual cooperation and assistance pursuant to this Agreement, have the same powers, duties, rights, privileges and immunities as if the employees were performing duties inside the political subdivision in which the employee is normally employed.

Procedure for Requesting and Authorizing Assistance: Activities shall be considered authorized only when approved and directed as provided herein by an FDLE supervisor or command designee. The CART will normally function as a force multiplier for the requesting agency, and the requesting agency will remain as the lead agency in overall control of the investigation, unless the requesting agency has formally asked that the CART, under FDLE supervision or other FDLE approved supervision, assume control of the investigation. The parties stipulate that in the event that a significant investigative or jurisdictional dispute should arise, the issue will immediately be forwarded to the relevant agency chief executives for resolution. If at anytime an FDLE

supervisor or FDLE special agent designee(s) determines that an extra-territorial Child Abduction

Response Team operation pursuant to this agreement should be terminated, said operation is to be promptly terminated in a manner assuring the safety of all involved law enforcement officers.

No Child Abduction Response Team employee or agent shall engage in activities outside the jurisdictional territory of the Child Abduction Response Team pursuant to the authority of this Agreement that are not approved, are unreported or otherwise unknown to the FDLE supervisor and which are not documented as provided herein. The FDLE supervisor(s) shall maintain documentation that will demonstrate the daily involvement of specific employees or agents provided by the parties to this Agreement, including each operation's supervisor or designated leader. Such documentation will assist in memorializing which individuals had mutual aid authority pursuant to this Agreement for particular time periods.

After consultation with other participating Child Abduction Response Team agencies, FDLE may request that a particular employee or agent of the Child Abduction Response Team no longer be allowed to participate in furtherance of this provision of the Agreement. Upon receiving the request, the employing agency shall promptly terminate said person's participation in the activities contemplated by this provision of the Agreement. Upon the request of a participating Agency that a sworn or support member of the FDLE no longer participate in the Child Abduction Response Team, FDLE shall, if otherwise in FDLE's best interest to do so, terminate said member's participation in the Child Abduction Response Team. With the approval of FDLE, a Party to this Agreement may otherwise add, substitute, reinstate, or replace any of its sworn or support employees participating in the Child Abduction Response Team.

Whenever an operation occurs outside the territorial limits of the FDLE Miami Regional Operations Center, the Assistant Special Agent in Charge for the FDLE office in the region affected shall be notified about the presence of Child Abduction Response Team personnel in his or her region. Local law enforcement in the area of operation will be notified, as appropriate.

Nothing herein shall otherwise limit the jurisdiction and powers normally possessed by an employee as a member of the employee's Agency.

## **FORFEITURE ACTIONS ARISING FROM THIS AGREEMENT:**

Forfeiture actions based upon seizures made by the Child Abduction Response Team may be pursued in either state or federal actions. Actions shall be based upon current statutory and case law. Distribution of the proceeds shall be shared equally among the participating agencies, or as otherwise determined by written agreement.

## **PROPERTY AND EVIDENCE:**

All property and evidence, including currency, seized in connection with state violations, pursuant to this Agreement, outside the regular jurisdictional boundaries of the Child Abduction Response Team, but within Florida, shall be taken into custody and processed by an FDLE Special Agent in accordance with FDLE policy relating to the handling of property, evidence and currency.

When such items are seized within the regular jurisdictional boundaries for the Child Abduction Response Team, in connection with state violations, the items may be processed and maintained by the lead agency, and agency with jurisdiction or as otherwise agreed upon.

If and when the investigation becomes a federal case or inquiry, any such property and evidence will be taken into custody and processed by the Federal Bureau of Investigation or be handled pursuant to their directions.

## **LIABILITY AND COST-RELATED ISSUES:**

Each party engaging in any mutual cooperation and assistance pursuant to this Agreement agrees to assume its own liability and responsibility for the acts, omission, or conduct of such party's own employees while such employees are engaged in rendering such aid, cooperation and assistance pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable, and subject to other relevant state and federal law.

Each party to this Agreement agrees to furnish necessary personnel, property, police equipment, vehicles, resources and facilities to render services to each other party to this Agreement in order to affect the purposes of the Child Abduction Response Team and agrees to bear the cost of loss or damage to such equipment, vehicles, or property. Parties understand and agree that they will be responsible for their own liability and bear their own costs with regard to their property and resources. This provision shall not preclude necessary property or resources being purchased, funded, or provided by a participating party via the party's legally vested forfeiture funds, if otherwise authorized by law.

Each Agency furnishing aid pursuant to this Agreement shall compensate its own employees during the time such aid is rendered and shall defray the actual expenses of its employees while they are rendering such aid, including any amounts, if legally applicable, that may be determined to be due for compensation due to personal injury or death while such employees are engaged in rendering such aid. The privileges and immunities from liability, exemption from laws, ordinances, and rules, and all pension, insurance, relief, disability, workers' compensation, salary (including overtime compensation or compensatory time), death and other benefits that apply to the activity of an employee of an Agency when performing the employee's duties within the

territorial limits of the employee's Agency shall apply to the employee to the same degree, manner, and extent while such employee acts under this Agreement. This provision shall not preclude payment of compensation, including overtime compensation, for its personnel utilizing its legally vested forfeiture funds or other funding sources to be the extent allowed by law.

Each party agrees to maintain its own comprehensive general liability insurance, professional liability insurance, as required, and automotive liability insurance or maintain a self-insuring fund for the term of this Agreement in the amounts determined by each party to adequately insure such party's liability assumed herein. But for Florida law enforcement officers, in no event shall such coverage be less than the state statutory waiver of sovereign immunity limits. If requested, each party agrees to provide the other parties with proof of the insurance or self-insurance required hereunder. Federal participants will be governed by applicable federal laws concerning the above liability issues.

#### **COMPLAINTS AGAINST CHILD ABDUCTION RESPONSE TEAM MEMBERS:**

Whenever a complaint has been lodged as a result of Child Abduction Response Team efforts outside their jurisdictional boundaries pursuant to this Agreement, a designee of the FDLE shall ascertain at a minimum:

The identity(ies) of the complainant(s) and an address where the complainant(s) may be contacted, the nature of the complaint, any supporting evidence or facts as may be available, including the names and addresses of witnesses to that which has been complained about, the identity(ies) of the Child Abduction Response Team participant(s) accused and the employing Agency(ies) of the participant(s) accused.

FDLE will promptly provide to each affected employing Agency the above information for administrative review and appropriate handling or disposition. Each affected employing Agency shall, upon completion of said review, notify FDLE of its findings and any actions taken.

Federal agency participants will handle any complaints against their personnel while such federal personnel are involved in CART operations.

#### **COPY TO EACH PARTICIPATING CHILD ABDUCTION RESPONSE TEAM MEMBER:**

When this Agreement is fully executed, a copy shall be provided to each Child Abduction Response Team member so that each member may be fully aware of the powers, limitations, and expectations applicable to Child Abduction Response Team members and operations.

#### **TERM OF AGREEMENT:**

This Agreement shall be effective as to the executing Parties upon execution by the member agencies of the Child Abduction Response Team and the FDLE. As each additional Party executes this Agreement, it shall be effective as to the newly executing Party. This Agreement may be duplicated for dissemination to all Parties, and such duplicates shall be of the same force

and effect as the original. Execution of this Agreement may be signified by properly signing a separate signature page, the original of which shall be returned to **Jacqueline M. Boswell**, Regional Legal Advisor, Florida Department of Law Enforcement, 1030 NW 111 Avenue, Miami, Florida 33172 who will forward a copy to the Florida Department of Law Enforcement, Mutual Aid Coordinator, P.O. Box 1489, Tallahassee, Florida 32302-1489.

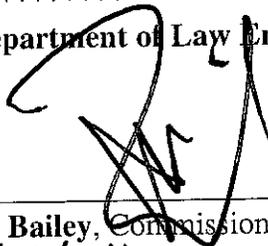
This Agreement shall remain in full force as to all participating Parties until December 31, 2012 unless terminated in writing by the FDLE as to all or separate Parties. This agreement may be renewed, amended, or extended only in writing. Any party may withdraw from this Agreement upon providing written notice to FDLE and all other participating parties. Any written cancellation or extension shall be forwarded to FDLE Miami at the address noted above.

In the event that a party agency has a change of Chief Executive Officer during the term of this Agreement, the party agency may continue participation in the CART for the term of this Agreement by having the new Chief Executive sign and submit a new signature page indicating the party agency's continued desire to participate in the CART.

**Party's Acceptance of the Voluntary Cooperation Mutual Aid Agreement among the member Agencies of the Child Abduction Response Team.**

Pursuant to F.S.23.1225(3), this agreement may be entered into by a Chief Executive Officer of the agency who is authorized to contractually bind the agency. By signing below, an indication of such authorization is being made. Any signatory may attach to this signature page and any further evidence of authorization you wish to remain on file at FDLE along with signature page.  
\*\*\*\*\*

**Florida Department of Law Enforcement (FDLE):**



\_\_\_\_\_  
Gerald M. Bailey, Commissioner

1-14-11

\_\_\_\_\_  
Date

**Party's Acceptance of the Voluntary Cooperation Mutual Aid Agreement among the  
Member Agencies of the Child Abduction Response Team.**

Pursuant to F.S.23.1225(3), this agreement may be entered into by a Chief Executive Officer of the agency that is authorized to contractually bind the agency. By signing below, an indication of such authorization is being made. Any signatory may attach to this signature page and any further evidence of authorization you wish to remain on file at FDLE along with this signature page.

\*\*\*\*\*

**For the \_\_\_\_\_ Police Department:**

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## 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

February 23, 2011

To: Mayor Roxana Ross  
Vice Mayor Steve Bernard  
Commission Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Re: **Ordinance 2011- 01: Definitions for Fences and Corner Side Yards**

### **Background Analysis:**

In April 2008, the Village Commission created a Code Review Board and appointed members to perform a comprehensive review of the Municipal Code of the Village of Biscayne Park and to provide updates and revisions as needed.

While the Board continues to meet regularly to complete their review, a request was given to the Board to bring forward their recommended changes for definitions of fences, fencing allowances for corner side yards, and hedge height restrictions. This was due mainly to the number of requests from residents to seek variances on these specific items.

Additionally, at the February 1<sup>st</sup> Commission meeting, a Workshop to further discuss this subject, as well as receive resident input, was scheduled for February 24, 2011.

### **Fiscal/Budgetary Impact:**

None

### **Manager Recommendation:**

Manager recommends that the Commission take the Code Review Board's proposed changes and along with resident input, make their decision taking into consideration the safety and privacy of all residents of the Village, and the overall aesthetics of the Village of Biscayne Park.

**ORDINANCE NO. 2011-1**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" BY ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS AND AMENDING THE DEFINITION OF HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6 AND REMOVING HEIGHT RESTRICTIONS FOR HEDGES; ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Code Review Committee has provided suggested changes to the Village Land Development Code which address fences, walls and hedges; and

WHEREAS, the Village Commission is aware that citizens have had issues when attempting to locate corner side fences and certain fence materials on their property; and

WHEREAS, the Village Commission deems it to be in the best interests of the citizens of Biscayne Park to amend the Village's Land Development Code to add certain definitions and to address fences, walls, and hedges; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Chapter 2 of the Village of Biscayne Park Land Development Code is hereby amended to read as follows:

\* \* \*

2.2.26 F.S.: The abbreviation "F.S." shall mean the latest edition or supplement of the Florida Statutes.

2.2.26 Fence: An artificially constructed barrier, including gates, erected to enclose, screen or separate an area.

\* \* \*

~~2.2.31 Hedge: A dense row of shrubs or low trees in excess of eight (8) feet in length which constitutes a barrier.~~ A continuous planting of shrubs constituting a visual screen serving a function similar to a fence or wall.

\* \* \*

2.2.70 *Yard*: An open space on the same lot with a building, said space being unoccupied and unobstructed from the ground upward, except as otherwise permitted herein. A front, rear or side yard shall be defined as that open space adjoining a front, rear, or side lot line respectively.

~~2.2.71 Year: The word "year" shall mean a calendar year, unless otherwise specified.~~

2.2.71 Yard, corner side: The open space between the closest point of the principal building and the side line of the lot which abuts a street.

Section 3. Chapter 11 of the Village of Biscayne Park Land Development Code is hereby amended to read as follows:

\* \* \*

## **11.6 Fences, walls and hedges.**

### **11.6.1 Location.**

(a) ~~Except as otherwise provided in Section 11.6 below,~~ All fences, walls and hedges may be located within any yard including upon the property line thereof. No such wall, fence or hedge shall extend beyond an official right-of-way line.

(b) When a fence, wall or hedge is placed on a property line, whether it be on an alley or a ~~front~~ corner side property line, at least forty (40) square feet, a minimum of four (4) feet deep, of open space must be left for the storage of trash.

(c) All fences and walls require a permit and approval by the Planning Board.

### **11.6.2 Height.**

(a) ~~The height of any hedge shall not exceed four (4) feet when located between the building and any paved street.~~ When located between the building and other property

lines, fences and walls shall not exceed six (6) feet in height. ~~and hedges shall not exceed eight (8) feet in height.~~

(b) Fences and walls shall be permitted on corner side yards and shall be permitted to extend towards the corner side yard property line as long as they do not exceed a height of 4 feet.

~~(b) (c) The inside through lots as well as the corner lots on Northeast 11 Place from Northeast 119 Street to Northeast 121 Street shall be allowed the six-foot height from the building to and parallel to the along their rear property line.~~

(d) Properties abutting the FEC corridor shall be permitted to erect a fence or wall up to ten (10) feet in height only on the side abutting the FEC corridor.

~~(e) The existing hedges on Lot 30, Block 23 of Biscayne Park Estates amended shall not be affected by the height requirement only for so long as the garbage and trash trucks are parked there. When the trucks are no longer allowed there, the hedges shall conform to all the provisions of this chapter.~~

~~**11.6.3 Construction.** Fences and walls may be constructed of aluminum, wood, concrete, chain link, ornamental metal, vinyl, composite material or wire, and shall be constructed so as to be non-climbable. Material to be approved by the Planning Board.~~

~~———— (a) Wood fences shall be constructed according to the South Florida Building Code.~~

~~———— (b) Walls may be constructed of the following materials and must conform to the construction requirement of the South Florida Building Code.~~

~~———— (i) Coral rock.~~

~~———— (ii) Concrete block stuccoed on both sides with a concrete cap and combined with one (1) or more of the other construction materials listed in this subsection or ornamental wrought iron, ornamental aluminum, cast iron or cast aluminum or other stucco treatments designed to impact additional architectural interest.~~

~~———— (iii) Slump brick.~~

~~———— (iv) Used red bricks, limed red bricked or cement bricks appropriately painted.~~

~~———— (c) Wire fences shall be of chain link or diamond weave of heavy galvanized material or material of equal strength and shall have top rails. All posts shall be set in concrete so as to be secure and safe.~~

~~———— (d) All parts of the fence, including uprights, posts and vertical and horizontal and structural supports shall be on applicant's side of the fence or wall. No part of the fence or wall shall protrude into the adjacent property or public right of way.~~

~~———— (e) Plans for fences shall be submitted with each application for building permit and must be so designed to be suitable and compatible with surrounding areas.~~

### 11.6.3 Construction.

(a) Fences and walls shall be constructed in conformity with the Florida Building Code.

(b) Plans for fences and walls must be submitted with each application for a building permit. All permits shall be reviewed by the Planning Board for suitability and compatibility with surrounding areas, for materials, and for consistency with this Chapter.

(c) Fences may be constructed of any of the following materials: aluminum, wood, concrete, chain link, ornamental metal, vinyl, composite fencing material or wire. Wire fences shall be of chain-link or diamond weave of heavy galvanized material or material of equal strength and have top rails. All posts shall be set in concrete so as to be secure and safe.

(d) Walls may be constructed of any of the following materials: coral rock, concrete block, slump brick, used red bricks, limed red bricks, or cement bricks appropriately painted. Concrete block must be stuccoed on both sides and combined with one or more of the other construction materials listed in this subsection or ornamental wrought iron, ornamental aluminum, cast iron or cast aluminum or other stucco treatments designed to impact additional architectural interest.

(e) All parts of the fence or wall, including uprights, posts and vertical and horizontal and structural supports shall be on applicant's side of the fence or wall. No part of the fence or wall shall protrude into the adjacent property or public right-of-way.

### 11.6.4 ~~Chain-link, wooden Fences, and walls prohibited in certain areas.~~

~~(a) Chain-link, wooden Fences, and walls shall not be permitted when they extend farther toward the front street property line than the front corner of the building closest to the side property line. No fence in front as per standing code.~~

~~(b) Corner side yard fences shall not be permitted to extend into the front yard as defined above. Chain link is not permitted on corner side yards.~~

~~(c) All fences that are existing at the time of adoption of Ordinance 244 (5, 1988) shall be allowed to remain until such time that they deteriorate.~~

**11.6.5 Electric or barbed wire prohibited.** No fence shall be constructed with barbed wire and no fence charged with electricity shall be erected.

**11.6.6 Non-conforming fences and walls.** Any fence or wall which has been properly permitted and approved by the Village prior to the passage of Ordinance 2011-1 and which does not comply with the requirements of Section 11.6, shall be considered a legal, non-conforming structure. Such non-conforming structure may be continued until such fence or wall is damaged or in disrepair to the extent of more than fifty percent (50%). At that time, such fence or wall must be removed in its entirety. In addition, such

fences or walls may not be enlarged, extended, reconstructed, or structurally altered, unless such change would place the fence or wall into compliance with Section 11.6.

Section 3. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 4. Codification. It is the intention of the Village Commission of the Village of Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

Section 5. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

**The foregoing ordinance upon being put to a vote, the vote was as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Mayor Ross \_\_\_\_\_  
Vice Mayor Cooper \_\_\_\_\_

Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commission Childress \_\_\_\_\_

Attest:

\_\_\_\_\_  
Maria Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

**village clerk**

---

**From:** Bryan Cooper [bryancooper7@yahoo.com]  
**Sent:** Sunday, January 23, 2011 9:29 PM  
**To:** villageclerk@biscayneparkfl.gov; bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; John Hearn; attyhearn@aol.com  
**Subject:** Re: Agenda Item Request Form.doc  
#1

**Date:** (Please refer to the email sent when this was first placed on the agenda in Dec. of 2010).

**To:** Clerk; Manager, for inclusion on agenda

**From:** Bryan Cooper

**Re:** 12.a Commissioner Cooper: New police department procedures vs. continuing crime waves in the Village.

**Background Analysis:** None; this is a discussion start; in part based on the campaign platforms of both Mayor Ross, Mr. Childress and myself. In addition, the police chief is in possession of long-range crime statistics for VOBP, that he showed me during union negotiations, and I reviewed briefly; it would be good for Village administration to provide this to all Commissioners for the February meeting. In addition, some Commissioners are aware of the idea of Community policing as a concept. Commissioners might pursue their own research of Community Policing; Crime Mapping; Police Visibility; and other themes that we can discuss in the context of our unique Village. We also see the use of high definition camera technology being used by municipalities in law enforcement, with potential applications in our Village.

**Fiscal/Budgetary Impact:** None identified; if any consensus is created, then the Manager can be directed to research any budget impact in cooperation with our police chief.

**Recommendation:** Aside from specific possible ideas Commissioners might bring to the meeting, I would suggest our considering a weekend workshop whereby the full Commission engages our police department in discussing possible creative initiatives that would be unique for our special Village; also possible technology related initiatives and/or grants.

#2

**village clerk**

---

**Subject:** FW: Agenda Item Request Form.doc

---

**From:** Bryan Cooper [mailto:bryancooper7@yahoo.com]  
**Sent:** Sunday, January 23, 2011 9:29 PM  
**To:** villageclerk@biscayneparkfl.gov; bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; John Hearn; attyhearn@aol.com  
**Subject:** Re: Agenda Item Request Form.doc

#2

Date: (Please refer to the email sent when this was first placed on the agenda in Dec. of 2010).

To: Clerk; Manager, for inclusion on agenda

From: Bryan Cooper

**Re:** Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission.

**Background Analysis:** In the past year, there have been times that the agenda with backup was not presented to Commissioners for review until shortly before the date of the Commission meeting. It would be helpful if the Clerk, upon closing the deadline for submission of new agenda items from Commissioners, compiled a simple bullet list of clear, understandable titles of all new agenda items and forward them by email to Commissioners.

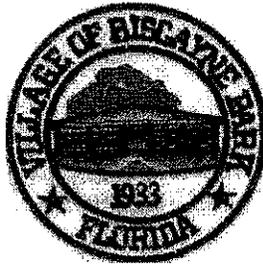
**Fiscal/Budgetary Impact:** None; a few minutes of the Clerks time to send a brief summary. This will foster a higher degree of transparency and hopefully collegiality, by allowing all Commissioners to see a week in advance the other items set to be brought forth by their colleagues.

**Recommendation:** Ask Manager to direct the Clerk to provide this list to the Commission following the deadline for submission of new agenda items.

---

**From:** village clerk <villageclerk@biscayneparkfl.gov>  
**To:** bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov  
**Sent:** Thu, January 20, 2011 6:34:56 PM  
**Subject:** Agenda Item Request Form.doc

1/24/2011



Moved from ~~1/11/2010~~ Meeting

02/01/2011

Date: 11/29/10  
To: Clerk Maria Camara  
From: Commissioner Steve Bernard  
Re: November Agenda Item

---

**REQUEST:**

A **DISCUSSION** OF: New shade tree at Recreation Center

**BACKGROUND AND ANALYSIS:**

Due to the previous removal of a large shade tree at the park, a group of 30 residents have donated enough money to install one large oak tree and associated irrigation.

Tree specs, warranty and photo will be provided prior to the 12/7/10 Commission Meeting.

**FISCAL/BUDGETARY IMPACT:**

None, all costs are covered by donation.

**RECOMMENDATION:** Approve

**village clerk**

---

**From:** Steve Bernard [steve@stevebernardarchitect.com]  
**Sent:** Tuesday, December 07, 2010 11:51 AM  
**To:** villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov; attyhearn@aol.com  
**Cc:** vobparchives@biscayneparkfl.gov; Mark; Rob Pushkin  
**Subject:** Shade tree at Rec Center

Ana,

Attached is the final proposal for the shade tree, along with some photos that were just taken for tonight's meeting.

The work includes delivery, installation as per FNGLA (Florida Nursery Growers & Landscape Association) guidelines, and irrigation (tied to the existing sprinkler pump nearby) that will water the tree 3 to 5 times a day, as well as a one year warranty. The tree has already been root pruned, and can be installed prior to December 18th Winterfest

As per your direction, I discussed this specific tree with Mr. Mark Torok, Senior Forester, Florida Division of Forestry, and he came to the conclusion that this size tree (+/-25' high, caliper between 8" and 10", about a 15' spread) is an approved species and size, provided that proper installation (the tree will also be installed by an arborist) and irrigation is used, and that a Warranty is included. I am copying him on this email, so that he can see the final tree to be installed and contact me with any questions or concerns.

As you know, both the Recreation Advisory Board and Parks & Parkway Board have previously approved the concept of a large shade tree, but the chosen species was the sticking point to be agreed to, with a live oak always being preferred. My attempts to relocate an existing tree either from the Village or nearby communities could never be agreed upon, and I believe that creating "instant shade" with a hardy species will give us the best result for much needed natural shade for many years to come.

I hope that you will recommend that this donation be accepted by the Village as per our many previous conversations, and assuming this is approved tonight, I'll notify the 37 Residents who contributed their time and money about having a small ceremony at Winterfest,

Please distribute to the Commission prior to the meeting, so that they can review.

Sincerely,

Steve Bernard  
 Commissioner  
 Village of Biscayne Park  
 305-538-6324 (I don't have my cell phone today)

cc Mark Torok, Forestry Division of Forestry (954) 475-4194  
 Rob Pushkin, Reliable Property Services (305) 866-9625

----- Forwarded Message -----

**From:** Rob Pushkin <robpushkin@rpsfl.com>  
**To:** Steve Bernard <steve@stevebernardarchitect.com>  
**Sent:** Tue, December 7, 2010 6:49:20 AM  
**Subject:** Shade Tree Proposal

Thank You,

Rob Pushkin

12/29/2010

Reliable Property Services  
Irrigation Landscape Maintenance Lighting

305.866.9625

[www.rpsfl.com](http://www.rpsfl.com)

[www.lightscapingusa.com](http://www.lightscapingusa.com)

Reliable Property Services

19741 NE 24 Ave  
Miami, FL 33180

# Estimate

Date	Estimate #
12/7/2010	10210

Name / Address
Village of Biscayne park

P.O. No.	Project

Description	Qty	Rate	Total
Install new Oak Tree with irrigation. Approx. 25' height.			
Live Oak approx. 25' ht w/ irrigation	1	2,200.00	2,200.00
1 year warranty.			

<b>Total</b>		\$2,200.00
--------------	--	------------

Phone #
305.866.9625

E-mail	Web Site
robpushkin@rpsfl.com	rpsfl.com & lightscapingusa.com



**ACCEPTANCE OF GIFT**

WHEREAS, numerous residents of the Village of Biscayne Park (hereinafter the "Residents"), wish to donate a sum of currency not to exceed two thousand two hundred and xx/100 dollars (\$2,200.00) to the Village of Biscayne Park (hereinafter the "Village") for the purchase and installation of an Oak tree as well as the associated irrigation; and

WHEREAS, the Village this day expresses its gratitude and acknowledges receipt from the Residents of a gift of currency not to exceed two thousand two hundred and xx/100 dollars (\$2,200.00) for the purchase and installation of an Oak tree as well as the associated irrigation; now, therefore:

1. It is the intention of the Residents to vest all incidents of absolute ownership and liability in said currency in the Village from this date forward.

2. The Village does hereby release and hold the Residents harmless and waive all claims against the Residents, its agents, officers and employees, from all claims, actions, and causes of action, damages, losses and liabilities, costs, or expenses whatsoever, arising out of the donation of the Oak tree and its associated irrigation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
Maria Camara, Village Clerk

\_\_\_\_\_  
Roxanne Ross, Mayor

State of Florida  
County of Dade

On this, the \_\_\_\_ day of December, 2010, before me, the undersigned Notary Public of the State of Florida, personally appeared \_\_\_\_\_, whose names are subscribed to the within instrument, and they acknowledge that they executed it.

WITNESS my hand  
and official seal

\_\_\_\_\_  
Notary Public, State of Florida  
Persons signing are personally known

**village clerk**

---

**From:** ecotilt [ecotilt@bellsouth.net]  
**Sent:** Saturday, December 18, 2010 5:04 PM  
**To:** villagemanager@biscayneparkfl.gov  
**Cc:** village clerk  
**Subject:** Ecology Board Motion Regarding the Donation by the Bernards and Residents - Oak Tree for the Recreation Center

Dear Ms. Garcia,

Thank you for attending our last meeting and working with the Ecology Board. Below is a copy of the motion that was passed regarding the donation by the Bernard's and other residents to purchase shade trees for the Ed Burke Recreation Center. Please forward this email to all the Commissioners prior to January's meeting.

*This is the motion that carried unanimously: We are grateful to all the resident and the Bernard's for raising monies to assist with canopy enhancements and choosing native vegetation. It is a recommendation of the board that the monies be spent on a variety of native species that aesthetically enhance and increase the native biodiversity of the park, green spaces, or entry ways.*

The members expressed consensus that with these funds, the Village could obtain many large native trees specimens and recommend considering additional native species such as mahogany, pigeon plum, etc., which can be used to enhance the recreation center and/or other green spaces.

Thank you.

Respectfully,

Tracy Truppman

Ecology Board Chairperson

**village clerk**


---

**From:** Ana M. Garcia [villagemanager@biscayneparkfl.gov]  
**Sent:** Tuesday, February 01, 2011 12:34 PM  
**To:** 'Steve Bernard'  
**Cc:** vobparchives@biscayneparkfl.gov; robpushkin@rpsfl.com; villageclerk@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** RE: Proposed Shade Tree location - Biscayne Park  
 Vice Mayor Bernard and full Commission,

Thank you Vice Mayor for providing. During the park renovations we did replace some cracked sidewalk in this area, but we don't know the origin of the cracks. I have also had extensive conversation with Dan Keys to alleviate this concern and if in the future this could pose a potential problem he concurred with me that we can remedy with different and inexpensive solutions and materials, such as a plastic mesh being inserted in a trench abutting the sidewalk, hence protecting the roots going in the direction of the concrete.

---

**From:** Steve Bernard [mailto:steve@stevebernardarchitect.com]  
**Sent:** Tuesday, February 01, 2011 10:34 AM  
**To:** villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov; attyhearn@aol.com  
**Cc:** vobparchives@biscayneparkfl.gov; robpushkin@rpsfl.com  
**Subject:** Fw: Proposed Shade Tree location - Biscayne Park

All,

FYI, here's the response from Forester regarding placement of proposed tree.

By the way, any questions you have about bracing or other issues, you can always call the Vendor directly... his contact info is on his proposal submitted in December - his name is Robert Pushkin, his phone number is 305-866-9625, his email is robpushkin@rpsfl.com. As stated before, the tree will be installed by an arborist, following FNGLA guidelines.

I am copying him on this email, and attaching the aerials I sent to the Forester.

Sincerely,

Steve Bernard

----- Forwarded Message -----

**From:** "Torok, Mark" <Mark.Torok@freshfromflorida.com>  
**To:** Steve Bernard <steve@stevebernardarchitect.com>  
**Cc:**  
**Sent:** Tuesday, February 1, 2011 10:17 AM  
**Subject:** RE: Proposed Shade Tree location - Biscayne Park

Mr. Bernard,

I don't think it should be an issue. At least the tree won't be planted right next to the sidewalk. If the previous banyan tree wasn't an issue with the sidewalk then I don't foresee this oak causing any immediate problems. Besides, it looks like the other oak trees are planted about the same distance from the sidewalk. Plus those children will need the shade especially in the summer. The main problem you get when trees are planted to close to the sidewalk is the roots uplifting or cracking the sidewalk. If you didn't get this problem with the old, larger banyan tree then you

2/1/2011

shouldn't get this with the live oak.

Mark

**Mark B. Torok**

Senior Forester

FL Division of Forestry: Everglades District

3315 SW College Ave

Davie, FL 33314

Phone: (954) 475-4194

Fax: (954) 475-4126

E-mail: [Mark.Torok@freshfromflorida](mailto:Mark.Torok@freshfromflorida)

Serving Broward, Miami-Dade, Monroe & Palm Beach Counties

---

**From:** Steve Bernard [mailto:[steve@stevebernardarchitect.com](mailto:steve@stevebernardarchitect.com)]

**Sent:** Monday, January 31, 2011 12:28 PM

**To:** Torok, Mark

**Cc:** [villagemanager@biscayneparkfl.gov](mailto:villagemanager@biscayneparkfl.gov); [vobparchives@biscayneparkfl.gov](mailto:vobparchives@biscayneparkfl.gov); [attyhearn@aol.com](mailto:attyhearn@aol.com)

**Subject:** Proposed Shade Tree location - Biscayne Park

Mr. Torok,

Thank you again for speaking with me last week regarding the proposed new Oak shade tree location.

To follow up on our discussion regarding the Manager's "fifteen foot away from any concrete" concern, I wanted you to see the conditions at the playground, so I am attaching an aerial view of the original Banyan tree, as well as the location of the newly planted oaks, and the approximate location of the proposed larger tree.

As you said (and I agreed), as long as the tree is far enough from the existing building, and at least 6' from the existing concrete sidewalk, there shouldn't be any problems locating it as shown, especially since the newly planted trees are in almost the exact same location as the new one is proposed.

If you have any concerns, or if I didn't understand you completely, please let me know, as the Commission will be voting to accept or deny the tree tomorrow night, and I want to make sure that we're proceeding with best practices in mind.

Sincerely,

Steve Bernard  
Commissioner  
Village of Biscayne Park  
305-588-6177

cc: Village Manager

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.872 / Virus Database: 271.1.1/3408 - Release Date: 02/01/11 02:34:00

2/1/2011

**village clerk**

---

**From:** village clerk [villageclerk@biscayneparkfl.gov]  
**Sent:** Monday, January 31, 2011 12:28 PM  
**To:** 'villageclerk@biscayneparkfl.gov'  
**Cc:** 'agarcia@biscayneparkfl.gov'  
**Subject:** FW: Tree Donation

To the Full Commission: Below are the responses from Vice Mayor Bernard in regards to Commissioner Andersons questions 3, 4 and 5. Thank you.

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

---

**From:** Steve Bernard [mailto:steve@stevebernardarchitect.com]  
**Sent:** Monday, January 31, 2011 11:56 AM  
**To:** villageclerk@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com; vobparchives@biscayneparkfl.gov  
**Subject:** Re: Tree Donation

To answer Commission Anderson's questions:

#3. There were 37 (mostly) residents, the list follows. Each resident donated a \$60 cash stipend for a total of \$2,220 for the expressed purpose of replacing the removed banyan tree with a large shade tree.

#4. The money has been in a personal account until I could obtain a commitment from the Village to put it towards a replacement tree, and I will write a check to the Village as soon as the Resolution is approved.

#5. I would recommend that we do not sign the Agreement with the Contractor until the \$2,200 check clears.

Steve

**Volunteers/Donors, in alphabetical order:**

Susana Armengol

Maria Camara

Karon Coleman

Bryan Cooper

Linda Dillon

Linda Domin

Mariana Ferro

Mariluce & Mike Gruener

Mayor John Hornbuckle

John Ise

Barbara Kiers

Barbara & Gary Kuhl

Sandy & Commissioner Chester Morris

James Murphy

Katty & Tony Perez-Pinon

Penny Phillips

Sira & Filipe Ramos

Amy & Roberto Refeca

Dan Rodriguez

Mario Rumiano

Elaine & Steve Smith

Lesley Tompsett

Dave Twitchell

Alba & Dan Ward

Keivyn Whitfield

Gloria Wilder

Josh Young

Claudia & John Zoeller

---

**From:** village clerk <villageclerk@biscayneparkfl.gov>  
**To:** villageclerk@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com  
**Sent:** Mon, January 31, 2011 11:08:32 AM  
**Subject:** FW: Tree Donation

To the Full Commission:

I just received the DRAFT minutes from the Recreation Advisory Board. Please see attached. Thank you.

1/31/2011

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

---

**From:** village clerk [<mailto:villageclerk@biscayneparkfl.gov>]  
**Sent:** Monday, January 31, 2011 9:08 AM  
**To:** 'villageclerk@biscayneparkfl.gov'  
**Cc:** 'agarcia@biscayneparkfl.gov'  
**Subject:** FW: Tree Donation

Commissioner Anderson and Full Commission: Please see answers below. Thank you.

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

---

**From:** anderson11905@gmail.com [<mailto:anderson11905@gmail.com>] **On Behalf Of** Commissioner Bob Anderson  
**Sent:** Sunday, January 30, 2011 9:58 AM  
**To:** Garcia Ana  
**Cc:** Village clerk; Village Attorney; Archives  
**Subject:** Tree Donation

Good Morning Everyone

There are still a couple of outstanding questions regarding the possible tree donation - same as those asked about the art sculpture donation - that I would like us to have answers to before the meeting Tuesday.

1. The Boards - we have ecology's recommendation and Maria has let us know (in the agenda packet) we will have P&P and Rec as soon as available as to their recommendations. Attached are the DRAFT minutes from Parks & Parkway's meeting on January 26th. We have not yet received the minutes from the Rec Advisory Board.
2. Once you are ok with where the tree or trees will be placed (Ana I would expect you to be the one to work with the boards) I would like to see a marker placed at the location so that any interested residents could comment (just like was done with the sculpture). Manager Garcia has done a walk-through with Parks & Parkway Chair, Dan Keys, and will have a flag placed in the location they discussed.

In regards to the following three questions, we do not have the answer.

3. As was asked with the sculpture - who are the donors?
4. As was asked with the sculpture - who is writing the check?

1/31/2011

5. If if the Village is writing the check have all the funds been deposited in Village accounts and cleared?

--

Please E-Mail if you would like to be add or removed from this information list

Village of Biscayne Park

Commissioner

Bob Anderson

E-Mail [BANDERSON@BISCAYNEPARKFL.GOV](mailto:BANDERSON@BISCAYNEPARKFL.GOV)

PH 305-899-8000

**village clerk**

---

**To:** villageclerk@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** FW: FW: Tree Donation

Commissioner Bernard and Full Commission: Here is the response from Manager Garcia to your additional questions:

Dario, the project manager for Aquatica Landscaping will meet me at the park tomorrow and he will give me a full prognosis on the two trees in question. The only person that has given me their opinion on the two trees has been Dan Keys. Dario from Aquatica saw them back in October or November, and Mark Torok from Forestry saw them back then also. Neither one of them at that time were ready to write off the tree and basically told us to keep watering and Dario would look at them again and he will tomorrow. The trees were planted in July so they are still under warranty. If the location is same as existing trees there should be no problem. I can't be certain until tree is planted. In regards to bracing it would be up to the vendor, I have never planted or been involved in planting such a large new tree, all safety questions would need to be answered by this vendor. I have not dealt with the vendor. It is Vice Mayor Bernard's contact. According to direction of commission I will work with this new vendor and also Aquatica to ensure everything is done right and safe. The location of the new trees we planted at park this past year was determined by me working as a team with Parks and Parkways this past summer. On way to my next appointment, thank you.

Sent via BlackBerry by AT&T

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

---

**From:** anderson11905@gmail.com [mailto:anderson11905@gmail.com] **On Behalf Of** Commissioner Bob Anderson  
**Sent:** Monday, January 31, 2011 9:31 AM  
**To:** villageclerk@biscayneparkfl.gov; Garcia Ana  
**Cc:** Archives  
**Subject:** Re: FW: Tree Donation

Hi Maria

Thanks for the update. I have a few more questions that I hope we will have answers for before the meeting (in addition to the remaining ones from my first email).. I am all for extra shade and I am sure our residents will be thrilled to have it but there are questions that need answering to make the best decision.

1. Who determined that those 2 trees need to be removed - I know most people (and a couple of commissioners) usually get really upset with us when we don't try to save trees even if we are putting others in..

1/31/2011

The minutes from the following two board meetings were not ready to include with agenda packet, but will be provided as soon as they are received:

Recreation Adv Board  
meeting on January 12,  
2011

Parks & Parkway Adv Board  
Meeting on January 26,  
2011



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## Board Members

Dan Keys  
Chair

Barbara Kuhl  
Dan Samaria  
Randy Wagoner  
John Zoeller

## Alternate

Lynn Fischer

**DRAFT  
Pending Board  
Approval**

## **PARKS AND PARKWAYS ADVISORY BOARD DRAFT MINUTES**

**January 26, 2011 6 P.M.  
Ed Burke Recreation Center  
11400 NE 9<sup>th</sup> Court**

### **CALL TO ORDER AND ROLL CALL**

Present: Dan Keys, Barbara Kuhl, Dan Samaria, Randy Wagoner, John Zoeller  
(until 7:40), Lynn Fischer  
Introduction of new member – Dan Samaria – welcome!

**AGENDA ADDITIONS AND DELETIONS - none**

**PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM)**

**APPROVAL OF MINUTES – December 8, 2010 – revised then unanimously approved**

### **OLD BUSINESS**

#### **Village staff status report**

NE 6<sup>th</sup>. Ave. Median – Our employees completed weeding; this median needs consistent maintenance to keep weeds under control.

Tree removal permits – Permits have not been applied for.

Athletic field ( mole cricket control, weed control, mowing height, irrigation issues, resodding, fertilization) – Issa reported: mole cricket and fire ant bait has been applied; the sports programs are coming to an end until the end of March; Kevin Hardy is coming to inspect the field and give recommendations; sprigging is being considered since it is the most cost effective; residents are regularly using the field and paying for its use; sprinklers

have been adjusted. It was suggested that the Recreation Board address the issue that the Recreation Center does not bring in enough money to properly maintain its field. If the Village is renting its field, it has an obligation to keep it in good condition. Money must be found in the Village's budget to properly maintain the athletic field – it's an asset to the Park. Maintaining the field is more cost effective than having to periodically restore it. A motion was made by Dan Samaria and seconded by Barbara Kuhl: **Issa will research and give a report as to what services are needed to ensure that the field is in excellent condition by the end of next summer.** The motion passed unanimously

Village sign – coconut palms – They can be moved by our employees if a backhoe is rented.

Median maintenance - Our manager is bidding this out next week.

Tree trimming – Our manager is considering applying for a grant to cover tree trimming. The last company that trimmed our trees did a very superficial job – more extensive work is seriously needed. The following issues need to be considered: the health of the tree; its structure and shape; low branches that interfere with traffic; hazardous limbs. A motion was made by Barbara Kuhl and seconded by Randy Wagoner: **It is recommended that the Village seek outside assistance to assess trimming of its trees, specifically targeting hazardous conditions and road clearance issues, and prioritize trimming needs.** The motion passed unanimously

Insect and disease control on Gumbo Limbo trees – They still need to be treated. A few young oaks also need treatment. Systemic treatment is best. It can be administered by our employees and is fairly safe for our wildlife.

Tree City USA application – Notification from the state has been received that Biscayne Park should be awarded this.

Foundation report – Tree fund – status of designated donations – The Foundation is still being established, but money that Parks and Parkways raised is designated for their projects.

#### **Discussion – next steps in planning process for median landscaping**

Median sized trees

Moving trees in conflict with newly planted trees

Tree removals – dead trees

Entrance projects

Mini Park Development – Canal Parks and Griffing Park

Presently, it was stated, that the focus needs to be on caring for the trees we have. They need attention. The next area to consider landscaping is between 113<sup>th</sup> and 114<sup>th</sup> Streets on 6<sup>th</sup> Avenue. Should there be an overall view of Biscayne Park's landscaping needs, including not only its planting but its outdoor furniture?

Project money often comes from grants. Our commission is constantly changing, bringing in new ideas. Landscape architects have been hired in the past, but as time goes by goals change. It was suggested that as landscaping is developed, educational elements should be included. It was expressed that each location needs to be individually evaluated to determine its needs and its character.

#### **NEW BUSINESS**

Recommendation concerning Commissioner Bernard's donation for large tree – The tree selected to replace the large banyan tree is an oak – 25' high, 8-10" caliber, and a spread of 15-16'. The money covers the tree, its delivery, planting, an automatic watering system, and a 1 year warranty. 2 new oaks are not doing

well. Commissioner Bernard stated that the contractor will remove them and replace them with any tree in any desired location. It was presented that play bars could be easily moved, allowing oak to be closer to playground equipment where it would provide more shade. A motion was made by Dan Samaria and seconded by John Zoeller: **The previous banyan will be replaced with the 25 foot oak tree. Our manager will arrange for the existing tree's removal.** The motion passed unanimously.

Discussion of landscaping City property between NE 113 St. and 114 St. Volunteers mulched to improve appearance. About \$800 has been donated for landscaping this area. The Civic Club has about \$3,000 that has never been used. With the money from Parks and Parkways there may be a total of about \$5300 that could be used for this location and the Recreation Center's entrance. Gary Kuhl brought a drawing of present landscaping. He suggested that the planting around the entrance sign be continued: fire bush, jamaican caper, coco plum, oak, and perhaps senna for color. One of the goals is to hide the parking lot. It was suggested that sabal palms, saw palmettos, and pine trees be added and that the royal palms be removed (most are not healthy). A company removing the palms free for its own use is going to be explored. A separate permit would be needed for removing and replacing the palms. There's a program, Connect to Protect, that restores former pine lands; it will be looked into. A backhoe could trench the area and we could do the planting. Smaller plants could be used and heavily mulched. A motion was made by Barbara Kuhl and seconded by Dan Samaria: **Plans should be developed to landscape the area on 6<sup>th</sup> Ave. between 113<sup>th</sup> and 114<sup>th</sup> Streets with sabal palms, Dade County pines, and understory plants, removing the coconut palms and royal palms.** The motion passed unanimously.

Landscaping plans for Recreation Center – looked at plans.

Arbor Day – 2011- deferred

NEXT MEETING DATE – Tentative – February 16, 2011

ADJOURNMENT – 8:20 PM

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK  
COMMISSION AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS  
MEETING



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## Board Members

John Holland  
Chair

James Murphy  
Vice Chair

Grisette Marcos-Roque

Rachel O'Conner

Helga Silva

**Draft  
Pending Board  
Approval**

## MINUTES RECREATION ADVISORY BOARD Wednesday, January 12, 2011 at 6:30PM

1) Call to order

2) Roll Call - John Holland, James Murphy, Grisette Marcos were present, Rachel O'Conner has been confined to bedrest and was absent, as was Helga Silva.

3) A discussion on the shade tree was added to the agenda as 5a) per Commissioner Bernard's kind request

4a) Old Business - Movie Night Updates

- Issa was able to relay Rachel's conversation with Shawn from Mooie's; we have a screen available for rent at \$250; Shawn can provide sound and projector per previous discussions.
- I have no notes nor recollection on the possibility of additional sponsorships from Tropical Chevrolet and Knights of Columbus, except that Issa would pursue same.
- Target date of Friday the 18th of February, which was later changed as I understand it to March 4th.
- Publicity - Issa was to include in the newsletter, John was (is) to reach out to the Commissioners (will do tomorrow), Issa will utilize his contacts list through Coach Joe and the rec teams, a flyer should be forthcoming from Issa, and Grisette would reach out to the Herald events team.
- Execution - Agreed that we should establish a meeting time, a start time, and an intermission, to include a message from sponsors, any important village messages, and a "let's go out the lobby" type of tongue-in-cheek short. The cost of airing the movie (copyright etc.) would be investigated and Issa has done this

now. We would also agree to solicit donations (voluntary) as well as ask residents to cleanup any refuse (we will provide bins)

- What Movie? - We were all supposed to think about this and I keep coming back to wanting to do something that kids will enjoy but has adultish humor and sensibilities (James and the Giant Peach or something like that)

4b) Old Business - Clubs - My notes here are either missing or inadequate; basically there was agreement that social networking via Facebook would be the best bet to raise awareness of the clubs and potentially add more (Bingo, etc.)

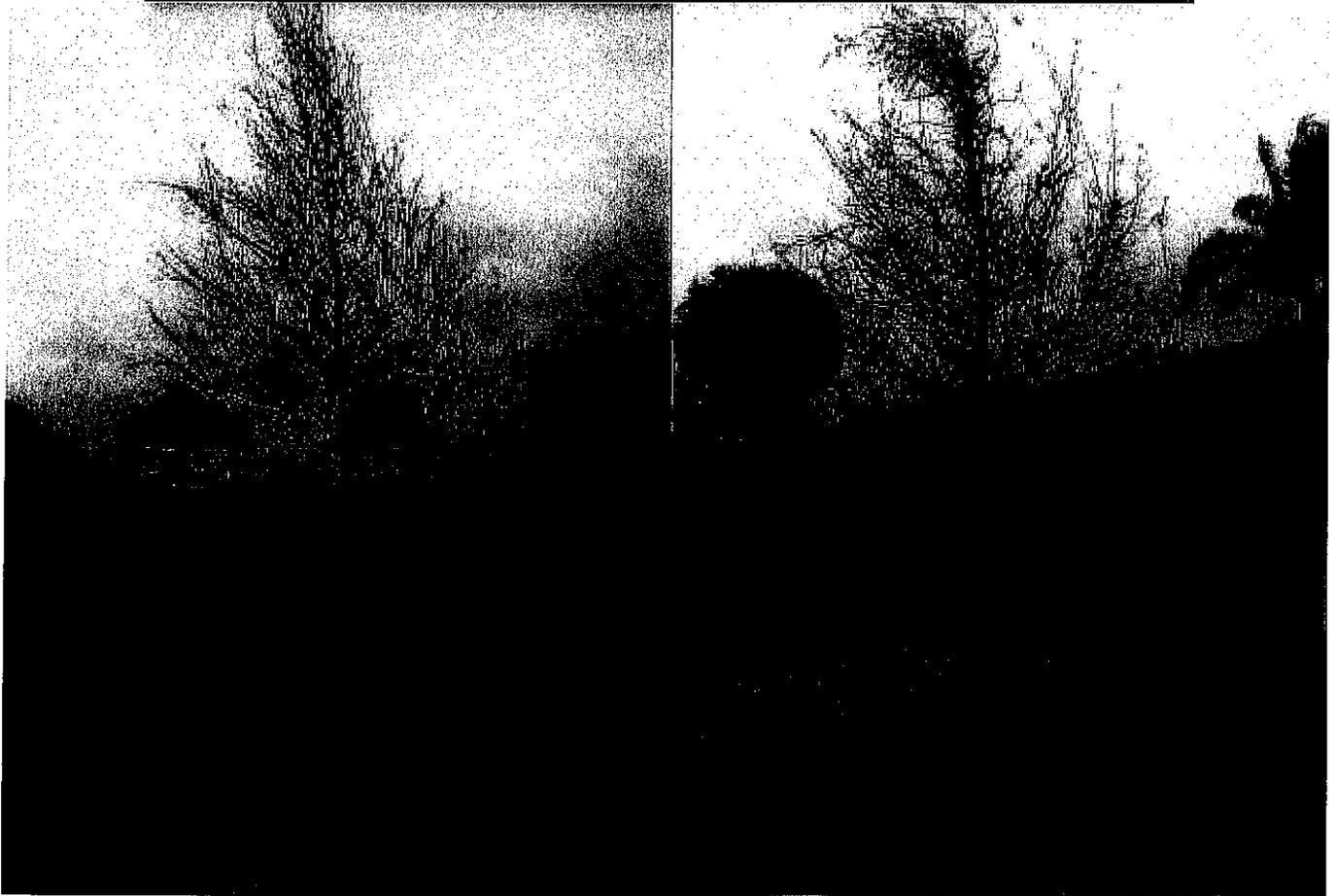
#### 5a) New Business - Shade Tree

A discussion was held regarding the proposed shade tree addition to the recreation center area. Commissioner Bernard kindly brought everyone up to speed on the sad state of the existing oak trees, which would not provide shade anyway for many years given their diminutive size. He also presented an estimate from Rob Pushkin at Reliable Property Services to install a large oak at or near to previous shade tree location, with consideration being given to the new sidewalks when deciding exactly where to install the oak. We were also advised that this would be funded by donations from 30+ residents, an important consideration given the current economic climate. Based on our own observations, the documents provided by Commissioner Bernard, and the fact that we all like shade in the summer, a vote was held and by a unanimous decision of 3-0, the Recreation Board voted in favor to recommend that this initiative be formally approved at the next regular Commission meeting.

6) Public Comments - There were some ideas for movies but my notes are incomplete

7) Announcements - None that I can recall

8) Adjournment



## Existing Oak Trees at Proposed Location

(Original Contractor will relocate new trees at no cost because these are not thriving)

**village clerk**

---

**From:** Steve Bernard [steve@stevebernardarchitect.com]  
**Sent:** Monday, January 31, 2011 12:28 PM  
**To:** torokm@doacs.state.fl.us  
**Cc:** villagemanager@biscayneparkfl.gov; vobparchives@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** Proposed Shade Tree location - Biscayne Park

Mr. Torok,

Thank you again for speaking with me last week regarding the proposed new Oak shade tree location.

To follow up on our discussion regarding the Manager's "fifteen foot away from any concrete" concern, I wanted you to see the conditions at the playground, so I am attaching an aerial view of the original Banyan tree, as well as the location of the newly planted oaks, and the approximate location of the proposed larger tree.

As you said (and I agreed), as long as the tree is far enough from the existing building, and at least 6' from the existing concrete sidewalk, there shouldn't be any problems locating it as shown, especially since the newly planted trees are in almost the exact same location as the new one is proposed.

If you have any concerns, or if I didn't understand you completely, please let me know, as the Commission will be voting to accept or deny the tree tomorrow night, and I want to make sure that we're proceeding with best practices in mind.

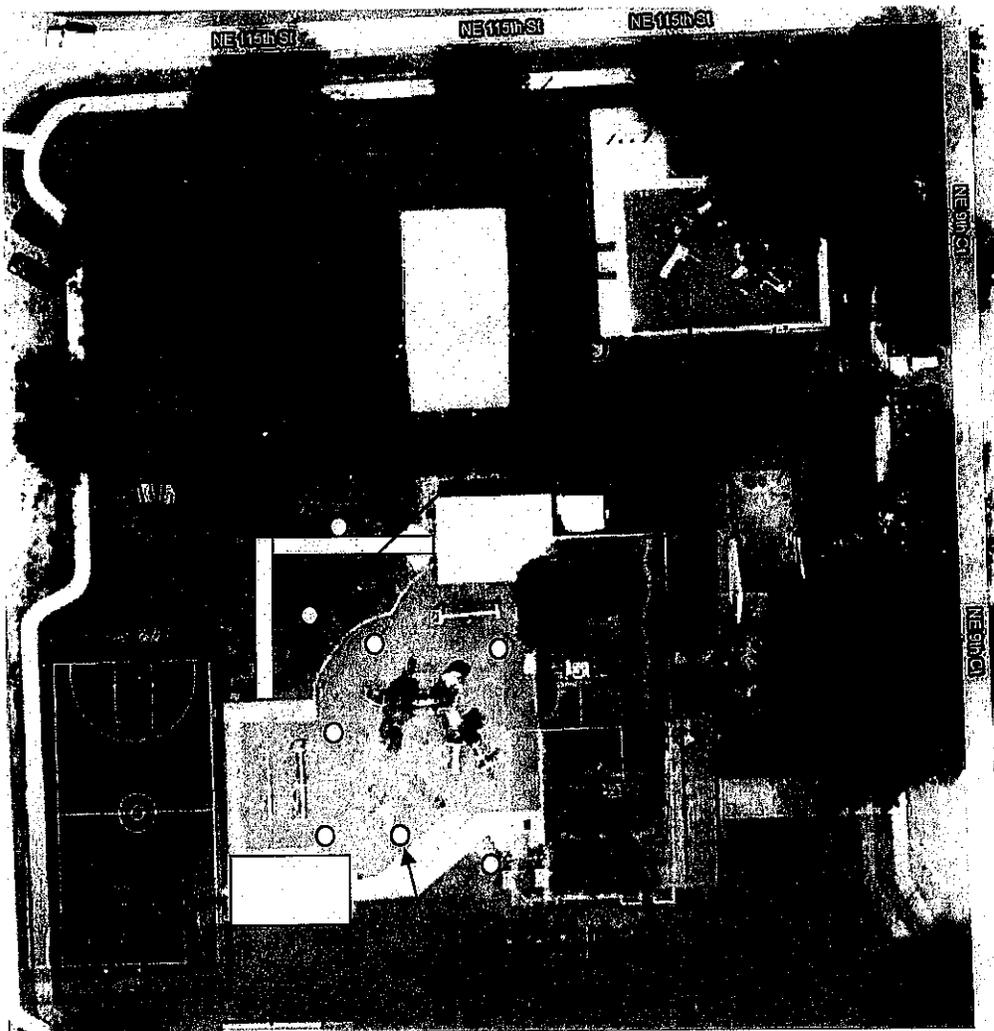
Sincerely,

Steve Bernard  
Commissioner  
Village of Biscayne Park  
305-588-6177

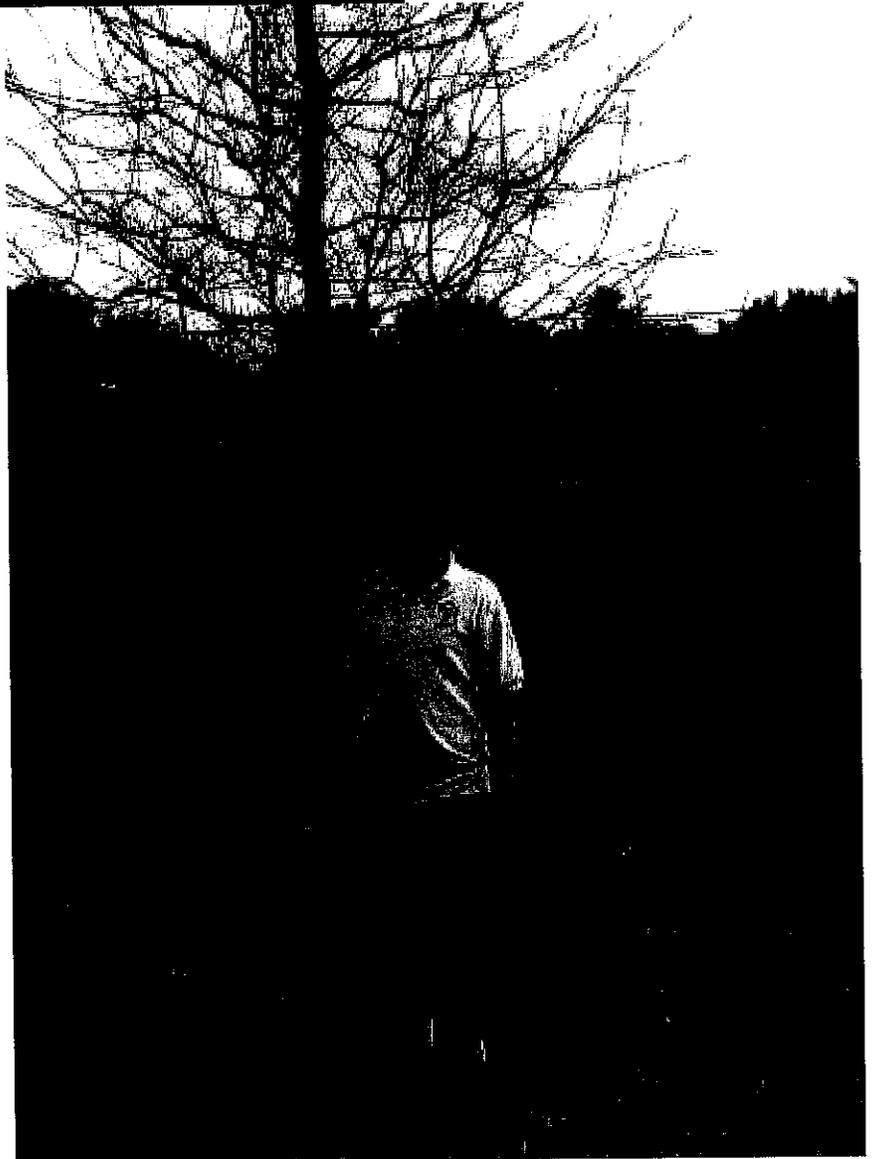
cc: Village Manager



Aerial photo  
prior to  
removal of  
Banyan tree



Aerial photo  
prior to  
current tree  
installation  
(new trees  
estimated)



1 of 2 existing  
oaks to be  
replaced with  
new Shade Tree  
(showing  
condition and  
height of  
branches at  
playground)



Date: 1/24/11  
To: Clerk Maria Camara  
From: Commissioner Steve Bernard  
Re: February Agenda Item

---

**AGENDA ITEM REQUEST:**

A **DISCUSSION** for an Ad Hoc Art Review Board

**BACKGROUND AND ANALYSIS:**

Due to the previous controversy caused by the June Donation by generous Biscayne Park Residents of a Sculpture for Village use without any formal Village policies or procedures for choosing, accepting, or locating Public Art, and due to the fact that the Mayor has informally sponsored another Sculpture Donation (see attached 1/2/11 email from Mayor), an Ad Hoc Art Review Board will serve to formalize any further Public Art donations by creating both policies for acceptance and locating, as well as to provide professional input for the guidance in collective decisions for our community.

It is recommended that the Board be made up of Residents who have either technical, practical, or formal educational experience with Public Art, and that their meetings be advertised by the Village, work under Sunshine Laws (including properly noticed Agendas and formally approved Minutes), and provide guidance as required for both donated and publicly purchased Public Art.

It should also be noted that most cities that accept Public Art donations has either a policy to review and accept or an Art Review Board, or both.

**FISCAL/BUDGETARY IMPACT:**

Unknown, would include use of Public Meeting Room, Clerk notifications via Email/Web/Posted Notice, time during Commission Meetings for Reports

**RECOMMENDATION: Approve**

-----Original Message-----

From: Rox Ross <rox@roxross.com>

To: ROX@roxross.com

Sent: Sun, Jan 2, 2011 10:27 pm

Subject: Happy New Year 2011 in the Village of Biscayne Park

Dear Neighbors,

**(Note: unrelated content not included)**

One related initiative taken up by cities nationwide, supported by the Florida League of Cities in partnership with DC-based Partners for Livable Community, is public art --- it has been said to instill neighborhood pride, value of public space, and serve as a deterrent for crime and violence. Public art throughout our Village may include murals and sculptures, traditional or abstract outdoor displays for viewing, or functional pieces like a bicycle rack, climbable structure or a simple bench for resting a spell as we walk through our Village. So, our first piece of donated public art is up for your viewing -- it's a small accent in one of our open spaces along 6 Ave at 114 St. I am interested in knowing your response to Triax Alpha V by Bilhenry Walker, and to public art in our Village in general.

**There is a growing pool of donations for the purchase of a second piece of public art for the Village. Biscayne Park being the unique place that it is, I have no doubt that we have more than a fair share of artist of varying experience and disciplines to guide us in collective decisions for our community, and I welcome your contributions and suggestions for the best use of these pooled donations. So far, the proposed piece is created by Rob Lorenson titled Xs and Os #5 -- attached is a pic for your consideration. If you are interested in contributing comment, time, energy or cash to these community efforts, please let me know.**

Thank you for allowing me the privilege to serve as your Mayor. I wish you all good health, love and joy in the New Year. Rox

**Village of Biscayne Park**

**640 NE 114 Street**

**Biscayne Park, FL 33161**

**Village Hall -- 305-899-8000**

**Cell Phone -- 305-710-0620**

**village clerk**

---

**From:** Bryan Cooper [bryancooper7@yahoo.com]  
**Sent:** Friday, January 28, 2011 9:24 PM  
**To:** villagemanager@biscayneparkfl.gov  
**Cc:** Village clerk; Archives  
**Subject:** Re: badges; agenda item for March meeting

Ms. Garcia:

Per you question below....I do not have (and would never accept) a badge.

Please place the below on the agenda for the March meeting. I have no backup documentation; nor is there a cost analysis.

Date: January 28, 2011

To: Clerk; Manager

From: Bryan Cooper

**Re: Police-style badges given to Commissioners**

**Background Analysis: None.**

**Fiscal/Budgetary Impact: None.**

**Recommendation: None at this time; To be discussed before the full Commission.**

Bryan Cooper

---

**From:** Ana M. Garcia <villagemanager@biscayneparkfl.gov>  
**To:** Rox Ross <rox@roxross.com>; Steve Bernard <steve@stevebernardarchitect.com>; Commissioner Bob Anderson <banderson@biscayneparkfl.gov>; Al Childress <albertchildress@yahoo.com>; Bryan Cooper <bryancooper7@yahoo.com>  
**Cc:** Village clerk <villageclerk@biscayneparkfl.gov>; Archives <vobparchives@biscayneparkfl.gov>  
**Sent:** Fri, January 28, 2011 5:06:12 PM  
**Subject:** badges

Good afternoon all, Tom from the herald called me as he is doing a story on North Miami and badges for officials. How many of you have badges? This varies from City to City. If you have already answered this please disregard. Thank you.

Ana M. Garcia, CPRP  
Village Manager  
640 NE 114th Street  
Biscayne Park, Fl 33161  
Ph. 305.899.8000 ext. 229  
Fax. 305.891.7241  
[agarcia@biscayneparkfl.gov](mailto:agarcia@biscayneparkfl.gov)



Date: **2/18/11**  
To: **Clerk Maria Camara**  
From: **Commissioner Steve Bernard**  
Re: **March Agenda Item**

---

**REQUEST:**

**A DISCUSSION OF: FPL Hardening Project**

**BACKGROUND AND ANALYSIS:**

On Friday, 1/28/11, the Commission was informed of an FPL Hardening Project, which entails the replacement of wood power poles with new wood and concrete poles. A review of those plans on 1/31/11 with the Building Official and Clerk indicated that the submittal was not complete.

Because there has not yet been a resubmittal of the plans, and because I believe that the Commission has the right and responsibility to insist on certain requirements and conditions to the project, I am submitting my concerns to the full Commission for discussion prior to approving the project.

The Commission has not yet had a response from the Building Official or the Village Attorney regarding several procedural questions, and I hope we'll be able to discuss those at the Commission Meeting also.

I am including my previous email from 2/4/11 (see pages 2 & 3), detailing my review of Submittal insufficiencies and suggested Conditions to be met prior to approving the project.

**FISCAL/BUDGETARY IMPACT:**

**Costs - normal administrative review of permitting process**  
**Revenue -- additional tax revenue from improvements to Village rights-of-way**

**RECOMMENDATION:**

**Require FPL to resubmit project submittal, and have Commission agree to suggested Conditions**

## Village of Biscayne Park - Agenda

**From:** Steve Bernard [mailto:steve@stevebernardarchitect.com]  
**Sent:** Friday, February 04, 2011 8:07 AM  
**To:** villagemanager@biscayneparkfl.gov  
**Cc:** villageclerk@biscayneparkfl.gov; attyhearn@aol.com; BDclerk@biscayneparkfl.gov; salannese@yahoo.com; building@biscayneparkfl.gov; Jeanie Bridges; vobparchives@biscayneparkfl.gov  
**Subject:** Re: FPL permit

Ana,

As you know, I'm disappointed that the Commission would not allow even a brief discussion of the 8th Avenue FPL project at the Feb Commission Meeting, so I will put my concerns in writing for your understanding.

I am copying the Building Clerk, the Building Official, and the Village Attorney so that they are aware of my concerns as well. While it not the place of any one Commissioner to direct Staff on what to ask for, or on any review of any project, I feel I am responsible to point out inaccuracies and missing information in a Building permit once I am aware of them. I have obtained hundreds of permits in my role as a private Architect and Contractor, and find that the submitted plans are lacking in sufficient detail for our Village to approve.

It is also not the place for any one Commissioner (or for Staff alone) to set conditions for approval for a project like this, so I am included them for consideration and hope that Staff will not approve this project until a full and public discussion can be had.

To be clear, I am not against a hardening project. It will be beneficial for our residents to know that power can be kept or easily repaired during a storm. However, to allow a project to be done without demanding that all best practices (including aesthetics) are followed can be to the detriment of our Residents.

One example of not insisting that FPL complete their work are the multitude of double poles throughout our Village. Prior to the Commission Meeting, I took 15 minutes to photograph these conditions, and found 16 of them and was prepared to present them. There are obviously many more, but the photos are attached will show what I mean. The last one is on the North Miami side of 121st Street, and shows a new Concrete pole next to the old wood pole that was not removed.

This project is adding about 40 new poles, and I am not ready to tell my constituents that the Village didn't do everything possible to assure the removal of the old poles... these are our property values at stake, and we need professional standards to hold a Contractor to what must be done properly.

### **My review of Plan & Submittal Insufficiencies:**

1. The drawings that I reviewed on Monday 1/31/11 (with the Building Official, Building Clerk, and Village Clerk) are not signed and sealed by a Florida Registered Engineer. The plans that were emailed to the Commission on 2/1 are also not signed and sealed. A project of this magnitude demands a single source of responsibility, and I believe that the Florida Building Code also requires this.
2. There are no indications, notes, or details that show that existing wood poles will be removed once the new poles are installed (this is as per my review and our Building Official's concurrence). This must be added to the plans, and signed & sealed by an engineer. Regardless of any verbal assurances from FPL (via the Clerk as shown below), if there is nothing on the plans, the Contractor can not be held responsible to remove the old poles.
3. There are no indications, notes, or details that show that existing wood poles with AT&T or Cable TV lines will be removed once the new poles are installed and the existing lines are transferred. This must be added to the plans, and signed & sealed by an engineer. Again, regardless of any verbal assurances from FPL (via the Clerk as shown below), if there is nothing on the plans, the Contractor can not be held responsible to coordinate with those other entities and remove poles.
4. There are no indications, notes, or details that show the final height of the new poles above the ground. A table showing how deep poles should be set, clearly showing the final height above the ground must be included in the signed & sealed plans, not simply shown for discussion.
5. There are no indications, notes, or details that show the profile of the new poles. This includes the width of the poles for their full height, any additional brackets, bracing, or arms to hold wires... this must be on the revised signed & sealed plans.

## Village of Biscayne Park - Agenda

6. Only Sheets 1 through 9 are included, on a title block that clearly shows there are 16 pages. A verbal representation that the other pages are for future work is unacceptable, and I don't know any city that would accept plans that are not fully submitted. Either have the Contractor change the title block, or include all pages.
7. There are no wind calculations to prove that the new poles (both wood and concrete) can withstand the code required wind and wire loads. It is our responsibility as a municipality to protect the safety of our residents, and without those calculations we have no formal assurances.
8. There are no wind calculations to prove that new poles can indeed be wood, which are more aesthetically pleasing. Until and unless wood poles are proved not be structurally sound, concrete poles should not be installed.
9. The plans are not accurate regarding existing poles, and there are at least 6 double poles on 8th Avenue that are not indicated on the plans. I have not been able to review the accuracy of all of the poles, but the Village must be sure that the as-built drawings are correct prior to issuing any approvals.
10. All of these corrections must be submitted, with cloud revisions (for ease of review), and on signed & sealed drawings, and on full sized, scaled drawings (it is very difficult to review such small print and symbols). This is how every other city I have ever obtained a permit from requires it, and we should utilize those same protections.
11. I do not think that the application for review included a "Cost of Construction" statement. Every dollar that FPL spends on this project will be taxed and will come to the Village when property taxes are due. Without a confirmed value, the Village can not possibly know whether the fair value is being assessed. Every Resident who obtains a permit must state the cost, this also applies to work being done in our Rights-of-Way.
12. As far as whether a formal permit is required, I believe that it is, but would ask our Attorney to confirm. I will point out that on the title block of the drawings themselves, the box for "Permit Required - City" is marked with an 'X'.

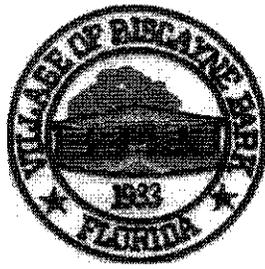
### **Suggestions for Conditions to be set prior to approval:**

1. I believe that any work done in our Rights-of-Way requires a bond to ensure compliance by the Contractor. If we do not have this, I would suggest that a percentage of the total cost of work be held (as every other city that I am aware of requires) until all of the work is completed and inspected. One example of the problems of not doing this are those large and deep holes next to poles by AT&T that existed for months - a clear life safety issue.
2. A survey of existing 'double poles' should be done by the Contractor, with a timeline on when the older pole will be removed. As I said, I am attaching 16 of them, and there are many more.
3. Any existing pole in the Village that is either rotted or unused should be removed. A survey of these poles should be done by the Contractor, with a timeline on when the older pole will be removed.
4. Now would be a good time to replace the existing, inefficient light fixtures and bulbs with newer, better looking, and more efficient lights. Please inquire how this can be achieved.
5. At least one resident along the railroad tracks has stated that there are FPL power poles in their backyards (outside the easement, and within his private property). FPL should provide a survey of these poles and arrange for their removal/replacement if required.

While FPL has stated that they must begin work in April, it is not this Village's responsibility to rush through a proper review. They chose not to submit until last week, and if the above suggestions can not, or should not be insisted on by Staff without Commission approval, then I hope we can either put off the approval until the March Meeting, or have a Special Commission Meeting, as we have done on many and very much less significant issues this past year.

Sincerely,

Steve Bernard  
Commissioner  
Village of Biscayne Park



Date: 02/18/2011

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

cc: Manager Ana Garcia  
Attorney John Hearn  
Clerk Maria Camara

From: Mayor Roxanna Ross

Re: Follow-up on Kimley Horn Traffic Studies

---

**REQUEST:**

**CONSENSUS AND DIRECTION CONCERNING KIMLEY-HORN AND ASSOCIATES, INC.'S TRAFFIC STUDY DATED JANUARY 2007, AND TRAFFIC STUDY UPDATE DATED JULY 2008 (THE "KH TRAFFIC STUDIES")**

**BACKGROUND AND ANALYSIS:**

The KH Traffic Studies provided supporting data and proposed traffic plan for the Village of Biscayne Park, which included:

1. Converting NE 9 Court to one-way southbound (implemented);
2. Median extension on NE 121 Street at 5 Avenue to restrict turning movement;
3. Channelizing eastbound right-turn only movement at NE 121 Street and 6 Avenue (implemented and reinforced with the planting of trees to avoid median cross-over traffic);
4. Re-routing southbound Griffing Blvd. to NE 115 Street (implemented with unfavorable results and reversed);
5. Installing traffic circles along NE 7 Ave and 9 Avenue;
6. Installing landscaped entry features on local streets throughout the Village;
7. Where feasible, install lane width reduction striping that designates space for pedestrians and bicyclists (discussed by community at large, committee and commission);
8. Implementing 25 MPH speed limit on local streets within the Village (implemented); and
9. Generally recommending CPTED guidelines, including landscaping and lighting considerations.

Two of the above-described nine measures were implemented with immediate favorable results: #1 and 8. Item #3 was implemented and further enhanced last fall by planting trees along the median to discourage turns by vehicles seeking to avoid the right-turn channelization. Item #4 was implemented, determined unfavorable and the measure was reversed. Plans to implement Item #7 were discussed at length without reaching consensus.

I urge the Commission to take up the balance of the recommendations proposed in the KH Traffic Studies, and any further recommendation that may be developed through the process. Let's move forward on the items that we can agree upon, and direct the Manager, at her discretion, to work with Kimley Horn, contract landscapers, resident boards and volunteers to implement these recommendations:

The residents in the vicinity of NE 5 Ave and 121 Street are supportive of recommendation #2, even offering to subsidize the cost; one resident, owner of a bonded construction company, has offered to cut and remove the asphalt, purchase and install large areca palms to continue the row of plantings already existing along that median.

Recommendation #6, landscaped entry features have been discussed and plans may already be available from our Park & Parkways Board, whose members are always ready to assist in enhancing our greenspaces. Starting with the landscaping at our NE 6 Avenue entrance, which was the focus of the recent MLK Day of Service event, and continuing with every entrance point to the Village: 107 Street and the FEC railway at our southern end, 10 Avenue,

## **Village of Biscayne Park – 03-01-2011 Agenda**

8 Avenue, Griffing Boulevard along the Village northern entryways. The replacement of weathered signs may be explored for these points, as well as at NE 12 Avenue, 9 Avenue and 7 Avenue; procurement may be through the County, as was our recently installed sign at the Ed Burke Recreation Center.

Recommendation #9 further explore specific improvements, including landscaping and lighting employing CPTED principles. One possible enhancement could be improved LED or low energy lighting by working with FPL as they proceed with the hardening of the distribution lines along NE 8 Avenue.

### **FISCAL/BUDGETARY IMPACT:**

The current budget allows for minimal spending on any improvements. However, through fundraising, private contributions and forestry monies, these improvements can become a reality for our Village. Studies show that one of the top ways to improve the market value of your home, with high return on investment is LANDSCAPING. I believe that these enhancements will further reinforce our sense of place and continue to distinguish the Village of Biscayne Park as a bird sanctuary and Tree City USA community.

### **RECOMMENDATION:**

I urge the Commission to work together in the areas where we are all in agreement, enhancing greenspaces.