



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

MINUTES

Regular Commission Meeting Log Cabin - 640 NE 114th Street Biscayne Park, FL 33161

Tuesday, February 04, 2020 at 7:00 pm

1 Call to Order

Vice-Mayor Tudor called the meeting to order at 7:00 pm.

2 Roll Call

Mayor Truppman - absent

Vice Mayor Tudor - present

Commissioner Kennedy - present

Commissioner O'Halpin - present

Commissioner Samaria - present

Staff present:

Village Manager Krishan Manners

Village Attorney Julia Mandel

Village Clerk Roseann Prado

Sergeant of Arms Officer Paul Eppler

Chief of Police, Luis Cabrera

Public Works Manager, David Hernandez

Recording: Cesar Hernandez

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

Village Manager announced that Mayor Truppman has resigned earlier. Copy of resignation letter has been distributed to Commission after the meeting.

Commissioner O'Halpin motioned to move items 14.d, 16.a and 6.c to after 5.b.

Commissioner Samaria seconded. **Motion passed 3 - 1** (Vice-Mayor Tudor opposed).

Commissioner Kennedy requested to move item 9 to a Special Meeting. Consensus of the Commission was to accept the change.

Commissioner Kennedy requested to move item 14.c and add to 5.b. Consensus of the Commission was to accept the change.

Commissioner Kennedy motioned to add to discussion the lawsuit against Commissioner Samaria to New Business item 14.f. Commissioner O'Halpin seconded. **Motion passed 3 - 1** (Vice-Mayor Tudor opposed).

Commissioner O'Halpin motioned to move item 14.d to 5.c. Commissioner Kennedy seconded. **Motion passed 3 - 1** (Vice-Mayor Tudor opposed)

Commissioner Samaria motioned to move item 14.d to 6.d and Item 14.e to 6.e. Commissioner Kennedy seconded. **Motion passed 3 - 1** (Vice-Mayor Tudor opposed)

5 Certification of Special Election

5.a Certification of Special Election - Newly Elected Officials

Commission Samaria motioned to draft and adopt Resolution certifying the Special Election held on January 7, 2020. Commissioner O'Halpin seconded.

Motion passed 4 - 0.

5.b Mayoral Selection

Commissioner Samaria nominated Virginia O'Halpin for the position of Mayor.

Commissioner Kennedy second.

The votes were as follows:

Commissioner Kennedy - Yes

Vice-Mayor Tudor - No

Commissioner O'Halpin - Yes

Commissioner Samaria - Yes

Virginia O'Halpin was selected the new **Mayor with 3 - 1 votes.**

6 Presentations

6.a Finance presentation - by Paul Winklejohn from GMS

6.b Special Magistrate presentation - by Annette Cannon

Commissioner Kennedy motioned to table the ratification of Special Magistrate.

Mayor O'Halpin seconded. **Motion passed 3 - 1** (Vice-Mayor Tudor opposed).

6.c FPL Presentation - David Navarro, Juan Mendez, Javier Prado, Arturo Perez, Enrique Feroso and Jessica Pimentel

6.d (14.d) Village Manager employment Agreement - by Commissioner Kennedy

Commissioner Kennedy motioned to approve Resolution of suspension and removal of Village Manager, Krishan Manners, and termination for cause. Commissioner Samaria seconded.

Commission voted as follows:

Mayor O'Halpin -Yes

Vice-Mayor Tudor - No

Commissioner Kennedy - Yes

Commissioner Samaria - Yes

Motion passed 3 - 1 (Vice-Mayor Tudor opposed)

Mayor O'Halpin requested a five minutes recess at 9:00 pm.

Meeting resumed at 9:09 pm.

Vice-Mayor Tudor left the meeting at 9:12 pm.

Commissioner Kennedy motioned to reconsider the votes on the Resolution for removal and termination of Village Manager, Krishan Manners.

Commissioner Samaria withdrew to vote and provided form 8B, further attached to this Minutes.

Commission voted as follows:

Mayor O'Halpin - Yes

Commissioner Kennedy - Yes

Resolution passed 2 - 0.

Mayor O'Halpin motioned to appoint David Hernandez as the Interim Village Manager. Commissioner Samaria motioned to appoint David Hernandez as the Interim Village Manager. Mayor O'Halpin seconded. **Motion passed 3 - 0.**

- 6.e **(14.e)** Mayor O'Halpin motioned to waive the 30 days notice after the resignation of Village Attorney from Gray Robinson, and appoint Mr. John R. Herin Jr., as Interim Village Attorney. Commissioner Samaria seconded. **Motion passed 3 - 0.**

7 PUBLIC HEARING /QUASI-JUDICIAL PROCEEDING - Variance Application

- 7.a Variance PV019-0003 - SCHER - Swimming Pool Setback 955 NE 118th Street, Biscayne Park, FL 33161

The following persons were swearing in and spoke on the records:

Owners: Sandor and Stephanie Scher

Gage Hartung, Planning & Zoning chair

Gary Kuhl

Mayor O'Halpin motioned to approve Variance PV19-0003. The four (4) criteria for the variance has been met. Commissioner Samaria seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Commissioner Kennedy - No

Commissioner Samaria - Yes

8 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

The following persons spoke on the record:

Jessica Kizorek - petition to waive the \$ 250.00 permit fee for film production. Commission came to a consensus to approve waive the \$ 250.00 permit fee but requested the \$ 250.00 security deposit to be posted.

Nicole Susi
Linda Dillon
Janey Anderson
Bob Anderson
Dan Keys
Dan Schneiger
Chuck Ross
Utte Nichts
Rox Ross
Fred Jonas
Barbara Kuhl

Commissioner Kennedy motioned to extend the meeting no later than 12:00 am. Mayor O'Halpin seconded. **Motion passed 3 - 0.**

9 Information / Updates

Charter Review Advisory Board's Final Report to the Commission

- Cover Memo from Chair
- Final Report

Item tabled to New Business - Item 14

10 Consent Agenda

10.a Acceptance of Commission Minutes

- Regular Commission Meeting December 03, 2019

10.b Acceptance of Boards Minutes

- Biscayne Park Foundation Meeting November 13, 2019
- Charter Review Advisory Board Meeting November 7, 2019
- Charter Review Advisory Board Meeting December 5, 2019
- Public Safety Advisory Board Meeting November 20, 2019
- Public Art Advisory Board Meeting, January 08, 2020
- Planning & Zoning Board Meeting September 03, 2019
- Planning & Zoning Board Meeting September 16, 2019
- Planning & Zoning Board Meeting October 07, 2019
- Planning & Zoning Board Meeting October 21, 2019
- Planning & Zoning Board Meeting November 04, 2019
- Planning & Zoning Board Meeting November 18, 2019
- Planning & Zoning Board Meeting December 02, 2019

10.c Resolution 2020-01 - Surplus Vehicle

 A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA DECLARING VILLAGE VEHICLE AS SURPLUS PROPERTY AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS THROUGH BIDERA AUCTIONS; PROVIDING FOR AN EFFECTIVE DATE.

10.d Resolution 2020-02 - MOA w Town of Medley

 A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MAYOR TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE TOWN OF MEDLEY, FLORIDA AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

10.e Resolution # 2020-03 - Turf and Landscape Maintenance NE 6th Avenue

 A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RENEWAL FOR THE TURF AND LANDSCAPE MAINTENANCE JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BISCAYNE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kennedy motioned to approve Consent Agenda. Commissioner Samaria seconded. **Motion passed 3 - 0.**

11 Ordinances

None

12 Resolutions

12.a Resolution # 2020-04 - Authorization to purchase Police Vehicle

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT FOR ONE (1) POLICE VEHICLE FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kennedy motioned to approve Resolution # 2020-04. Commissioner Samaria seconded. **Motion passed 3 - 0.**

13 Old Business

None

14 New Business

14.a Preliminary Discussion Regarding Potential Amendment to Code of Ordinances

- Resolution 2013-22 - procedures for Ordinances.

Commission

Commission Kennedy motioned to bring to next Special Commission Meeting on February 11, 2020 an Ordinance as in First Reading, amending the Code of Ordinances Article III, Section 2-30 - **removing** the limitation of a board member who resigns to not return for one (1) year. Commissioner Samaria seconded. **Motion passed 3 - 0.**

14.b Discussion on Weekly Report - e-mail from Commissioner Kennedy.

Commissioner Kennedy tabled the issue until a permanent Manager will be in place.

15 Request for placement of items on next meeting agenda

Commission called for a Special Commission meeting on February 11, 2020.

Following Items to be included on the agenda:

- Interim Village Manager
- Interim Village Manager
- Special Magistrate
- First Reading - Ordinance - changing language on Board Members Resignation.

16 Reports

16.a Village Attorney

16.b Village Manager

16.c Board / Committee Reports

16.d Commission Comments:

Mayor O'Halpin

Vice-Mayor Tudor

Commissioner Samaria

Commissioner Kennedy - Permanent compensation to Interim Village Manager

- Move Decorum notes to the bottom of the agenda.

Commissioner Kennedy motioned to remove Sergeant-of-arms from the dais.

Commissioner Samaria seconded. **Motion passed 3 - 0.**

17 Announcements

- Biscayne Park Foundation - Monday, February 10, 2020 6:30 pm - Village Hall
- Public Art Advisory Board - Wednesday, February 12, 2020 6:00 pm - Village Hall
- Planning & Zoning Board - Monday, February 17, 2020 6:30 pm - Log Cabin
- Parks & Parkway Advisory Board - Thursday, February 20, 2020 5:30 pm - Village Hall
- Public Safety Advisory Board - Wednesday, February 26, 2020 6:00 pm - Village Hall

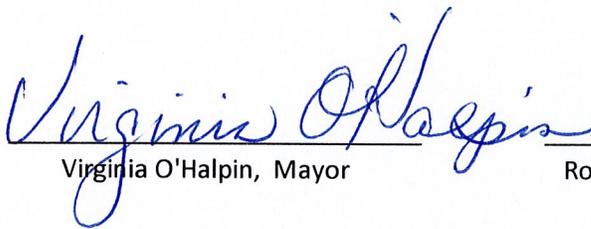
- **Next Regular Commission Meeting - Tuesday, March 3, 2020 7:00 pm - Log Cabin**

18 Adjournment

Commission Samaria motioned to adjourn the meeting. Commissioner Kennedy seconded. Meeting adjourned at 11:44 pm.

Commission approved on Regular Commission Meeting of March 03, 2020.

Attest:


Virginia O'Halpin, Mayor


Roseann Prado, Village Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Samantha DANIEL R.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Biscayne Park Commission</i>
MAILING ADDRESS <i>931/29 NE 12011</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Biscayne Park Dade</i>	NAME OF POLITICAL SUBDIVISION: <i>Commissioner</i>
DATE ON WHICH VOTE OCCURRED <i>Feb 4 2020</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Daniel R. Samaha, hereby disclose that on February 4, 2020.

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Based upon Sect 2 (#1 and #2) of Resolution No 2020-05

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/2/20
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.