



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

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

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, August 6, 2013
Presentations: 6:30pm
Meeting: 7:00pm

1 Call to Order

Mayor Noah Jacobs called the meeting to order at 6:45pm.

2 Roll Call

Mayor Noah Jacobs - present

Vice Mayor Bob Anderson - present

Commissioner Bryan Cooper - absent (*Arrived at 7:05pm*)

Commissioner Roxanna Ross - present

Commissioner Barbara Watts - present

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

Chief Ray Atesiano

Finance Director Irwin Williams

Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

4.a Presentation by the Boy Scouts of America will be moved to the September meeting.

4.b Recognition of Village Manager Ana Garcia given by Village Clerk Maria Camara, Police Chief Atesiano and Public Services Director Candido Sosa-Cruz.

A proclamation declaring August 20th, 2013, as Ana M. Garcia Day in the Village of Biscayne Park was given by Commissioner Roxanna Ross.

5 Additions, Deletions and Withdrawals to the Agenda

Mayor Jacobs moves item 13.b before section 7.

Commissioner Cooper adds a discussion on the hat racking of two trees up to the front of the meeting. Clerk Camara refers to item 11b, and Commissioner Cooper asks that that item is moved up. Mayor Jacobs moves 11.b to after the Consent agenda.

6 Public Comment

Barbara Kuhl: Candido's speech said it all for many of us. We will miss you Ana. Resolution on art donation, Fred Jonas has spent a lot of time to get contributions. We did it before and have a nice piece at the park. See no reason why it would not be accepted. The process is that the Foundation has agreed to take in donations to purchase the art piece and offer it to the Village, take it or leave it. If you leave it, I hope you have a good reason to tell the residents why you are refusing it. This is a no brainer. Let's keep politics out of it. In regards to the e-mail I received from the Mayor, I found it to be very inflammatory. You think he would be looking to unify the Village. He misrepresented issues such as the millage on the view of other Commissioners. It would have been more productive if he would have suggested to try out the new code on boats and rv's. Instead he blames his failure to eliminate this ordinance on a small group of residents. He stated he wants the will of the entire Village be heard. I thought that is what took place. But if he doesn't agree with it, the vote should be changed. It is time to move on. On the resolution to set a tree policy, we already follow the Miami Dade County policy. What happens if we follow this and we inform everyone, and then one person objects. Then what? Do you realize the expense to do this. On saving the australian pines, an evasive species, Commissioner Watts made a statement about stopping the process when the two trees on 117th were being cut down, there is a more important issue here. There is a possible charter violation when Commissioner Watts became involved in the work of the Administration. This is a serious charge that I expect the attorney, Commissioner and Manager to address.

Fred Jonas: Foundation does not have anything to do with the sculpture. They are only the bank for the donation. On 9.f roofing materials, I have mixed feelings, would like to see the code broadened, more materials are becoming available. Compromise to have the Board reconsider instead of accommodating the wish of each individual. Seeing so much public support for metal roof, that the Board reconsider. But if they don't, this is who we delegated the responsibility to, to review and make their recommendation. On 11.b tree resolution, I am stumped. These trees are considered menaces by the county, they are not native. They were planted widely in the past, and now drying up the aquifer. Why are we trying to save these when not worth the trouble or our money. This is the kind of matter to be left to Parks & Parkway or Ecology. On 11.a process for ordinances, none of you have credentials, or professional legal skills. This extra step is unnecessary and superfluous. The proposal simply a waste of time we do not have. Takes money we don't have. On 10.b political signs, some have you expressed the wish close to the street and 5' back. This is in contrast to what code permits. The issue now is difficulty in determining the property line. Those who are opposed to having it 10' back are the same ones who opposed having our elections moved to coincide with the general election, citing the possibility of a visual of numerous signs on a property. So why are they now advocating to have signs so close to the street now. Makes no sense.

Janey Anderson: Commissioner Watts' idea on advisory boards a great idea. But on the other items, your concern of our finances confuses me. This is not good fiscal policy. Sitting with a Village Hall that will not cure itself. Roads are in need of repair. If a hurricane hits, not enough money. Tree removal is beaurocratic and fiscally wrong. This is not the 1960's. We don't live in a commune.

Dan Keys: In favor of accepting artwork. On the policy for tree removal, this item shocked me. For 6-7 months, we have been asking for Commissioner Watts to come to the Parks & Parkway meetings to discuss. It sounds laborious. Ana, you will not be forgotten and you will be missed.

Chuck Ross: Thank you Ana. Congratulations and good luck in North Miami Beach. I know you will do a great job. Putting annexation on the ballot, I am against it. Move forward on the workshop. In favor of accepting the art sculpture. In favor of the police vehicle purchase. Resolution to have an ordinance is bad idea. We have Florida Statutes to go by. Policy to remove trees is a terrible policy. Commissioner may have committed a foul. In favor of agreement for Maria Camara. Remove the expanded minutes. Replace board members who do not attend meetings.

Susan Weiss: On accepting the sculpture donation, is one person's sculpture garden. On tree removal, even though the australian pines are evasive, they provide habitat for wildlife.

Gary Kuhl: Ana, vaya con Dios guapa. I donated for the last art piece. The art sculpture is a good idea, and to develop that park as a sculpture park. Ana has done an admirable job, even though road blocks were presented. Keep this in mind as we look forward to hiring a new manager. On the Mayor's July 29th email sent to residents, instead of a constructive, informative message, it was narrow minded, divisive and inflammatory. He chose to criticize those that don't agree with him and insult those that show up to meetings. Is this leadership? Is this the tone you want to set for this community? You are to set policy for the Village, not micro-manage. On Commissioner Watts' item, they are superfluous and would incur unnecessary expenses. On 11.b tree removal, if a Manager would have to follow these rules, I would just wait for the trees to fall over. On australian pines, not a nesting tree, not a food source, they poison the soil with their needles; trees on 117th were dead, decaying trees that will fall over - an accident waiting to happen. On 13.b strangler figs, the vines don't kill the australian pines, they die on their own accord. On the request to give the Code Review Board the item on metal roofs, don't know if this board will meet again. All so disgusted that this Commission has undone what the Board suggested.

Millie Desantis (read by Clerk Camara): On the art sculpture, I strongly dislike, but art is in the eye of the beholder as long as I am not paying for it.

Joe Chao (read by Clerk Camara): In regards to the art sculpture, there is already a beautiful, modern piece at Griffing Park which I enjoy every day. It makes me feel good to look at it. In favor of art sculptures all over the park as long as it is done through donations.

Commissioner Cooper: Have to be careful when board members state something as facts. Want to respond to some of what was stated. On facts about australian pines, they are important to the habitat for birds. We are a community that wants to support the welfare of bird population. There are articles on lack of slash pines. This area used to have many slash pines. The australian pines are a habitat for birds. You have to be careful when you say something not accurate. Hope we have a good dialogue on this. We need begin to immediately recognize when false statements are made.

13.b Resident Review Committee

Mayor Jacobs: Wishes Ana nothing but the best.

Mayor Jacobs: Suggests we pick the at large members first.

Commissioner Ross: Recommends to appoint four at large members instead of two based on the good response we received volunteering to be a member. Very happy to see 18 responded to be on the board.

Mayor Jacobs: To have nine will be difficult to put a meeting together.

Vice Mayor Anderson: To exclude those that volunteered is a dis-service. Recommends to include all who volunteered. All of them will be able to review the resumes prior to meeting.

Mayor Jacobs: We are looking for a specialty in hiring process and business background. Great we had a good response, but only will to consider nine members.

Commissioner Watts: All can still participate even if not a board member.

Commissioner Ross: Makes a motion to expand to five appointed and four at large members. It is seconded by Vice Mayor Anderson.

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

Opposed: None

Motion carries: 5/0

Commissioner Watts makes a motion to select the five board members for each commissioner, then select the four at large. It is seconded by Commissioner Ross.

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

Opposed: Mayor Jacobs and Commissioner Cooper.

Motion carries: 3/2

Commissioner Watts selects David Tunnel.

Commissioner Ross selects Matt Davis.

Vice Mayor Anderson selects Gary Kuhl.

Commissioner Cooper selects Victor Cannon.

Mayor Jacobs selects Steve Bernard.

Commissioner Ross makes a motion to select Vicki Smith-Bilt as an at large member. It is seconded by Commissioner Cooper.

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

Opposed: None

Motion carries: 5/0

Vice Mayor Anderson makes a motion to select Richard Eder as an at large member. It is seconded by Mayor Jacobs.

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

Opposed: None

Motion carries: 5/0

Mayor Jacobs makes a motion to select Maryann Duva as an at large member. It is seconded by Commissioner Cooper.

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

Opposed: None

Motion carries: 5/0

Commissioner Watts makes a motion to select Karla Gottlieb as an at large member. It is seconded by Commissioner Cooper.

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

Opposed: None

Motion carries: 5/0

Clerk Camara provided a recap of the selection process.

Commissioner Cooper makes a motion that all applications are sent to the review committee without being qualified. MOTION FAILS FOR LACK OF SECOND.

7 Village Manager

7.a Scheduling of Annexation Workshop

Manager Garcia: At the last discussion on annexation, it was left that the next step would be to schedule a workshop for the residents.

Commissioner Ross: A motion has already passed to have this take place.

Manager Garcia: North Miami has passed a resolution to go forward to put through an application for these areas. However Miami Dade County Commissioner Sally Heyman advised that she would support the Village over North Miami.

Clerk Camara suggested Saturday, September 21st at 10:00am. There was consensus from the entire Commission.

Vice Mayor Anderson: Suggests that after the workshop where our residents are educated, that a flyer is mailed out and a stamped postcard is provided to poll the residents.

Commissioner Watts: Put the annexation presentation that was given on the homepage of the website.

8 Village Attorney

8.a Executive Session scheduled for Tuesday, August 13th at 5:30pm.

Attorney Hearn: Two collective bargaining agreements are up for renewal. The meeting to discuss is exempt from public record law. Kept completely confidential.

Attorney Hearn: Working with North Miami on interlocal agreement for water utility. Originally they did not want to do an agreement. Have since changed and they are on board.

Attorney Hearn: To Ana, thank you for the last four years. Wishes her luck in the future.

Consent Agenda

On item 9.a, minutes, Commissioner Ross pulls the minutes for June 4, 2013, July 9, 2013 and July 17, 2013.

Commissioner Ross makes a motion to pull item 9.f roofing materials and defer it to the September 10th meeting when the guest speaker can present, as requested by Mayor Jacobs. It is seconded by Vice Mayor Anderson.

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

Opposed: None

Motion carries: 5/0

Mayor Jacobs pulls item 9.c for discussion and it is added as item 11.d.

Commissioner Cooper pulls item 9.e for discussion and it is added as item 11.e.

Left on the consent agenda:

Approval of the minutes for July 23, 2013.

Resolution 2013-32

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK DESIGNATING THE VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 87TH ANNUAL CONFERENCE TO BE HELD ON AUGUST 14-17, 2013 IN ORLANDO, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

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

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

Opposed: None

Motion carries: 5/0

Vice Mayor Anderson: Defer the minutes of July 17th to the next meeting and asks for the audio of that meeting.

Commissioner Ross makes a motion that on the minutes for June 4, 2013 and July 9, 2013, that they are approved with the additions and corrections provided. It is seconded by Vice Mayor Anderson.

Commissioner Watts: Clerk's minutes are fine.

Mayor Jacobs: Constant over editing is a bit much.

The motion is called to a vote:

All in favor: Vice Mayor Anderson and Commissioner Ross

Opposed: Mayor Jacobs, Commissioner Cooper and Commissioner Watts

Motion fails: 2/3

Commissioner Ross: This is not a reflection of the Clerk. Vague direction was provided to her to capture salient points. Now that the Clerk has been given the additional responsibility as Interim Village Manager, go back to action minutes.

Commissioner Ross makes a motion to suspend expanded minutes capturing salient points while the Clerk is the Interim Village Manager and go back to summary action minutes to include speaker comments. It is seconded by Vice Mayor Anderson.

Commissioner Cooper: Unfortunate to want to sacrifice a decision for the residents which is to have a clear summary of these meetings. This has already been voted on.

Mayor Jacobs: Already asked the Clerk if she would be able to handle both responsibilities and she said yes.

Motion is called to a vote:

All in favor: Vice Mayor Anderson and Commissioner Ross

Opposed: Mayor Jacobs, Commissioner Cooper and Commissioner Watts

Motion fails: 2/3

Commissioner Ross makes a motion to defer the minutes of June 4, 2013 and July 9, 2013 to the September meeting and to give the Clerk the opportunity to review. It is seconded by Vice Mayor Anderson.

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

Opposed: None

Motion carries: 5/0

11.b Resolution 2013-30

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, SETTING THE POLICY AND PROCEDURES FOR THE REMOVAL OF TREES ON VILLAGE PROPERTY; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Watts: Despite the comments made tonight we have an opportunity to do something positive. One of the two trees show life. We also need to give residents notice when trees are going to be removed. There are two sides on this issue. To take down all Australian pines would cost more than what we have in reserves. We need to insure their health. I did stop the process when they were being cut so that we can consider other options. We can still do something with what is left. Have provided examples of tree carving artists. We don't want to lose the opportunity to save something that is beautiful. This is God's art in a certain way.

Commissioner Cooper: Confirms with Manager Garcia that pictures were taken prior to tree removal and that both were dead.

Manager Garcia: We have been doing tree trimming. The next step was to remove the dead trees and some stump removal. We trimmed many australian pines that are in good condition, an example are those on the cul-de-sac on 118th and 7th. These two trees we received an opinion from Raydel's certified arborist, and then we got a separate arborist's report. We also are following an urban tree summary report that was provided by a professional firm. These two trees on 117th were potential hazards due to trunk decay from disease and insect infestation. We want to insure safety. They were a liability. Safety comes first.

Commissioner Cooper: Asks to have the pictures of the trees prior to removal forwarded to him, as well as the arborist's report and to the entire commission. There is a history of a group who have wanted these trees removed. Those removed from Griffing showed solid wood, even though experts provided a report to the contrary. This was the County's cost saving mechanism. It is not true that the County controls those trees. They act based on the direction from the Village. Want to correct the following mis-statements: australian pines are not a threat to the ecosystem; these are older trees that do not produce seeds; we are far from the Everglades; they create their own mulch which saves money for the Village; there is historic benefit in that they were planted by Arthur M. Griffing; some don't like the look and want to replace with an oak monoculture; all trees are a liability, not just the australian pines; they have deep roots here in the Village, as we don't have a limestone base; wood is very strong and dense. On 8th court, black olives are more of a threat. Commends Commissioner watts. Have seen prior board members illegally remove trees. This is a real change to reform problems from the past. Should not let those people to psychologically affect those who enjoy them. If a tree is a threat, we will act on it. Adhere to county law, there is documentation on this. Looks to get the votes to have this tree ordinance. Thanks Commissioner Watts for standing up to the tree mafia.

Commissioner Watts makes a motion to pass Resolution 2013-30 and it is seconded by Commissioner Cooper.

Vice Mayor Anderson: Last time this came up, had asked Commissioner Watts to look to see how other cities handle/deal with this before we start inventing something.

Manager Garcia: We have trimmed many australian pines. We work very hard to maintain our Tree City USA status. The fear with these two trees were the large limbs falling down, not so much the tree toppling over.

Director Sosa-Cruz: Will e-mail to the entire commission the photos of the two trees prior to being cut, the arborist report and the urban inventory report.

Commissioner Ross: To the residents in attendance and to those that serve tirelessly for the Village, Commissioner Cooper was accusatory and apologizes to those residents, as was previously determined when a report we paid for was done. Commissioner Cooper wanted to have items from strategic plan tied to the budget and he is absolutely correct. When I set out to make decisions, I do the research and talk to people to make an informed decision, and so we don't just fly off the handle. This Village had a report done in 2005, an urban tree inventory, and assessed all trees and provided a listing of trees to be removed. The criteria set to remove states that when there is no other option because of the hazard. In 2005 these same two trees were recommended for removal, but we never allocated the budget dollars. In this budget we finally made that commitment, but we are now playing catch up. When you state that we never knew of the trees that had to be cut down, it is all in this report from 2005. We are addressing each issue as the budget allows. And now we have an arborist report confirming the hazard. So I don't understand the outrage that a hazardous situation has been addressed.

As for the benefit of having the Australian pines, I have spoken to many people. Previously consulted Brian Fox from the Pelican Seabird Station when the Australian pines were being removed from Griffing. He is an expert on birds. He stated that these trees do not sustain wildlife. We can all have opinions, but when we make decisions, we make them based on professional assessments. We need to be concerned of the insect infestation from those trees spreading to other trees, and to let surrounding trees thrive. For a Commissioner to step in and stop and interfere in the day to day operations, I'm sure it was not intentional, but it was against our charter. To have a tree ordinance, we already have a report from 2005 and we don't have a lot of item. These decisions need to be made by the Manager once we set aside the funding in our budget, tied back to our strategic plans and professional reports. We also have the Miami Dade County tree ordinance. We don't have to reinvent the wheel. And if we want to do that, utilize professionals and associations that have sample ordinances and expertise. We don't need an obstructive process that would cost more money.

Vice Mayor Anderson: Item being put forward is about trees. If you look at the definition of a tree, it could be for anything, maybe even a bush or anything that is growing. Could lead to overgrown medians. That is why we should see what other cities are doing. Cannot support this until I see that.

Mayor Jacobs: We all claim to support our canopy, whether Australian pines, oaks or palms. This is a good first step. Willing to consider an improvement at a later date.

Commissioner Ross: If you pass this today, you have set a policy.

Commissioner Cooper: Pass this today to put safeguards in place.

Commissioner Watts amends her motion to defer this Resolution to the September 10, 2013 meeting. The amendment is accepted.

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

Opposed: None

Motion carries: 5/0

10 Ordinances - FIRST READING

10.a Ordinance 2013-02

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **PROVIDING FOR A UNIFORM METHOD OF IMPOUNDING VEHICLES USED IN THE COMMISSION OF A CRIME; PROVIDING FOR IMPOUNDMENT AND TRANSPORTATION FEES; PROVIDING FOR WRECKER FEES; PROVIDING METHOD FOR ASCERTAINING PERSONS OF INTEREST; PROVIDING FOR PRELIMINARY HEARING COSTS; PROVIDING FOR FINAL HEARING COSTS; PROVIDING FOR BOND; PROVIDING FOR NOTICE TO PERSONS OF INTEREST; PROVIDING FOR HEARING BY HEARING OFFICER; PROVIDING FOR PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.**

Attorney Hearn read the title.

Mayor Jacobs opened the meeting for public comment on the ordinance.

Chuck Ross: Urges to move forward. Good reason as previously stated. Recoup costs associated with these types of arrests.

Vice Mayor Anderson makes a motion to pass Ordinance 2013-02 at first reading and it is accepted by Commissioner Ross.

Commissioner Ross: Per charter, need to incorporate fees and magistrate process prior to second reading.

Attorney Hearn: This ordinance provides that authority for the fees through the hearing process. Will provide an agreement for an outside attorney to be a hearing officer for the next meeting.

Motion is called to a vote.

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

Opposed: None

Motion carries: 5/0

Ordinances - SECOND READING

10.b Ordinance 2013-04

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 12 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED SIGNS, **BY PROVIDING PERMISSIBLE PLACEMENT OF SIGNS, TECHNICAL CHANGES, PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CONDIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

Attorney Hearn read the title.

Mayor Jacobs opened the meeting for public comment on the ordinance.

Barbara Kuhl: At first reading you took recommendation from the Code Review Board which was 10' from the road. Now at second reading, late at night, three of you decided to go to 5'. Some have mentioned it was always at 5' and it was always on public property and that is not correct. It was always 5' from inside the property line. Now you want to change it so that the right of way will be littered with campaign signs. It is a liability. Our attorney said this and it does not happen in other municipalities. It opens up for problems. Your statement that this would keep people from voting or would interfere with the elections is ridiculous. You only talk about the commission elections. But what about presidential elections. Do you want to have signs up for two years on the right way? Is this what you want? The board recommended 10'. They are doing you a favor to make it easier. Take their recommendation and start listening to your boards.

Janey Anderson: Sometime in July and email was circulated about this ordinance with incorrect information. This person stated that the code was always interpreted as 5' from the roadway. That is incorrect. As long as I can remember it has always been enforced per the code which is 5' in from the property line. You all should remember that the code regarding placement of signs is provided to you in your election packet. So what you have now is not that it is stricter, it just simplifies the manner to know where it is allowable to place signs. I don't want to see our police having to drive blocks ahead to pull someone over because the right of way is filled with signs house after house. Our police are more important than political signs. If you really feel that you need to have your signs at 5', you may want to rethink your candidacy.

Gary Kuhl: This is why the Code Review Board is disgusted. We spent weeks and times to come up with something to make life easier and in a few seconds you decide to change. As it exists it is 5' from inside the property line and it makes it difficult to identify the property line, so we recommended 10' from the roadway is reasonable and safe. If you allow to put signs on public right of way, you are condoning that can be considered a hazard and you are taking responsibility as a commission for that. No reason to do this.

Commissioner Ross: Current code states that no signs are allowed on the swale. Given the law that exists today, where does the presumption lie, who has the burden to show where the property line lies.

Attorney Hearn: Code will do that if obvious. The Code Compliance Officer will look at it and use common sense.

Attorney Hearn: On section 12.3.2, there is a line that was deleted and should not have been. Need to keep it that only one sign per candidate is allowed.

Commissioner Ross: Every city that I researched, no one allows signs on the right of way. We need to go by what the Code Review suggested which is 10'. Or, leave the code as is.

Vice Mayor Anderson: If you allow in the right of way, who accepts liability?

Attorney Hearn: You will not find an attorney who will support allowing a sign in the right of way. It is a liability. Your insurance company will not be a proponent of this. When you expressly allow to put a sign there, you are creating an unlimited public forum.

Mayor Jacobs to Commissioner Watts: How far back can you place a sign on your property without your freedom of speech being limited.

Commissioner Watts: At the most, 6'.

Vice Mayor Anderson provided pictures showing signs at 5' from the street and 10' from the street. We all got elected based on the current code.

Clerk Camara: At the last election I worked closely with the Code Officer on the placements of signs because she was a novice. No signs were removed because of where they were placed. The only signs that were removed were those where the property owner stated they did not give permission for the sign to be placed on their property.

Mayor Jacobs: Disagrees.

Commissioner Watts to Chief Atesiano: Do you see a problem with signs on a swale?

Chief Atesiano: Does not see a problem from a police perspective.

Commissioner Ross: Why are we creating an ordinance based on Commissioner Watts' property? We need to create an ordinance for everyone.

Mayor Jacobs: We need to consider the entirety of the Village. Whether they come to these meetings or not and they need to be represented. There are many homes that are similar to Commissioner Watts'.

Commissioner Ross: This ordinance was put forward to make it easier to interpret and enforce, and to be like the rest of municipalities in Miami Dade County, meaning no signs in the right of way. This code would only apply to the Village, not those homes on sixth avenue or Griffing as they have their own county and state laws to follow. What the Code Review Board has put forward has been changed and turned around so that we change our existing laws that were meant to be an enforcement for the entire Village so that one commissioner would have the right to put a sign in the right of way. If we are going to change the committee's recommendation and go to 5', then we might as well keep it as is. Not willing to jeopardize the city.

Vice Mayor Anderson: Agrees that it should be left as is in the code today.

Commissioner Cooper: This is not just about Commissioner Watts' property. There are lots that will not be able to put a sign at 10'. Should be at 5'. Logic that you cannot pull over or that it would delay police action is not a problem. Don't limit political expression. Part of long history to attempt to threaten police power against residents in speaking their mind. Even the Mayor can't speak his mind in an e-mail without being attached by a certain group. They tried to stop the distribution of the Biscayne Times in the Village. There is a problem with a small minority who are trying to limit political discussion. Let's do something to support democracy. To have it at 5' is the simplest way and for our Code Officer to determine. What is good for our residents. Going 5' is the right way to go. It is time to vote on this.

Commissioner Cooper makes a motion to amend to 5'. It is seconded by Mayor Jacobs.

Vice Mayor Anderson: You will be voting on something against our attorney's advice. Commissioner Cooper is an expert on everything. Who ever votes for this will open us up to a law suit.

Commissioner Ross: What you are asking to do at 5', will not be able to do on Griffing and Sixth Avenue because of state and county law.

The motion to amend is called to a vote.

All in favor: Mayor Jacobs, Commissioner Cooper and Commissioner Watts.

Opposed: Vice Mayor Anderson and Commissioner Ross

Motion carries: 3/2

Commissioner Watts: On line 12, will this prevent a sign being placed on a vacant property?

Attorney Hearn: Yes

Commissioner Cooper makes a motion to amend line 12 to allow signs on a vacant property with prior permission from the property owner. It is seconded by Mayor Jacobs.

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

Opposed: Vice Mayor Anderson

Motion carries: 4/1

Commissioner Cooper makes a motion to approve Ordinance 2013-04 as amended and it is seconded by Mayor Jacobs.

The motion to amend is called to a vote.

All in favor: Mayor Jacobs, Commissioner Cooper and Commissioner Watts.

Opposed: Vice Mayor Anderson and Commissioner Ross

Motion carries: 3/2

11 Resolutions

11.a Resolution 2013-22

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CREATING POLICIES AND PROCEDURES FOR THE SUBMISSION OF AN ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE

Mayor Jacobs passed the gavel to Vice Mayor Anderson.

Mayor Jacobs makes a motion to pass Resolution 2013-22 and it is seconded by Commissioner Cooper.

Commissioner Watts: First reaction to this is that it will slow down the process. Why not just start it as a discussion item?

Commissioner Ross: Florida statute gives us procedures for ordinances and resolutions. Resolutions are used for the administrative business of the government to promote transparency and to accept contracts. Not used for what is suggested here. Agrees with Commissioner Watts. This is how I have presented an item before as a discussion item. A process already in place.

Commissioner Cooper: Good to discuss prior to putting an ordinance through. Sees it as a cost savings.

Vice Mayor Anderson: Why do we need a resolution? We already have a process where backup is required and a lot of time we have no backup. If we continue as we should be, it will work and the extra step for the clerk to do a resolution is not needed.

Mayor Jacobs: Only trying to put down on paper for future commissions.

Vice Mayor Anderson: Remove the requirement of the resolution and keep the current format that is in place.

Commissioner Watts: Motion to amend Resolution 2013-22 to first bring forward as a discussion item before the attorney is directed to craft an ordinance. It is seconded by Mayor Jacobs.

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

Opposed: None

Motion carries: 5/0

Mayor Jacobs makes a motion to approve Resolution 2013-22 as amended and it is seconded by Commissioner Watts.

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

Opposed: None

Motion carries: 5/0

Mayor Jacobs calls a recess at 10:22pm.

Meeting is resumed at 10:38pm.

11.c **Resolution 2013-31**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF BISCAYNE PARK AND MARIA C. CAMARA**; PROVIDING FOR AN EFFECTIVE DATE

Mayor Jacobs read the title.

Commissioner Ross makes a motion to approve Resolution 2013-31 and it is seconded by Commissioner Anderson.

Manager Garcia: Very proud to support his resolution and asks that you all approve unanimously. Narrative shows the savings. Confirms the respect that the Clerk has earned from the staff. Very fair agreement.

Commissioner Watts: Asks for clarification when agreement is terminated if when the new Manager is hired, or after a period of time after?

Commissioner Ross: Suggests that on section 2, to modify to state ten business days after start date.

Clerk Camara: Intent is on the first date of employment for the new Manager.

Attorney Hearn: Will clarify accordingly.

Motion is called to a vote.

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

Opposed: None

Motion carries: 5/0

Mayor Jacobs moves item 11.e before 11.d

11.e **Resolution 2013-33**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE AGREEMENT OF A 2013 FORD INTERCEPTOR AWD SEDAN FOR THE POLICE DEPARTMENT AS APPROVED IN THE 2012-2013 BUDGET**; PROVIDING FOR AN EFFECTIVE DATE

Mayor Jacobs read the title.

Attorney Hearn: The agreement itself will need to be negotiated. Asks to approve the document that has been passed out.

Commissioner Ross makes a motion to approve Resolution 2013-33 and it is seconded by Vice Mayor Anderson.

Commissioner Cooper: On Chevy Impalas, why so many problems. What is mileage?

Chief Atesiano: Average mileage is 92,000. Advises that this new vehicle will replace his vehicle that was totaled in a recent accident.

Motion is called to a vote.

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

Opposed: None

Motion carries: 5/0

11.d Resolution 2013-29

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ACCEPTING DONATION OF ARTWORK TO THE VILLAGE ; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Commissioner Ross: Resolution is straightforward. Art adds value and shows a community that is accepting and progressive.

Mayor Jacobs: Is there a way to add a structure or process for future art donations?

Commissioner Ross: Acceptable to have a discussion for a process for the future.

Fred Jonas: This is the second piece of art being offered. That was two years ago and since then, nobody has proposed a process. That gives the appearance that there is no concern.

Mayor Jacobs: If Commissioner Ross wants my vote, she has to do that.

Commissioner Ross: Suggest the following language: The commission will endeavor to develop a policy for the encouragement of and consideration of future art donations.

Commissioner Watts: Opposed to this. Especially because of the hoopla from the last donated art piece. We should have a procedure in place. Have made mistakes on the mural project. I admit it. I have seeked out art professionals on the mural art project and this could establish the paradigm. Not good policy to accept what seems to be art being shoved down our throat. We should be providing choices. There are many other types of sculptures. Choose as a community. Be inclusive. We need to get input from professionals. Let's choose art piece as a community. To accept this, should just call it Fred Jonas Park.

Commissioner Ross makes a motion to amend at section 4 to state "the commission will endeavor to develop a policy for the encouragement of and consideration of future art donations", and it is seconded by Vice Mayor Anderson.

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

Opposed: Commissioner Cooper and Commissioner Watts

Motion carries: 3/2

Vice Mayor Anderson: When looking at this, I considered the Mayor's last newsletter article about neighbors helping neighbors and of offering a casserole. You can consider this the same in which you can graciously accept the casserole or slam the door in your neighbor's face. It is a gift and if we say no, we are just telling the community not to raise funds, and offer a gift. You want to tell them to ask us first if we want a gift before you make the effort.

Commissioner Cooper: This has a longer lasting potential than a casserole. More like a fruit cake. I objected to the original sculpture. This looks like a girder that came out of 9/11. Looked at what other small towns have done. So much lip service from Ross and Anderson that they want community involvement. People close to Commissioner Ross pushing art work through. Need something more organic. Maybe this is symbolic for possible future annexation of industrial area. We are setting a precedent. We need a process here. We should not accept it and vote on the process first.

At 11:00pm, Commissioner Ross makes a motion to extend the meeting 20 minutes and it is seconded by Vice Mayor Anderson.

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

Opposed: None

Motion carries: 5/0

Commissioner Cooper: Are donations going through the Biscayne Park Foundation?

Clerk Camara: Confirms the Foundation is being used as the bank for the donations.

Mayor Jacobs: While I have disagreed in the past, don't see a reason to turn this down. Hopes others on the commission will put through a process for future donations.

Vice Mayor Anderson makes a motion to approve Resolution 2013-29 as amended and it is seconded by Commissioner Ross.

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

Opposed: Commissioner Cooper and Commissioner Watts

Motion carries: 3/2

12 Old Business

12.a Commissioner Anderson: Straw Ballot regarding possible Annexation.

Commissioner Anderson will pull and bring back after the workshop.

Mayor Jacobs: What is left on the agenda that is time sensitive?

Manager Garcia: The status of the cut trees on 117th St. median.

13 New Business

13.c Commissioner Watts: Putting a plan in place for the creative use of tree trunks that have to be removed.

Commissioner Cooper: Leave them as is. As long as it is not a threat. A green thing to consider.

Commissioner Watts: This is a lost opportunity to do something really beautiful.

Commissioner Ross: Concerned with insect infestation threat. Would prefer to plant a new tree for the future as opposed to saving a dead tree.

Director Sosa-Cruz: Raydel has already been paid to remove these trees. If you delay and do it later, there will be a cost. Raydel has advised that he can transport it to a local site.

Commissioner Ross makes a motion to allow contractor to complete the work and remove the trees and not interfere with Village administration. It is seconded by Commissioner Anderson.

Commissioner Cooper: Give Commissioner Watts a month to look at other options and then pay the contractor when the work is done.

Director Sosa-Cruz: If he has to come back, it will cost approximately \$1,500.

Commissioner Ross: We have an arborist's report that states they are a hazard.

The motion is called to a vote.

All in favor: Mayor Jacobs, Vice Mayor Anderson, Commissioner Ross

Opposed: Commissioner Cooper and Commissioner Watts

Motion carries: 3/2

16 Announcements

The Clerk read the announcements:

Monday, August 12, 2013 - 1st Budget Workshop FY 2013-14 at 7:00pm

Tuesday, August 13, 2013 - Executive Session at 5:30pm

Tuesday, August 13, 2013 - 2nd Budget Workshop FY 2013-14 at 6:30pm

Tuesday, August 13, 2013 - Code Compliance Board at 7:00pm

Saturday, August 17, 2013 - Special Saturday Trash Pick-Up from Noon to 5:00pm

Monday, August 19, 2013 - Ecology Board at 6:30pm

Monday, August 19, 2013 - Planning & Zoning Board at 6:30pm
Wednesday, August 21, 2013 - Parks & Parkway Advisory Board at 6:00pm
Monday, August 26, 2013 - Biscayne Park Foundation at 6:30pm
Monday, September 2, 2013 - All Village Departments are closed for Labor Day
Tuesday, September 3, 2013 - Planning & Zoning Board at 6:30pm
Thursday, September 5, 2013 - Recreation Advisory Board at 7:00pm

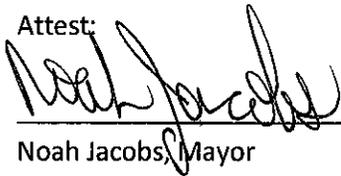
Our next regular Commission meeting is Tuesday, September 10, 2013 at 7:00pm.

17 Adjourment

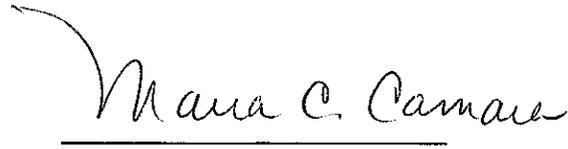
The meeting was adjourned at 11:20pm.

Commission approved on October 1, 2013.

Attest:



Noah Jacobs, Mayor



Maria Camara, Village Clerk