



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

**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, June 4, 2013 at 7:00pm**

Mayor and Commission

Noah Jacobs  
Mayor

Robert "Bob" Anderson  
Vice Mayor

Bryan Cooper  
Commissioner

Roxanna Ross  
Commissioner

Commissioner Watts  
Commissioner

Ana M. Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria C. Camara  
Village Clerk

**1 Call to Order**

Mayor Noah Jacobs called the meeting to order at 7:03pm.

**2 Roll Call**

Mayor Noah Jacobs - present  
Vice Mayor Bryan Cooper - present  
Commissioner Bob Anderson - present  
Commissioner Roxanna Ross - present  
Commissioner Barbara Watts - absent

Present from staff were:

Village Manager Ana M. Garcia  
Village Clerk Maria C. Camara  
Village Attorney John Hearn  
Assistant to the Manager, Candido Sosa-Cruz  
Finance Director Irwin Williams  
Assistant Public Works Director Cesar Hernandez

**3 Pledge of Allegiance**

Mayor Jacobs recognized Commissioner Anderson as the Vice Mayor for the next six months.

**4 Presentations**

- Brian McNoldy, Senior Research Associate at the University of Miami, Rosenstiel School of Marine & Atmospheric Science provided a presentation on hurricane facts, historical data and preparedness information.

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

Commissioner Ross asks to add an item to New Business to discuss board member attendance. Added as item 13.b under New Business.

Commissioner Cooper asks that the Village Manager add to her report an update on tree trimming.

Commissioner Ross asks that the Village Manager add to her report the schedule for the audit and the current status.

## **6 Public Comment**

Chuck Ross for Crime Watch: On Saturday, June 29th from 10am to 1pm will participate in the Community Safety Day and Hurricane Preparedness Day. Being put together along with the Biscayne Park Police Dept. Looking for sponsors for the event. Will verify if there is a sponsor/vendor form required. Several presentations will be scheduled at this event. Had a successful Crime Watch meeting on May 23rd. Attended by the Chief and Officer Wollschlager.

Chuck Ross: Has put together the salient points/comments he made at the November 2012 meeting during public comment that were not captured in the approved minutes of that meeting (that recap was distributed to the Commission). Looking for a motion by the Commission to have the Clerk to review. Based on the TRIM notice, we will see about a \$19,000 increase by keeping at 9.5 mills. This is why we need to look at other sources of revenue such as annexation. On putting this item on the ballot, we cannot wait for that. Instead, prepare a survey and get resident input if you feel that is necessary.

Dan Samaria: The Rec Advisory Board is looking for ways to incorporate events for a Child Safety Day tentatively scheduled for August. Wants it to be a success.

Brent Piper: Recently moved to the Village, a community that was nice and reminded him of where he lived in Colorado. A week ago he asked for data on building permits and only Commissioner Anderson responded. Has heard from many of his neighbors that he needs to get involved in the community. Has spoken with Jeanie in the Building Department. Has never gotten a return call from the Village Manager. The question is, what is the total amount for permits in 2012. Also, how are we addressing the foreclosure issue. This takes away from the growth of a city. There are certain penalties for yard maintenance, etc., but what is the maximum fine amount we can legally put on a foreclosure. Many banks ignore daily fines. Lastly, Candido has been great. Have also dealt with Bob Anderson. Additionally, did not know who the Mayor was. Was surprised when he found out who the Mayor was because it was the same person that drove by him in a red car this evening at a high rate of speed.

Vice Mayor Anderson: Asks staff to get with Mr. Piper and explain to him the process for fines and the process for Code Compliance. Explain those issues that follow Biscayne Park Code and those that follow Miami Dade County Code.

Commissioner Cooper: On the treatment of foreclosures vs any other home, can we treat them differently?

Attorney Hearn: They should be treated the same.

Dale Blanton: When reading the Mayor's article in the last newsletter about being good neighbors, it's not just about bringing a casserole. It's more about maintaining your property. It includes not having boats and RVs in the front yard for extended years and never being moved, with mildew growing and grass growing. Has seen many where they have easy access to the backyard, but choose to park in the front instead. Encourages residents to keep them in the back and for the commission to codify the recommendations. And for those that can't, come for a variance. There are two commissioners that routinely are involved, Ross and Anderson. Commends them for it.

Fred Jonas: We need to strengthen our codes. On Ross' addition to the agenda, we have boards that are under-manned and this is the commission's responsibility to seek and find the right people. Probably one of the most important thing you do is to get quality people and take care of those boards.

Janey Anderson: Thank you Brad. As a realtor, your words carry weight. To the Mayor, I liked your article in the newsletter very much, and being a good neighbor means taking care of your property so that it does not affect another property negatively. Please take the time to drive through the Village, and as an example 11th court. Our finances are predicated on the value of our homes. You are a dad and a teacher and you must have high standards for your daughter. Have the same high standards for the Village.

## **7 Village Manager**

7.a TRIM Update: Provided to the commission a recap of the impact of the Property Appraiser's 2013 Assessment Roll estimates as of June 1st. It is approximately a net increase of \$18,050 based on the current millage rate.

7.b Public Works Department: The Director has retired as of May 31st. Candido Sosa Cruz takes on the title of Public Services Director, along with his role as Assistant to the Manager. This combines two positions into one and looks to have a savings of approximately \$45,000 in salaries. Director Sosa-Cruz also continues to oversee Code Compliance.

7.c Update on the computer Station at the Recreation Center provided by Cesar Hernandez: Has been located in the outer room of the Rec Center and while it is working, need to do slight changes due to spotty Wi-Fi issues. Also looking at printing options and controls, as well as setting up time limits.

Mayor Jacobs: How much use have you seen and how much do you project.

Mr. Hernandez: Very little up until now as it was just implemented. As word gets out, it should start to increase.

Vice Mayor Anderson: Confirms that printing cannot be done if the Director or his designee is not available.

7.d Tree Trimming: Started on 121st, then proceeded to 120th, 119th, 118th and 117th. Working now on 8th through 10th avenues. Then will go from 116th and on. Taking advantage of the contract we are piggy backing off of from Miami Springs at a cost of \$40 per tree.

7.e Audit update provided by Finance Director Williams: About half way through. Should be done in two weeks.

Commissioner Ross: On the tree trimming, shared an email from a resident on tall trees that were identified that could be a hazard in a storm.

Manager Garcia: On trees such as Australian Pines or Norfolk Pines that are very high, need specialized equipment. Working with Raydel and they will do an assessment and provide what added costs they may have to trim these trees. Those type of trees should never have been planted on the medians.

Commissioner Cooper: On tree pruning, is the company we chose certified arborists? Have seen some trees where the cuts were not professional.

Manager Garcia: Asks Commissioner Cooper to identify which trees. Continues to work with Raydel and verify their work. The pruning they are doing meets all the required standards.

Fred Jonas: Can a resident take advantage of Raydel's price?

Attorney Hearn: Resident would have to contract with the vendor and create their own agreement, independent of the Village.

## **8 Village Attorney**

Attorney Hearn provided an update on the Watts case which relates to the Florida Highway Patrol trooper that has brought about litigation against various municipalities in South Florida. Florida League of Cities is handling this and has dollar one coverage on it.

Related to the audit, the auditors have asked for verification of the recent settlement case with a police officer that was terminated and had appealed it. Based on the amount spent to date and future costs for legal fees, a settlement was agreed on that the termination would be changed to a resignation and he would be paid his back salary. Asks the commission to ratify those actions under the authority of the Manager. This amount is supported by his salary that was included in the budget.

Vice Mayor Anderson makes a motion to ratify and it is seconded by Commissioner Ross.

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

Opposed: None

Motion carries: 4/0

**9 Consent Agenda**

Vice Mayor Anderson pulls item 9.c, Resolution 2013-22, and it becomes item 11.a

Vice Mayor Anderson pulls the minutes of February 5, 2013.

Commissioner Ross asks to defer the minutes of April 2, 2013, May 7, 2013 and May 16, 2013 to the July 9th commission meeting.

Left on the consent agenda:

Acceptance of Board Minutes:

- > Biscayne Park Foundation - April 1, 2013
- > Biscayne Park Foundation - May 6, 2013
- > Code Compliance Board - May 21, 2013
- > Ecology Board - April 22, 2013
- > Planning & Zoning Board - May 6, 2013
- > Planning & Zoning Board - May 20, 2013

Commissioner Ross makes a motion to approve the balance of the consent agenda and it is seconded by Vice Mayor Anderson.

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

Opposed: None

Motion carries: 4/0

Vice Mayor Anderson: On the minutes of February 5, 2013, correct the votes on item 10.b.

Commissioner Ross makes a motion to approve the minutes of February 5, 2013 with the correction. It is accepted by Vice Anderson.

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

Opposed: None

Motion carries: 4/0

**10 Ordinances - FIRST READING**

**10.a Ordinance 2013-08**

AN ORDINANCE OF THE VILLAGE COMMISSION OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2011-05 ADOPTED ON SEPTEMBER 20, 2011 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2011-12, 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.

Mayor Jacobs opened the meeting for public comment, and there were none.

Vice Mayor Anderson makes a motion to approve Ordinance 2013-08 at first reading and it is seconded by Commissioner Ross.

Vice Mayor Anderson: Verifies that we are taking \$53,792 from reserves. So basically we are spending more than what we budgeted.

Finance Director Williams: By passing this amendment, we will not get a finding on the audit, but it doesn't preclude us from identifying what happened. Will look at the property insurance invoices which is 60% of the issue.

Manager Garcia: Also looking at the vehicle insurance which was due to the addition of donated vehicles during the year.

Manager Garcia: Many years back we were self insured for workers compensation. Last year we were hit with a payment on an open claim for over \$60,000. This is an on-going concern. Recommends looking to see if we can negotiate a settlement.

Commissioner Cooper: Heard tonight that costs will exceed revenue. When will the Finance Director look upstream and tell us when are we going to hit the wall and cease to be able to maintain our Village.

Finance Director Williams: Very little wiggle room. You don't want to cut services. Hopefully look for property values to continue to increase. Will sit down and look at all line items during the budget process. Once we know expenditures, we can compare to the revenues. Looks to provide a five year trend to provide for the best projections. Also looking at all revenues and the trend from prior years to now and for the future.

Manager Garcia: Will bring to the July meeting a review of where we were in 2006 and 07 when we peaked in property values to where we are now, and based on 3% cap on homestead, how long it will take us to recover the losses in revenue. It will take us a while. This is why cities are taking a hard look at annexation. Will also be putting out an RFP for sanitation services. Is there a savings to offer the same or better services if we outsource.

On the Foundation, only have 4 members, need one more.

On the Recreation Advisory Board, there is one member missing.

Commissioner Cooper: In the past we have reached out to members that have been absent. Should do the same. Asks for the number of absences for members Zoeller and Montouri.

Gary Kuhl: For member Zoeller, he has missed 9 meetings. For member Montouri, she has missed an entire year.

Item will be placed on the agenda for the July 9th meeting. Each commissioner is encouraged to reach out to their respective appointees on each board.

#### **14 Final Public Comment**

Fred Jonas: When you replace a long time, knowledgeable board member and you replace that person with someone who shows no interest and does not show up, it makes for disfunction. I'm asking you to reconsider.

Janey Anderson: Have been to only one Rec Advisory Board meeting. To Dan Samaria - you have a great board and the meetings are well run. As far as blaming board members, each commissioner needs to take responsibility for their appointees.

#### **15 Reports**

##### **15.a Board Reports**

Recreation Advisory Board by Chair Dan Samaria: Asks Commissioner Ross to attend their next meeting to discuss the Medical Mile project. His company, Creepy Critters wants to donate a computer and pinball machine to the Recreation Center. Is approval needed from the Commission?

Attorney Hearn: No, unless the value is over \$5,000.

##### **15.b Commissioner Comments**

Vice Mayor Anderson: Hope we can continue to end meetings at this time.

Commissioner Cooper: Well done that we had a short agenda.

Commissioner Ross: Looks for the Rec Advisory Board to look into the Medical Mile idea. On the Adopt a Tree Program, brought back 38 trees and the Manager will utilize them in the Village. Thanks all residents that provided their signatures to be able to get these trees.

Mayor Jacobs: A belief that argument for the boat ordinance is a more all-encompassing code issue. Contacted by elderly residents who struggle with code issues. We need to be vigilant of property values and our code. But must be compassionate with our neighbors. Courtesy notices should be honest efforts and not at expense of the residents who need a helping hand.

**15 Announcements**

Clerk Camara read the announcements:

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

Wednesday, June 5th - Code Review Board at 7:00pm

Thursday, June 6th - Recreation Advisory Board at 7:00pm

Tuesday, June 11th - Code Compliance Board at 7:00pm

Wednesday, June 12th - Special Commission Meeting at 6:30pm

Monday, June 17th - Planning & Zoning at 6:30pm

Wednesday, June 19th - Parks & Parkway Advisory Board at 6:00pm

Wednesday, June 19th - Code Review Board at 7:00pm

Thursday, June 20th - Ecology Board at 6:30pm

Monday, July 1st - Planning & Zoning at 6:30pm

Wednesday, July 3rd - Code Review Board at 7:00pm

Thursday, July 4th - All Village Departments are closed for Independence Day Holiday

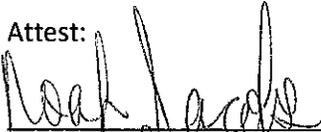
Our next regular Commission meeting is Tuesday, July 9, 2013 at 7:00pm.

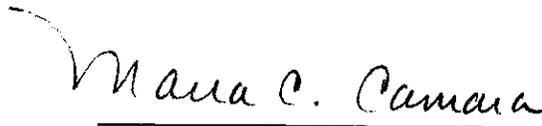
**16 Adjournment**

The meeting was adjourned at 9:17pm.

Commission approved on September 10, 2013.

Attest:

  
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Noah Jacobs, Mayor

  
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Maria Camara, Village Clerk