



# *The Village of Biscayne Park*

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

**AGENDA**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, April 7, 2015 at 7:00pm**



*Indicates back up documents are provided.*

**1 Call to Order**

**2 Roll Call**

**3 Pledge of Allegiance**

**4 Presentations**

4.a Swearing in Ceremony - Police Department

- ◆ Corporal Nick Wollschlager
- ◆ Officer Alfred Munoz



4.b Proclamation - April is Volunteer Month



4.c Proclamation - National Service Recognition Day



4.d Charter Review Advisory Board - Jenny Johnson-Sardella, Chair

4.e Becker & Poliakoff - Annexation process update

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

*At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.*

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

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

**7 Information / Updates**



7.a FY 2014-15 Monthly Financials ending 02/28/2015



7.b Photo Contest sponsored by the Public Art Advisory Board

## 8 Consent Agenda

Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.



- 8.a Approval of Minutes
- ◆ March 3, 2015 Regular Commission Meeting



- 8.b Acceptance of Board Minutes
- ◆ Biscayne Park Foundation - February 9, 2015
  - ◆ Planning & Zoning Board - March 2, 2015
  - ◆ Planning & Zoning Board - March 16, 2015
  - ◆ Code Compliance - March 10, 2015
  - ◆ Charter Review Advisory Board - March 12, 2015
  - ◆ Charter Review Advisory Board - March 26, 2015
  - ◆ Public Art Advisory Board - March 11, 2015
  - ◆ Recreation Advisory Board - March 24, 2015



8.c **Resolution 2015-20**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN GOLDEN GATES TUTORING AND ATHLETICS LLC. AND THE VILLAGE OF BISCAYNE PARK FOR THE PROVISION OF AN AFTER SCHOOL CARE AND SUMMER CAMP PROGRAM** AT THE ED BURKE RECREATION CENTER; PROVIDING FOR AN EFFECTIVE DATE.



8.d **Resolution 2015-21**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE BAL HARBOUR VILLAGE AND THE VILLAGE OF BISCAYNE PARK;** PROVIDING FOR AN EFFECTIVE DATE

**< End of Consent >**

## 9 Ordinances

### First Reading



#### 9.a Ordinance 2015-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 17 OF THE CODE ENTITLED “FEES, BONDS AND CHARGES” TO **AUTHORIZE THE IMPOSITION OF A STORM WATER REPAIR/IMPROVEMENTS ASSESSMENT FEE** TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; FURTHER **AUTHORIZING THE IMPOSITION OF A ROAD REPAIR/IMPROVEMENTS ASSESSMENT FEE** TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; **REVISING SECTION 17.4 OF THE CODE ENTITLED “IMPOSITION OF SOLID WASTE MANAGEMENT FEE ASSESSMENT”**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE



#### 9.b Ordinance 2015-03

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING** CHAPTER 13 OF THE LAND DEVELOPMENT CODE ENTITLED “**PLANNING BOARD AND LOCAL PLANNING AGENCY**”; AMENDING CHAPTER 14 OF THE LAND DEVELOPMENT CODE ENTITLED “**CODE COMPLIANCE BOARD**”; AMENDING CHAPTER 15 ENTITLED “ENFORCEMENT”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

## 10 Resolutions

< None >

## 11 Old Business

*These items are generally discussion items that have been previously discussed by the Commission and new information or updates are available by either a member of the Commission or the Administration.*



#### 11.a Chapter 5 Proposed Code Changes

## 12 New Business

*These items are generally discussion items that have been requested by members of the Commission or the Administration.*



#### 12.a Board Member Applications

- ◆ Ecology Board
- ◆ Public Art Advisory Board

-  12.b Discussion on the basketball courts and possible alternative uses - As requested by Mayor Coviello
-  12.c Consider the format and content of the Village Newsletter - As requested by Commissioner Ross
-  12.d Emergency (9-1-1) and non-emergency (305-4-POLICE) contact numbers for Biscayne Park Police calls and Miami-Dade County Dispatch network - As requested by Commissioner Ross

### **13 Request for placement of items on next meeting agenda**

*Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.*

### **14 Reports**

- 14.a Village Manager
  - ◆ Annexation update
  - ◆ Village Hall log cabin restoration & annex building update
- 14.b Village Attorney
- 14.c Board / Committee Reports:
  - ◆ Biscayne Park Foundation
  - ◆ Code Review Board
  - ◆ Ecology Board
  - ◆ Parks & Parkway Advisory Board
  - ◆ Public Art Advisory Board
  - ◆ Recreation Advisory Board
- 14.d Commissioner Comments
  - ◆ Vice Mayor Jonas
  - ◆ Commissioner Anderson
  - ◆ Commissioner Ross
  - ◆ Commissioner Watts
  - ◆ Mayor Coviello

## 15 Announcements

Wednesday, April 8th - Public Art Advisory Board at 6:00pm  
Wednesday, April 8th - Parks & Parkway Advisory Board at 6:00pm  
Saturday, April 11th - Community Garage Sale from 8:00am to 12:00pm  
Monday, April 13th - Code Compliance Board at 7:00pm  
Monday, April 13th - Biscayne Park Foundation at 7:00pm  
Friday, April 17th - Volunteer Appreciation Breakfast at 8:00am  
Saturday, April 18th - FREE Cat Spay/Neuter Event from 7:30am to 12:00pm  
Saturday, April 18th - Earth Day from 9:00am to 11:30am  
Monday, April 20th - Ecology Board at 6:30pm  
Monday, April 20th - Planning & Zoning Board at 6:30pm  
Tuesday, April 28th - Recreation Advisory Board at 7:00pm  
Monday, May 4th - Planning & Zoning Board at 6:30pm

Our next regular Commission meeting is Tuesday, May 5, 2015, at 7:00pm

## 16 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 accommodation 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** - All comments must be addressed to the Commission as a body and not to individuals. 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.

# PROCLAMATION

## National Volunteer Month

*April 2015*

WHEREAS, April has been designated as the time to recognize the hard work, dedication, and passion of volunteers throughout our nation; and

WHEREAS, Last year, nearly 65 million Americans gave their time in service to our nation, which is a testament to the compassion and generosity of the American spirit; and

WHEREAS, Government alone cannot meet all of our nation's needs, so we partner with businesses, faith based organizations, non-profit organizations and individuals to make a difference; and

WHEREAS, The Village of Biscayne Park is committed to encouraging volunteerism among its employees, citizens, partners, local businesses and organizations; and

WHEREAS, Volunteers throughout the Village of Biscayne Park donate their time to a wide variety of programs as well as donate their time helping the Village through their service on the various Village Boards and Committees.

NOW THEREFORE, BE IT RESOLVED that I, David Coviello, Mayor of the Village of Biscayne Park, do hereby proclaim April 2015, as National Volunteer Month, and encourage residents to recognize the positive impact of volunteerism in our Village and to thank those who give of their time and talents to the Village and in their local community.



IN WITNESS WHEREOF, I have hereunto set my hand this 7<sup>th</sup> day of April, in the year two thousand fifteen.



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David Coviello, Mayor

# PROCLAMATION

## National Service Recognition Day

*April 7, 2015*

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our cities and counties, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 7, 2015.

THEREFORE, BE IT RESOLVED that I, David Coviello, Mayor of the Village of Biscayne Park, do hereby proclaim April 7, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our Village; to thank those who serve; and to find ways to give back to their communities.



IN WITNESS WHEREOF, I have hereunto set my hand this 7<sup>th</sup> day of April, in the year two thousand fifteen.

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David Coviello, Mayor



Date: April 7, 2015

To: Mayor David Coviello  
Vice Mayor Fred Jonas  
Commissioner Bob Anderson  
Commissioner Roxanna Ross  
Commissioner Barbara Watts

From: Jenny Johnson-Sardella  
Chair, Charter Review Advisory Board

**Re: Charter Review Advisory Board Conclusion of Findings**

This memorandum and the attached summary serve to provide the Village Commission with a review of the actions of the Charter Review Advisory Board and its findings.

Summary of meetings:

- December 11, 2014: Chair and Vice Chair selected; schedule of meeting set as the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month; Board requested that each Commissioner and the Village Manager are invited to the next meeting to present to the Board what areas of the Charter they are looking to review.
- January 8, 2014: Meeting attended individually by Mayor Coviello, Commissioner Anderson, Commissioner Ross and Commissioner Watts and each provided their input on areas of the charter to review. Vice Mayor Jonas provided his input through the Clerk. Manager Heidi Siegel attended and provided her input on areas for review. Residents in attendance were provided an opportunity to comment. Public Services Manager Krishan Manners also in attendance.
- January 22, 2014: The Board began their review of all the points submitted by the Village Commission and Manager. In attendance at the meeting were Manager Siegel and Public Services Manager Manners.



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- February 12, 2014: The Board continued their review of the points submitted by the Village Commission and Manager. In attendance at the meeting were Manager Siegel and Public Services Manager Manners.
- February 24, 2014: No meeting.
- March 12, 2014: The Board concluded their review of the points submitted by the Village Commission and Manager, as well as those brought up by the Board. The Board directed Staff to prepare a summary of the items discussed and the Board's determination for a final review at the March 26<sup>th</sup> meeting. In attendance at the meeting were Manager Siegel and Public Services Manager Manners.
- March 26, 2014: The Board confirmed the summary of the Board's review and their determination of each as provided by Staff and included as attachment 'A'. A motion was made to formally conclude the meetings and provide the Village Commission with their FINAL FINDINGS that no changes to the Village Charter are required.

On behalf of the Charter Review Advisory Board, it has been a privilege to have served on this Board and to have undertaken this responsibility. We would also like to commend the Staff for their assistance to the Board.

Sincerely,

Jenny Johnson-Sardella  
Chair, Charter Review Advisory Board

Encl: Attachment 'A'

**CHARTER REVIEW ADVISORY BOARD  
SUMMARY OF REVIEW ITEMS**

<b>Section</b>	<b>Section Title</b>	<b>For Consideration</b>	<b>Board Determination</b>
1.02	<b>Form of Government</b>	Consider the opportunity to be more explanatory on the relationship, but not necessarily changing the relationship.	Consensus to leave as is with no changes.
2.02	<b>Mayor and Vice-Mayor</b>	Referencing the duties of the Mayor, language appears left over from pre-Manager form of government as it relates to execution of contracts and in regards to service of process.	Consensus to leave as is with no changes.
2.03	<b>Election and term of office.</b>	Candidates to run at large for a specific seat.	Consensus to leave as is with no changes.
2.03	<b>Election and term of office.</b>	On term limits, important to look at, but not necessarily to change, only to consider the size of our Village. Also consider the time out of office. Clean up the language if an elected official, after leaving office, looks to become an employee, or through a contractual basis.	Consensus not to add term limits.
2.05	<b>Vacancies; forfeiture of office; filling of vacancies</b>	To include 'suspension or removal' as it relates to vacancies; to clarify the language as it relates to the attorney's role in the process; and that due process is provided for all reasons of forfeiture of office.	Consensus to add 'suspension' as an additional reason for the vacancy and to include as a change if the Board proceeds with proposing charter amendments. In regards to the section on due process, there is consensus to leave as is with no changes.
2.05	<b>Vacancies; forfeiture of office; filling of vacancies</b>	Consider the expense of a stand alone election if a vacancy were to occur. Consider changing the language from six (6) months to twelve (12) months left in the term before requiring a special election Would allow for proper budgeting as well.	Consensus to leave as is with no changes.
2.05(C)(1)	<b>Vacancies; forfeiture of office; filling of vacancies</b> <i>(C) Filling of vacancies (1) Vacancy of Commission Office</i>	Clean up the language that if appointed, that the candidate requirements are the same. Currently it is silent.	Consensus to make the language in this section as it relates to the qualifications of the person appointed consistent with that of a candidate in section 2.04, and to include as a change if the Board proceeds with proposing charter amendments.
3.01(B)	<b>Village Manager</b> <i>(B) Appointment; removal; compensation of the Manager</i>	Regarding "Village Manager" consider the language in the Model City Charter. Important to include education and experience.	Consensus to leave as is with no changes.

<b>Section</b>	<b>Section Title</b>	<b>For Consideration</b>	<b>Board Determination</b>
3.02	<b>Village Attorney</b>	Where it references "Village Attorney, consider the language in the Model City Charter where it states a legal officer treated as a regular department head. Options: Appointed by City Manager; appointed by City Manager but subject to confirmation by the City Council; or appointed by the City Council only.	Consensus to leave as is with no changes.
4.01	<b>Commission meeting procedure</b>	On Commission meeting procedures, update so that Manager has the ability to call a special meeting, and not just limited to the Mayor or four members of the Commission.	It was confirmed by the attorney the Manager checking with each Commissioner on their availability for a meeting does not violate Sunshine law.
4.01	<b>Commission meeting procedure</b>	Look at facilitating the process for scheduling special meetings or rescheduling a meeting date.	It was confirmed by the attorney the Manager checking with each Commissioner on their availability for a meeting does not violate Sunshine law.
4.03	<b>Action requiring an ordinance</b>	On actions requiring an ordinance, review the actions listed and consider those that can be done through a less expensive action such as a resolution.	Consensus to change the current actions listed requiring an ordinance and consider those that can be done through a less expensive action such as a resolution, and to include as a change if the Board proceeds with proposing charter amendments.
4.05	<b>Annual budget adoption</b>	On annual budget, Model City Charter provides information on how to formalize the budget process to include a capital improvement plan. Also consider the language provided regarding contingencies.	There was consensus to leave as is as it relates to the annual budget and the manner in which contingencies and capital improvement are identified in the budget.
4.09	<b>Tax levy and assessments</b>	In order to enforce code fines, liens or any other type of fines, consider accumulating the fines per year and adding to the property tax bill. Also to deny issuance of any permits or annual renewals until open liens are satisfied.	Consensus to look into changing the Village code as opposed to a charter amendment.
ARTICLE V	<b>ELECTIONS</b>	Consider what the Model City Charter provides.	Consensus to leave as is with no changes.
5.01	<b>Term of Office</b>	Consider term limits.	Consensus not to add term limits.
5.01	<b>Term of Office</b>	How the Mayor is selected.	Consensus to leave as is with no changes.
5.02	<b>Elections</b>	For elections in general, specificity on the number of days, consider requirements of the County Supervisor of Elections and schedule accordingly.	Consensus to leave as is with no changes.
5.03(E)(2)	<b>Initiative, referendum and recall</b> <i>(E) Action on Petitions (2) Submission to Electors</i>	Referencing the scheduling of a special election.	Consensus to leave as is with no changes.

Section	Section Title	For Consideration	Board Determination
6.02	<b>Procedure to amend</b>	On procedure to amend and for charitable donations, consider changing from majority decision to super majority decision (4/5th).	This is a non-issue as it was verified that the current language requires four (4) commissioners (super majority).
7.04	<b>Charitable donations</b>	On procedure to amend and for charitable donations, consider changing from majority decision to super majority decision (4/5th).	This is a non-issue as it was verified that the current language requires four (4) commissioners (super majority).
7.07	<b>No discrimination</b>	On "no discrimination" section, add "age" as a protected category.	Consensus to make this change and to include as a change if the Board proceeds with proposing charter amendments.
7.07	<b>No discrimination</b>	On "no discrimination" section, add "age" and "gender identity" as a protected category.	Consensus to add "age", and to include as a change if the Board proceeds with proposing charter amendments.
		Review language on "clerk's records".	This is a non-issue as there is no current language that refers to "clerk's records".

## Budget To Actual Report -General Fund

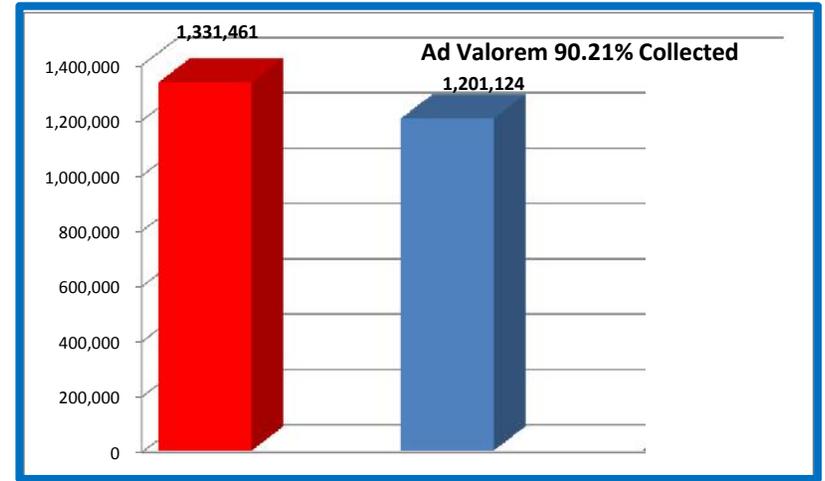
Village of Biscayne Park  
Period Ending 02/28/2015

**% Fiscal Year Completed: 41.67**

### Fund 001 - General Fund

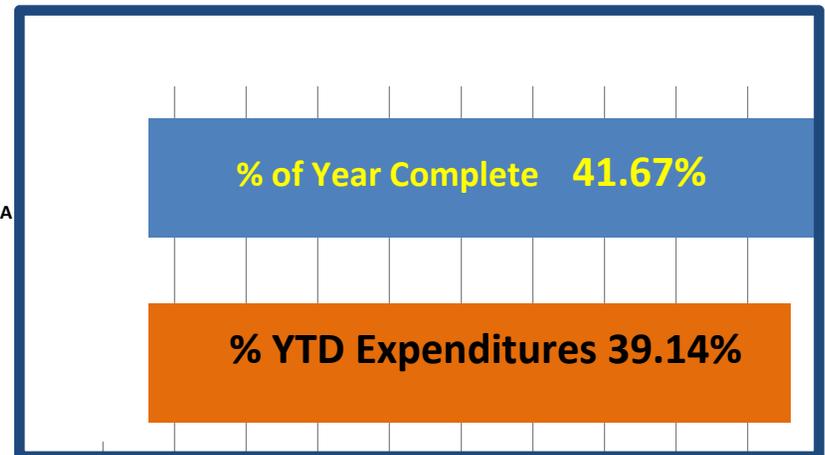
#### Revenues

	Budget	Actual	% Budget Used
Property Taxes	1,331,461	1,201,124	90.21%
Utility Fees	289,962	111,368	38.41%
Franchise Fee	161,283	53,371	33.09%
Charge For Services	145,016	92,138	63.54%
Judgment & Fines	41,600	13,890	33.39%
Miscellaneous Income	111,695	13,484	12.07%
Grants & Contributions	21,906	9,504	43.39%
Intergovernmental Revenues	291,458	129,539	44.45%
	<b>2,394,381</b>	<b>1,624,418</b>	<b>67.84%</b>
Transfers In	98,730	41,137	41.67%
<b>Total Revenues</b>	<b>2,493,111</b>	<b>1,665,555</b>	<b>66.81%</b>

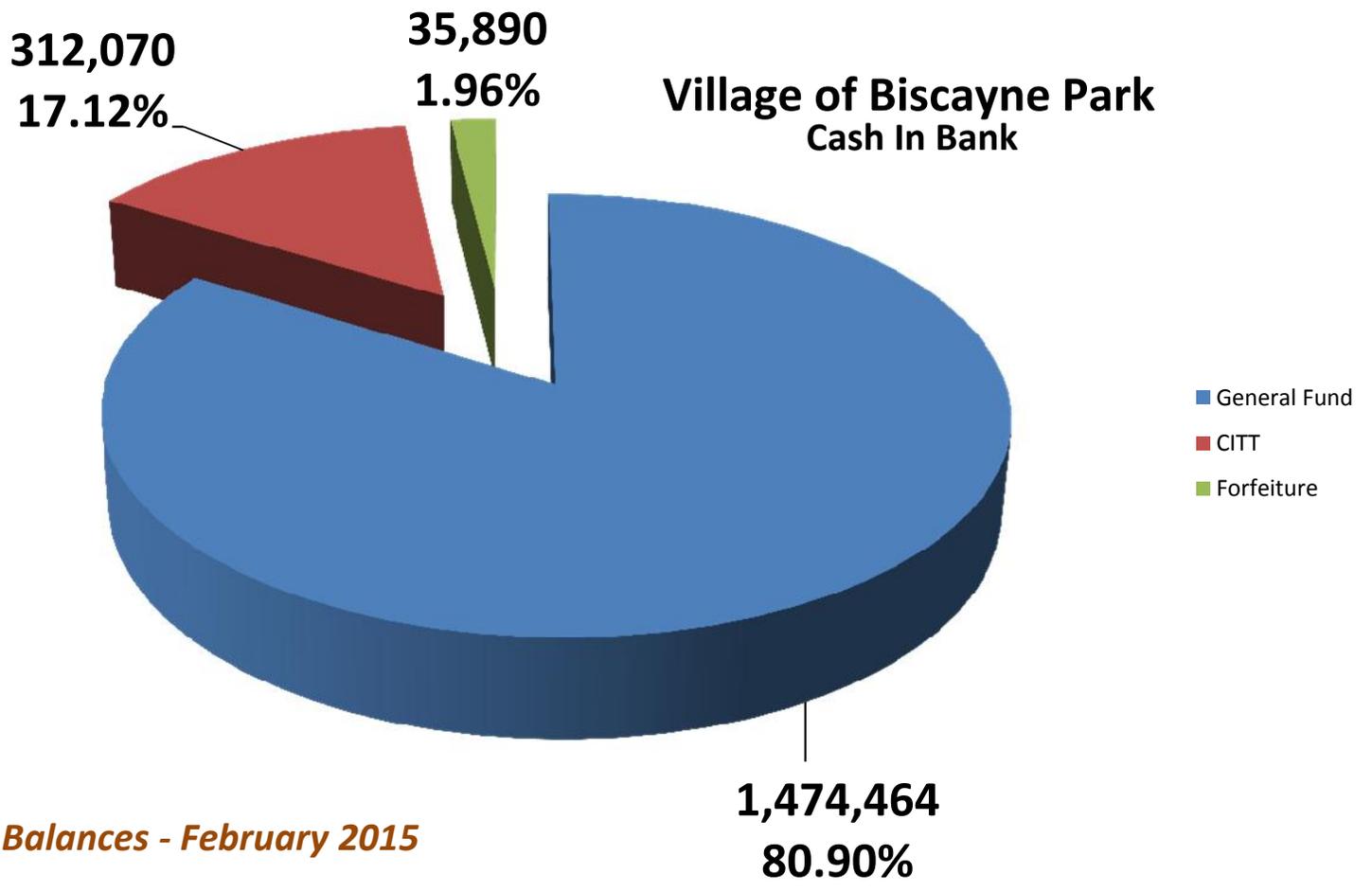


#### Expenditures

Village Commission	23,718	8,677	36.58%
Administration	206,082	80,601	39.11%
Finance	147,327	60,324	40.95%
Planning & Zoning	42,000	17,500	41.67%
General Government	430,781	175,157	40.66%
Police	1,081,851	402,481	37.20%
Building Department	109,256	56,767	51.96%
Code Enforcement	61,987	22,851	36.86%
Public Works	187,626	74,184	39.54%
Parks and Recreation	167,483	63,487	37.91%
<b>Total Expenditures</b>	<b>2,458,111</b>	<b>962,029</b>	<b>39.14%</b>
Transfers Out	35,000	0	0.00%
<b>Total Expenditures</b>	<b>2,493,111</b>	<b>962,029</b>	<b>38.59%</b>



A Higher inspector fees offset by higher permit fee revenues



**REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK**

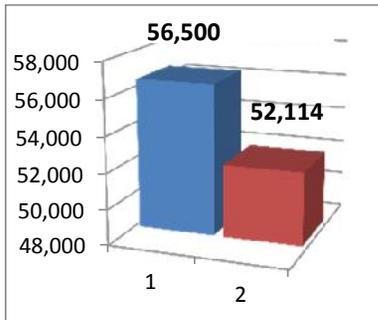
**Period Ending February 28, 2015**

**State Appropriations-DOEO Grant**

% Fiscal Year Completed: 41.67

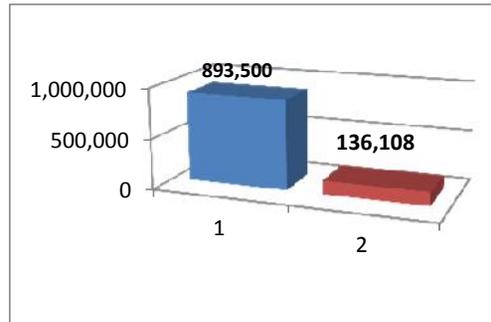
GL NUMBER	DESCRIPTION	2014-15 BUDGET	YTD BALANCE 1/31/2015	AVAILABLE BALANCE	% BDGT USED
<b>Fund 302 - Capital Improvements Fund</b>					
<b>Revenues-State Appropriations-DOEO Grant</b>					
302-539-3344000.000-DOEO	State Appropriations-DOEO Grant	1,000,000	188,222	918,911	18.82%
<b>TOTAL Revenues</b>		<b>1,000,000</b>	<b>188,222</b>	<b>918,911</b>	<b>18.82%</b>
<b>Expenditures-State Appropriations-DOEO Grant</b>					
302-539-5800000.210-DOEO	Design & Engineering-DOEO Grant	56,500	52,114	22,226	92.24%
302-539-5800000.220-DOEO	Construction Costs-DOEO	893,500	136,108	846,685	15.23%
302-539-5800000.240-DOEO	Construction Project Management-DOEO	50,000	0	50,000	0.00%
<b>TOTAL Expenditures</b>		<b>1,000,000</b>	<b>188,222</b>	<b>918,911</b>	<b>18.82%</b>

Design & Engineering



**92.24 % Complete**

Construction



**15.23% Complete**

# Village of Biscayne Park



The Village of Biscayne Park's **Public Art Advisory Board** calls all resident photographers to submit their best snapshots of the Village for its First Annual Photo Contest.

Winners will be determined by public voting at the Village's **Art in the Park** event on Saturday, May 16<sup>th</sup>. Each participant may submit up to five (5) entries via email in jpeg format ONLY to [villagehall@biscayneparkfl.gov](mailto:villagehall@biscayneparkfl.gov). Contest begins on April 10<sup>th</sup> with photo submissions accepted through Monday, May 12<sup>th</sup>.

- Contest is open to Village residents only.
  - Two age group categories:
    - YOUTH (17 and under)
    - ADULT (18 and over)

*Photo submissions must be accompanied with a brief explanation describing the picture and how it represents the Village (where, who, when...).*

Winning photo submissions to be displayed on Village website and printed for display at Village Hall and the Ed Burke Recreation Center.



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Approval of Minutes

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

## **Background**

The Minutes as listed below are being provided for the Commission's review and approval.

## **Fiscal/Budget Impact**

None.

## **Staff Recommendation**

Approval

## **Attachments**

- March 3, 2015 Regular Commission Meeting



**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, March 3, 2015 at 7:00pm**

**1 Call to Order**

Mayor David Coviello called the Presentation portion of the meeting to order at 6:30pm.

**2 Roll Call**

Mayor David Coviello - present  
Vice Mayor Fred Jonas - present  
Commissioner Bob Anderson - present  
Commissioner Roxanna Ross - present  
Commissioner Barbara Watts - absent (*Arrived at 6:47pm*)

Present from staff were:

Village Manager Heidi Shafran  
Village Clerk Maria C. Camara  
Village Attorney John Hearn  
Public Services Manager Krishan Manners  
Police Captain Thomas Harrison  
Finance Director Irwin Williams  
Parks & Recreation Manager Shelecia Bartley  
Assistant Public Works Manager Cesar Hernandez

**3 Pledge of Allegiance**

**4 Presentations**

4.a Manager Heidi Shafran presented the following recognitions:

- > Mailan Nguyen, Employee of the Year
- > Officer Michael Marchese, Public Service Award

4.b Reserve Police Officer Alfred Munoz was sworn in by Village Clerk Maria Camara.

Chuck Ross, Biscayne Park Citizens Crime Watch Coordinator announced there will be

4.e a Crime Watch meeting on March 31st and encourages everyone to attend the informative meeting.

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*Mayor Coviello recessed the Presentation portion of the meeting at 6:50pm.*

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- 4.c Councilman Jesse Walters from Miami Shores spoke about the Miami Shores Chamber of Commerce and welcomes Biscayne Park's participation.

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

< None >

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

William Rey: On proposed code changes, will be affected by certain aspects. Appreciates the work of the boards, but concerned with mistakes made and several items not in agreement with. Rare to have a city with no sidewalks. Coconut Grove is one. It happens in other places and allowed to have trees to the edge of the road. Don't see actual need to be able to step off the road. On ground cover, only allowing turf grass in swale area. Miami Dade County is allowing zero scaping. Turf grass needs watering. Would need to remove what is currently planted. Water a big issue in Florida. Encouraged to use less water. Trees in swale, a requirement for new development in Miami Dade County code. On mailboxes, a 6' to 8' requirement from the street according to US Postal Service. Proposed code is not well researched. Arbitrary in some cases. Need to look at closely and examine to make corrections.

Harvey Bilt: On Chapter 5, the impulse for this was because of an issue in the past on maintenance and removal of a tree in the swale. Why not address just that. Why make it so much more confusing. Very confusing the way it is written. Much of it is un-enforceable. Do only what you need to do now. Too many parts are being addressed that is not needed.

Erica Pettis: Regarding the variance, live on NE 8th Court on a corner lot. We have no front or backyard. In support of the variance request to add the shed.

Tracy Truppman: On Chapter 5, or "swale-gate", commends board for their work. Do not agree with the way it is written. Our Code officer will have to measure leaves. Affects a tremendous amount of people in the park. Has been no documentation to show of incidents where people have been run of the road. We have no sidewalks and that is how the Village has always been. The components in this code have to do with landscaping and don't belong in this section of the code. We should enforce the code for the sitelines that we currently have regarding vegetation component. Should not have anything in the code that is arbitrary or legally unenforceable. Regarding parking, concur with the requirement to have a hard surface. Agree with keeping the 1950's look for those that have the double strip sidewalk driveway. Regarding boards in general, boards can make recommendations based on direction from both the city manager and commission. But if boards make recommendations on what they think is right or their opinion, it creates issues for the Park. Would like to see the boards, city manager and commission look into making the boards work better for the Village. This started off with an issue with a tree that cost the Village, and now it became something else. Taking back the swales now when the code has not been enforced all these years, is not going to work. Personally drove around for about 15 minutes and saw 40-50 properties that would be affected. Please allow Village Manager and attorney, and the Mayor and Commissioners to work on the code itself, as I believe that there is a technical issue and the code needs to be written so that it is legally enforceable.

Tom Ferstle: Happy to serve on any board or in any other capacity for the Village. Want to make a positive contribution.

Gary Kuhl: Serve on the Code Review Board. Points of clarification: Miami Dade County does not recommend trees on the edge of street. Need a 7' set back; ribbon strips (concrete) are not prohibited; code does not mandate to remove shrubbery, only when it dies or destroyed.

Marie Smith: As BP Foundation member, goal is to get funds to improve the Village. Big push is for lighting in front of the Recreation Center. We have put together Food & Tunes events. Excited about newsletter, but disappointed it did not include anything about Food & Tunes. Suggest more cooperation between Village and Boards to help raise funds. Will have a performance at the March 7th Food & Tunes event.

Barbara Kuhl: On Chapter 5 changes, premature to put this in the form of an ordinance. There is a lack of a "meeting of the minds" between the board members. A very complicated issue. A big impact to many homes. A financial impact, especially for driveways. Asks the Commission to have meetings. Many items are not being addressed. Not good to have a partial agenda. Must have one complete document to review. Meetings are long. Have a meeting on a Saturday. This is not finished and needs more work. On Girl Scouts rental fee waiver, sees this as setting a precedent for other organizations. This is our one business and we need to consider all the other groups that we do charge. On Pelican Harbor donation, they are a worthwhile group. But if we are borrowing money, we need to think about making contributions. To give contributions, you need to have a super majority. Our charter is very strong on this. If we are borrowing money, and I support that, we should not be making contributions.

Janey Anderson: On the Girl Scout issue, commend staff for getting new programs. But they need to be fully self supportive. In favor of borrowing, but now is the time we should not be waiving revenues. We should look at getting more revenues. When we allow some not to play by the rules, you open up a can of worms. Everyone can come up with a compelling reason to waive the fees, but a bad road to go. Thanks Manager for newsletter article, and the Code Corner. Sad to see that one of the top three violations has to do with garbage and containers. The easiest code to follow. Don't understand the excuses. See so many properties with storage of containers in front of the home which is against the code. A shame our Code officer has to spend his time on this. Want to see the Commission take a strong stand that all our codes are for the benefit of our community. It is the responsibility of what we all have to do to make our city look better which helps us all in the long run. It comes from the Commission leading by example and leading by strength. Soft stepping things just doesn't work.

Shelecia Bartley, Parks & Recreation Manager: Thanks resident Rosemary Wais for volunteering at the Recreation Center. Reminder of Walk a Hound and Food & Tunes on March 7th and Egg Hunt on March 28th. Art in the Park is scheduled in May and is result of getting a grant.

## **7 Information / Updates**

- 7.a Month end financials for fiscal year 2014-15 as of January 31, 2015, provided by Finance Director Williams.

## **8 Consent Agenda**

- 8.a **Approval of Minutes**  
February 3, 2015 Regular Commission Meeting

- 8.b **Acceptance of Board Minutes**  
Ecology Board - January 20, 2015  
Joint Code Review and Parks & Parkway Board - January 26, 2015  
Planning & Zoning Board - February 2, 2015  
Planning & Zoning Board - February 17, 2015  
Code Compliance Board - February 10, 2015

**8.c Resolution 2015-06**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **RECOGNIZING A LEGAL CHANGE OF NAME FROM HEIDI SHAFRAN TO HEIDI SIEGEL AND GRANTING AUTHORITY TO HEIDI SIEGEL AS VILLAGE MANAGER TO SERVE AS A SIGNATORY** ALONG WITH THE VILLAGE COMMISSION ON ALL BANKING DOCUMENTS RELATED TO THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

**8.d Resolution 2015-07**

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

**8.e Resolution 2015-16**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE MAYOR TO EXECUTE THE CERTIFICATE OF ACCEPTANCE OF THE GRANT** FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT – **EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**; PROVIDING FOR AN EFFECTIVE DATE

**8.f Resolution 2015-17**

VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE EXECUTION OF THE THIRD ADDENDUM BETWEEN VILLAGE OF BISCAYNE PARK AND RAYDEL LANDSCAPING CORP.** FOR PROFESSIONAL LANDSCAPE MAINTENANCE SERVICES (PART I) AND PROFESSIONAL TREE TRIMMING, REMOVAL AND DISPOSAL SERVICES (PART II); PROVIDING FOR AN EFFECTIVE DATE

Commissioner Anderson makes a motion to approved the consent agenda and it is seconded by Vice Mayor Jonas.

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

Opposed: None

Motion carries: 5/0

**9 Public Hearing**

**9.a Variance Request: Mariana Ferro & Amalivis Alonso**

825 NE 113th Street, Biscayne Park, FL 33161

Placement of an accessory structure (shed) 5' from both the rear and side property lines.

Attorney Hearn provided the background and explanation of the quasi judicial procedures and an explanation of the four criterias to consider to either grant or deny the variance.

The property owner and those who would be speaking on the matter were sworn in.

Gage Hartung, Chair of the Planning & Zoning Board: The Board denied the variance as the application did not meet the four criterias. There are other areas on the property that the shed could be located that is allowed within our code.

Amy Alonso, property owner: Of the areas suggested, one is where the septic tank is located and the other is next to garage door and does not fit.

Erica Pettis: Neighbor directly across from the applicant. Has no problem with this request. They have plenty of landscaping. Have identical corner property and our side yard is our back yard.

Mr. Anson: Neighbor at 11311 NE 8th Court. Have no problem. Nothing wrong with it. Should be able to use their property as they wish.

Tom Ferstle: Neighbor for four years. Great neighbors. Beautiful landscaping. Asks Commission to approve the variance.

Gary Kuhl: Concerned with setting a precedent. This should have been considered when the pool variance was being considered. This would be a mistake to allow.

After discussion, Commissioner Anderson makes a motion to deny the variance and it is seconded by Commissioner Ross.

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

Opposed: Mayor Coviello

Motion carries: 4/1

## 10 Ordinances

Second Reading:

### 10.a Ordinance 2015-01

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **AUTHORIZING THE BORROWING OF MONEY IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00)** FOR THE PURPOSE OF FINANCING A PORTION OF THE VILLAGE'S COSTS FOR THE TOTAL AMOUNT TO FUND THE BALANCE OF RESTORATION OF THE HISTORIC VILLAGE HALL LOG CABIN; PROVIDING FOR AN EFFECTIVE DATE

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*Item is being heard along with the following four resolutions:*

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**Resolution 2015-08**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **PLEDGING A PORTION OF THE VILLAGE'S HALF CENT SALES TAX REVENUE FROM THE STATE OF FLORIDA AS COLLATERAL FOR A LOAN WITH CITY NATIONAL BANK**; PROVIDING FOR AN EFFECTIVE DATE

**Resolution 2015-09**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE USE OF THE NET PROCEEDS FROM THE SALE OF SURPLUS VEHICLES TO FUND A PORTION OF THE COST OF THE RESTORATION OF THE HISTORIC VILLAGE HALL LOG CABIN**; PROVIDING FOR AN EFFECTIVE DATE

**Resolution 2015-10**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING A DEBT SERVICING FUND AND APPROPRIATING \$2,700.00 PER MONTH FROM THE GENERAL FUND TO TRANSFER TO THE DEBT SERVICING FUND**; PROVIDING FOR AN EFFECTIVE DATE

**Resolution 2015-11**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE MAYOR TO EXECUTE THE LOAN AGREEMENT BETWEEN CITY NATIONAL BANK AND THE VILLAGE OF BISCAYNE PARK** TO FUND A PORTION OF THE RESTORATION OF THE HISTORIC VILLAGE HALL LOG CABIN IN THE AMOUNT OF \$350,000.00 AT AN INTEREST RATE OF 4.25% FOR FIFTEEN (15) YEARS; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and four resolutions.

Manager Shafran provided the background. Introduced Mariano Martinez from City National Bank who was available for questions.

Mayor Coviello opened the meeting for public comment:

Barbara Kuhl: On item 11.a, Resolution 2015-08, what is the amount being held in collateral and can it be used for other projects. How will it impact our projects.

Manager Shafran: Portion we are pledging is to cover our monthly payments of \$2,700 per month. That portion we would not be able to use. Using our 2014 projections, we receive \$216,850 a year from the half cent sales tax. Only \$30,000 of that would have to be set aside for collateral. Estimating a 7% increase or \$17,000 per year and that puts us half way there. Plus we are already ahead this year in revenue from surplus vehicles and very comfortable in pledging this amount.

Chuck Ross: Addressing comments from Commissioner Watts from the last meeting. Listened to December 9th meeting. Options and costs provided then were crystal clear. Vote was unanimous in keeping Police at Village Hall and to complete the project in full. There was no misunderstanding where we were at then. Subsequent to that meeting construction began on the annex. The commission committed to complete the project in full and commit to borrowing. At the last meeting, Commissioner Watts asked questions, often not waiting for an answer until moving on to the next questions. All questions were answered, both reasonable and persuasive, but Commissioner Watts did not care as she had already decided she was against it. Seems to be influenced, but hopes not. Need to acknowledge that at the December 9th, Commissioner Watts made a conscious decision that borrowing was a necessity. Was one of the forces to have Police stay with Village, instead of moving to Public Works which would have saved approximately \$150,000. Consequently cost of project and borrowing went up. All residents who spoke were in full agreement to build the annex with the Police Department and fully rehab the log cabin and borrow as needed. In addition, the interest rate is a good rate.

Commissioner Ross makes a motion to approve Ordinance 2015-01 at second reading and it is seconded by Commissioner Anderson.

The motion is called to a vote. Roll call:

Commissioner Ross: Yes

Commissioner Anderson: Yes

Vice Mayor Jonas: Yes

Commissioner Watts: Yes

Mayor Coviello: Yes

Motion carries: 5/0

Commissioner Ross makes a motion to approve Resolution 2015-08 and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 5/0

Commissioner Anderson makes a motion to approve Resolution 2015-09 and it is seconded by Vice Mayor Jonas.

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

Opposed: None

Motion carries: 5/0

Commissioner Anderson makes a motion to approve Resolution 2015-10 and it is seconded by Vice Mayor Jonas.

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

Opposed: None

Motion carries: 5/0

Commissioner Anderson makes a motion to approve Resolution 2015-11 and it is seconded by Vice Mayor Jonas.

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

Opposed: None

Motion carries: 5/0

## 11 Resolutions

### 11.e Resolution 2015-12

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE **PARKS & PARKWAY ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE

Clerk Camara provided ballots for each Commissioner to select the five member for the Board from the seven applications submitted. The board members selected are:

Dan Keys  
Barbara Kuhl  
Kimberlee Misek  
Robert Silverman  
Randy Wagoner

Commissioner Ross makes a motion to approve Resolution 2015-12 and the five members selected and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 5/0

### 11.f Resolution 2015-13

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE **ECOLOGY BOARD**; PROVIDING FOR AN EFFECTIVE DATE

Four applications were received for the Ecology Board:

Carmen DeBernardi  
Luca Bronzi  
Tom Ferstle  
Richie Strassberg

Commissioner Ross makes a motion to approve Resolution 2015-13 and the four members selected and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 5/0

**11.g Resolution 2015-14**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE **RECREATION ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE

Five applications were received for the Recreation Advisory Board

Ivette Corredero  
Elizabeth Goldman  
Andrew Hahn  
Dan Samaria  
Rosemary Wais

Commissioner Ross makes a motion to approve Resolution 2015-14 and the five members selected and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Commissioner Anderson, Commissioner Ross and Commissioner Watts

Opposed: Vice Mayor Jonas

Motion carries: 4/1

**11.h Resolution 2015-15**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE **PUBLIC ART ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE

Three applications were received for the Public Art Advisory:

Veronica Fascie  
Karen Marinoni  
Susan Weiss

Commissioner Anderson makes a motion to approve Resolution 2015-15 and the three members selected and it is seconded by Commissioner Ross.

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

Opposed: None

Motion carries: 5/0

**12 Old Business**

**12.a Draft of the proposed code changes to Chapter 5.**

Gage Hartung, Chair of the Code Review Board and Gary Kuhl, Board Member, in attendance for the discussion.

Public Comment during discussion:

Janey Anderson: On duplexes, if they can get exemption for driveway criteria, will they be allowed to park on front lawns. Please clarify as this is a serious issue with so many duplexes.

Manager Siegel explains if you get a variance for number of spaces, it does not preclude them from the requirement to park on an approved surface.

After discussion, there is consensus to direct Attorney Hearn to draft the language on driveways with the following changes:

> Allow non-conforming properties two (2) years for compliance instead of one (1) year.

> If existing non- conforming driveway was permitted by the Village during last five years, it can remain for a period of ten (10) years or until substantial repair is required.

> Remove reference to multi-family properties on obtaining a variance when 10' landscape area cannot be maintained.

> Require gravel driveways to have a border width of 16" at the street and 8" along the edges of the driveway.

There is also consensus to continue discussing the other sections of Chapter 5 at the next meeting.

### **13 New Business**

#### **13.a Discussion to waive rental fees for Girl Scouts at the Ed Burke Recreation Center**

Manager Shafran provided the background. Current rate for residents for rental is \$40/per hour or \$60/per hour based on the room selected, and for non-residents \$80/per hour or \$100/per hour. Recommends a full waiver for use by the Girl Scouts once or twice per month. Meetings are 1 to 1.5 hours.

After discussion, Commissioner Ross makes a motion to draft and adopt a Resolution to allow the use of the Recreation Center by the Girl Scout Troop for up to 14 hours per year with all fees waived, and a requirement that the Troop perform one service project for the Village per year. The motion is seconded by Vice Mayor Jonas.

All in Favor: Mayor Coviello, Vice Mayor Jonas, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

#### **13.b Discussion on request to support Injured Native Wildlife at 35th Anniversary Celebration for the Pelican Harbor Seabird Station.**

Consensus that the Commission will individually provide a monetary donation for one of their sponsorship levels.

Commissioner Ross makes a motion to draft and adopt a Resolution supporting the mission of the Pelican Harbor Seabird Station as they celebrate their 35th anniversary. The motion is seconded by Commissioner Anderson.

All in Favor: Mayor Coviello, Vice Mayor Jonas, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

#### **14 Request for Placement of Items on Next Meeting Agenda**

Mayor Coviello: Discussion of speed tables and doing a temporary test.

Mayor Coviello: Discussion on the basketball court issue and looking at outdoor exercise equipment as an option to replace.

Commissioner Ross: Discussion on the newsletter and the direction of what we want to see.

Commissioner Ross: Discussion on dispatch for the Police Department.

Commissioner Watts: Discussion on joining the website, "Biscayne Park Neighborhood".

#### **15 Reports**

Village Manager:

- Annexation: Met with Mayor Smith Joseph of North Miami and there was consensus to continue discussions. Attended North Miami's Council meeting on conflicting applications. Tentatively set to be on their next council meeting on March 10th to discuss further.

- Annex building construction continues to be on track.

- Village log cabin restoration: Bid documents expected in two weeks. Goal is to open the bid on March 20th and give 30 days for the bid process, and to review submissions in late April. Then present to Commission in May and begin work end of May.

On April 1st, will assess the plan to move Building and Code Compliance Departments to Public Works. Next would be Finance and then the rest. Goal is that by mid-May everyone will be moved into Public Works. Completion for Annex building end of June. Police will move to the trailer as well as utilize assistance from other municipalities. Will also look at having rolling schedules.

- Community signage project: Two bids received from RFQ. Review Committee met and selected Savino & Miller Design's submittal. Have met with them and discussed contract. Next is to schedule a joint meeting with Parks & Parkway and Public Art Advisory boards and the public to discuss the design. Then present to the Commission.

- Recreation Events: Setting up sponsorship levels which will be utilized for the annual Egg Hunt.

#### Board / Committee Reports

< None >

#### Commissioner Reports:

Commissioner Ross: Attended the Clean Energy Coastal Corridor meeting. There have been 17 Village residents that have taken advantage of the program for energy efficient home improvements totaling \$277,000. Miami Gardens and Miami Springs have joined the program.

In the spirit of the Bike 305 event taking place in March, Commissioner Ross challenges Mayor Coviello to join her in commuting to work in downtown Miami one day by bike. Mayor Coviello accepts the challenge.

## 16 Announcements

Clerk Camara read the announcements:

Saturday, March 7th - Walk a Hound Lose a Pound at 9:00am

Saturday, March 7th - Food & Tunes St Patrick's Day Event at 6:30pm

Monday, March 9th - Biscayne Park Foundation at 7:00pm

Tuesday, March 10th - Code Compliance Board at 7:00pm

Wednesday, March 11th - Public Art Advisory Board at 6:00pm

Thursday, March 12th - Charter Review Advisory Board at 7:00pm

Monday, March 16th - Planning & Zoning Board at 6:30pm

Monday, March 16th - Ecology Board at 6:30pm

Wednesday, March 18th - Parks & Parkway Advisory Board at 6:00pm

Wednesday, March 18th - Code Review Board at 7:00pm

Tuesday, March 24th - Recreation Advisory Board at 7:00pm

Thursday, March 26th - Charter Review Advisory Board at 7:00pm

Saturday, March 28th - Spring Egg Hunt at 10:00am

Tuesday, March 31st - Crime Watch Meeting at 7:00pm

Wednesday, April 1st - Code Review Board at 7:00pm

Monday, April 6th - Planning & Zoning Board at 6:30pm

The next regular commission meeting is Tuesday, April 7, 2015, at 7:00pm.

**Adjournment**

The meeting was adjourned at 10:32pm.

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

Attest:

\_\_\_\_\_  
David Coviello, Mayor

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



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Acceptance of Board Minutes

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

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### Background

The Board Minutes as listed below are being provided for the Commission's review and acceptance. If the minutes provided have not yet been approved by the Board, they are noted as DRAFT.

### Staff Recommendation

Acceptance at Consent

### Attachments

- Biscayne Park Foundation - February 9, 2015 DRAFT
- Planning & Zoning Board - March 2, 2015
- Planning & Zoning Board - March 16, 2015 DRAFT
- Code Compliance Board - March 10, 2015 DRAFT
- Charter Review Advisory Board - March 12, 2015
- Charter Review Advisory Board - March 26, 2015
- Public Art Advisory Board - March 11, 2015 DRAFT
- Recreation Advisory Board - March 24, 2015 DRAFT



# 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)  
[www.BiscayneparkFoundation.org](http://www.BiscayneparkFoundation.org)

## BISCAYNE PARK FOUNDATION MINUTES

Monday, February 09, 2015 at 7:00PM  
Ed Burke Recreation Center  
11400 NE 9<sup>th</sup> Court Biscayne Park, FL 33161

Board Members

President  
Supreme Dorvil

Vice president  
Jorge Marinoni

Treasurer  
Joe Chao

Secretary  
Marie Smith

Dorvil called the meeting to order 7:05p.m.

**Roll Call:** Board members: Supreme Dorvil, Joe Chao, Jorge Marinoni, Marie Smith present. Absent Sylvia Linke. In attendance, Krishan Manners.

**Approval of Minutes:** Jan 5, 2015: Motion by Joe Chao, seconded by George Marinoni. Motion passed.

**Treasurer's Report:** submitted by Joe Chao. Foundation balance was \$3,789.14 with additional revenues from events and donations of \$2,687.35, for a total of \$6,476.49, copy of treasurer's report was submitted. **Approval of Treasurer's Report:** Motion by Jorge Marinoni and seconded by Marie Smith. Motion passed.

**Old Business:**

**Food & Tunes: St. Patrick's Day Celebration:** Joe Chao had been approached by Miami Shores to organize and supervise their Car show March 7. A discussion followed on the conflict of events being held on that date, but since the car show would run from 11am – 4pm, it might be our benefit to advertise our St. Patrick evening Food & Tunes to the attendees at the Miami Shores Car Show. In order to promote these events it would be necessary to book the entertainment and have flyers prepared. The deadline for confirming this double event is Feb. 13.

**Beer & Wine permit:** Board member Marinoni discussed the beer and wine permit. He had in his possession wine that was not used during the Oktoberfest and he was willing to retain this wine for his personal use. The board agreed to donate the wine to George Marinoni for his hard work on the board. George Marinoni decided to donate \$80 to the Foundation.

**May 2, Cinco de Mayo Celebration:** Joe Chao to research the entertainment and to report at the next meeting.

## **New Business**

Foundation Donation to the Village: Krishan Manners, at the request of the Village manager, asked the foundation to make a monetary donation to the employee and police officer of the year. This donation, if approved would be presented to the recipients at the next commission meeting on March 3, 2015. It was suggested that in the future the volunteer of the year be honored as well. Motion by Marie Smith and seconded by Joe Chao to donate \$150 to each recipient. Joe Chao would also donate one month tuition to his program to each recipient. Motion passed.

Park Recreation: the Foundation decided to donate \$50 to the recreation center to purchase basketball nets. The Foundation will also help raise money to be able to purchase new basketball backboards. The estimated amount for the basketball backboards is \$700. All motions were passed.

**Next meeting: Monday, March 9<sup>th</sup>, 2015 @ 7:00 p.m.**

Meeting Adjourned at 8:05p.m.

Minutes approved by the Board on \_\_\_\_\_.

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**Supreme Dorvil, President**

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**Marie Smith, Secretary**



## The Village of Biscayne Park

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

### PLANNING & ZONING BOARD

Gage Hartung  
Chairman

Andrew Olis  
Vice Chairman

Carl Bickel  
Elizabeth Hornbuckle  
Doug Tannehill

Alternate  
Mario Rumiano

### MINUTES PLANNING & ZONING BOARD MEETING Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court – Biscayne Park, FL Monday, March 2<sup>nd</sup>, 2015 at 6:30pm

#### 1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

#### 2. ROLL CALL

Gage Hartung – Chair Member – present  
Andrew Olis – Vice Chair – present  
Carl Bickel – Board Member – present  
Doug Tannehill – Board Member – present  
Elizabeth Hornbuckle – Board Member – absent  
Shanesa Mykoo and Sal Annese – staff attendance - present

#### 3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

a. Carl Bickel resigned as Board Member

#### 4. APPROVAL OF MINUTES

February 17<sup>th</sup>, 2015

Motion by D. Tannehill, seconded by C. Bickel and approved 4-0

#### 5. PAINT PERMITS

None

#### 6. BUILDING PERMITS

- a. Herrera – 650 NE 118<sup>th</sup> St – Driveway  
Motion by D. Tannehill, seconded by A. Olis, and approved 4-0
- a.b Herrera – 650 NE 118<sup>th</sup> St – Shed  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0
- b. Gil – 925 NE 108<sup>th</sup> St – New Driveway  
Motion by A. Olis, seconded by C. Bickel and approved 4-0
- c. Spitzer – 1005 NE 117<sup>th</sup> St – Replace windows  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0  
\*Pending confirmation of closet window is a casement window
- d. Mallette – 631 NE 119<sup>th</sup> St - Reroof  
Motion by A. Olis, seconded by C. Bickel and approved 4-0
- e. Alberto – 11215 NE 8<sup>th</sup> Ave - Reroof  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0
- f. Oliva – 590 NE 121<sup>st</sup> St – Replace windows  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0
- g. Penea – 760 NE 116<sup>th</sup> St - Addition to second floor  
Motion by D. Tannehill, seconded by A. Olis and approved 3-0  
\*C. Bickel absent during vote
- h. Church of Resurrection – Change window color  
Motion by A. Olis, seconded by C. Bickel and denied 4-0

#### 7. Administrative Variance

None



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

The next meetings of the Planning & Zoning Board are Monday, March 16<sup>th</sup>, 2015 and Monday, April 6<sup>th</sup>, 2015.

### 8. ADJOURNMENT

This meeting was adjourned at 6:52 p.m.

Minutes approved on: \_\_\_\_\_

(Date)

By: \_\_\_\_\_

Gage Hartung, Chair Planning & Zoning Board



# The Village of Biscayne Park

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

Telephone: 305-899-8000 Facsimile: 305 891 7241

## MINUTES PLANNING & ZONING BOARD MEETING

Ed Burke Recreation Center

11400 NE 9<sup>th</sup> Court – Biscayne Park, FL

Monday, March 16<sup>th</sup>, 2015 at 6:30pm

### PLANNING & ZONING BOARD

Gage Hartung  
Chairman

Andrew Olis  
Vice Chairman

Elizabeth Hornbuckle  
Doug Tannehill

Alternate  
Mario Rumiano

#### 1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

#### 2. ROLL CALL

Gage Hartung – Chair Member – present  
Andrew Olis – Vice Chair – present  
Doug Tannehill – Board Member – present  
Elizabeth Hornbuckle – Board Member – present  
Shanesa Mykoo, Krishan Manners and Sal Annese – staff attendance - present

#### 3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

#### 4. APPROVAL OF MINUTES

March 6<sup>th</sup>, 2015

Motion by D. Tannehill, seconded by E. Hornbuckle and approved 4-0

#### 5. PAINT PERMITS

None

#### 6. BUILDING PERMITS

- a. Gutierrez – 11130 Griffing Blvd - Driveway  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0
- b. Church of Resurrection – Change window color  
Motion by D. Tannehill, seconded by E. Hornbuckle and approved 4-0  
\*revised to amend china white color
- c. Flint – 12055 NE 9<sup>th</sup> Ave – Install Shed  
Tabled – not within 10 ft setback
- d. Sacco – 940 NE 119<sup>th</sup> St – Wood fence  
Motion by D. Tannehill, seconded by E. Hornbuckle and approved 4-0
- d.a. Sacco – 940 NE 119<sup>th</sup> St – Driveway remodel  
Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0
- e. Rodriguez – 947 NE 117<sup>th</sup> St - Deck  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0
- f. Young – 10931 NE 9<sup>th</sup> Ct - Reroof  
Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0
- g. Urtega – 11111 NE 9<sup>th</sup> Ct – window replacement  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0
- g.a. Urtega – 11111 NE 9<sup>th</sup> Ct – Replace doors  
Motion by A. Olis, seconded by D. Tannehill and approved 4-0
- h. McCormick – 886 NE 117<sup>th</sup> Ave – Pool enclosure  
Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0
- i. Marin – 11830 NE 6<sup>th</sup> Ave – Replace garage door  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0
- j. Kaminsky – 11120 NE 11<sup>th</sup> Pl - Front doors  
Motion by D. Tannehill, seconded by E. Hornbuckle and approved 4-0
- l. Larsen – 845 NE 116<sup>th</sup> St – Replace fence with wood  
Motion by D. Tannehill, seconded by A. Olis and approved 4-0
- m. Pierce – 650 NE 115<sup>th</sup> St – Pavers in rear yard  
Motion by E. Hornbuckle, seconded by D. Tannehill and approved 4-0



## *The Village of Biscayne Park*

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

Telephone: 305-899-8000 Facsimile: 305 891 7241

- n. Jacques – 11907-05 NE 12<sup>th</sup> Ct – Replace gates  
Motion by E. Hornbuckle, seconded by A. Olis and approved 4-0
- o. Ramirez – 11015 NE 8<sup>th</sup> Ct – Replace columns  
Motion by A. Olis, seconded by E. Hornbuckle and approved 4-0
- p. B&L Reality – 1055 NE 120<sup>th</sup> St – Replace windows  
Motion by E. Hornbuckle, seconded by D. Tannehill and approved 4-0  
\* Muttons on window needs to match
- q. VOBP – 640 NE 114<sup>th</sup> St - New windows  
Motion by D. Tannehill, seconded by A. Olis, and approved 4-0
- q.a. VOBP – 640 NE 114<sup>th</sup> St – New roof  
Motion by E. Hornbuckle, seconded by D. Tannehill and approved 4-0

### **7. Administrative Variance**

None

The next meetings of the Planning & Zoning Board are Monday, April 6<sup>th</sup>, 2015 and Monday, April 20<sup>th</sup>, 2015.

### **8. ADJOURNMENT**

This meeting was adjourned at 7:15 p.m.

Minutes approved on: \_\_\_\_\_  
(Date)

By: \_\_\_\_\_  
Gage Hartung, Chair Planning & Zoning Board



CODE  
COMPLIANCE  
BOARD

Chairman  
Gary Kuhl

Vice Chairman  
Harvey Bilt

Dale Blanton  
Linda Dillon  
Jenny Johnson-  
Sardella

**MINUTES**  
**CODE COMPLIANCE BOARD**  
**Ed Burke Recreation Center 11400 NE 9th Court**  
**Tuesday- March 10<sup>th</sup>, 2015 at 7:00 p.m.**

**1. CALL TO ORDER**

Meeting was called to order at 7:00 p.m.

**2. ROLL CALL**

Gary Kuhl – Chair-present

Harvey Bilt – Vice Chair-present

Dale Blanton-present

Linda Dillon-present

Jenny Johnson-Sardella-absent

Staff Attendance - Code Officer Reginald White and Finance Clerk, Wendy Hernandez

Administrative Attendance – Public Services Manager, Krishan Manners

**3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**

-Deletion of Item 7a until next meeting by Code Officer White

-Deletion of item 5j until next meeting by D. Blanton

-Deletion of item 5k until next meeting by H. Bilt

**4. APPROVAL OF MINUTES**

February 10<sup>th</sup> 2015 - Approved

**5. NEW BUSINESS**

- a. Roberta Silva – 685 NE 119<sup>th</sup> St – Broken fence and discolored exterior walls:

Case# 15-0054

- Motion by D. Blanton, seconded by L. Dillon, Vote count 4-0

- In compliance, close case

- b. Jan Wettergren – 11700 NE 9<sup>th</sup> Ave – Boat stored in the front yard: Case# 15-0091

- Motion by H. Bilt, seconded by L. Dillon, Vote count 4-0

- Not in compliance, Fine of \$50 and daily fine of \$10 effective March 11, 2015.

- c. Joseph W Distasi – 1040 NE 121<sup>th</sup> St – Dirty and discolored exterior surfaces, molded roofline: Case# 15-0027

- Motion by D. Blanton, seconded by L. Dillon, Vote count 4-0

- Not in compliance, Fine of \$25 and daily fine of \$5 has (10) days to pull paint permit.

Daily fines to accrue from March 21, 2015 if paint permit is not applied for, approved and paid for.

- d. Maria A Fonseca – 12015 NE 11<sup>th</sup> Ct – Recycling and garbage containers not properly stored: Case# 15-0019

- Motion by D. Blanton, seconded by L. Dillon, Vote count 4-0

- In compliance, close case

- e. Sara Lucia Diaz – 10930 NE 10<sup>th</sup> Ave – Address numbers not visible from the road: Case# 15-0081

- Motion by L. Dillon, seconded by H. Bilt, Vote count 4-0

- In compliance, close case

- f. Moti Vinograd – 11619 NE 6<sup>th</sup> Ave – Dirty roof and awning: Case# 15-0059

- Motion by L. Dillon, seconded by H. Bilt, Vote count 4-0



## *The Village of Biscayne Park*

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

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- In compliance, close case
- g.** Jorge G Toro – 11825 NE 7<sup>th</sup> Ave – Dirty exterior walls and chimney: Case# 15-0093
  - Motion by D. Blanton, seconded by H. Bilt, Vote count 4-0
  - Not in compliance, Fine of \$25 and daily fine of \$5 has (10) days to pull permit. Daily fines to accrue from March 21, 2015 if paint permit is not applied for, approved and paid for.
- h.** Jose G Toro – 11825 NE 7<sup>th</sup> Ave – Broken roof shingles: Case# 15-0094
  - Motion by D. Blanton, seconded by L. Dillon, Vote count 4-0
  - In compliance, close case
- i.** Jeremy Smith – 10745 Griffing Blvd – Dirty and molded roof: Case# 15-0057
  - Motion by D. Blanton, seconded by L. Dillon, Vote count 4-0
  - In compliance, close case
- j.** Author Whitelaw – 11770 Griffing Blvd - Overgrowth of vines on the house: Case# 15-0052
  - Deleted/Postponed until next month
- k.** Nicole Jean Jacques – 11905 NE 12<sup>th</sup> Ct - Wooden gate constructed without a permit: Case# 15-0005
  - Deleted/Postponed until next month
- l.** Theodore W Levitt – 12000 NE 11 Ct - Discolored areas on the exterior surfaces of the house: Case# 15-0053
  - Motion by L. Dillon, seconded by H. Bilt, Vote count 4-0
  - In compliance, close case
- m.** Almir F Da Cunha – 11704 NE 11<sup>th</sup> Pl - Wood boards stored in the front yard: Case #15-0048
  - Motion by D. Blanton, seconded by H. Bilt, Vote count 4-0
  - In compliance, close case
- n.** Almir F Da Cunha – 11704 NE 11<sup>th</sup> Pl - Dirty awnings and front exterior surfaces of the house: Case# 15-0049
  - Motion by L. Dillon, seconded by H. Bilt, Vote count 4-0
  - In compliance, close case
- o.** Linda Domin – 1002 NE 116<sup>th</sup> St (Orson Whitfield present) - Front yard not properly maintained: Case# 14-0350
  - Motion by D. Blanton, no vote taken to be corrected at next month's meeting
  - Not in compliance, postpone case until next month contingent a letter/email is sent to Code Officer White stating repair will be completed within a month.

### **6. OLD BUSINESS:**

### **7. FINE REDUCTION**

- a.** Miguel G Negrete – 11601 NE 10<sup>th</sup> Ave – Electrical work done without a permit in regards to the accessory structure: Case# 14-0409
  - Deleted/Postponed until next month

### **8. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING**

The next meeting of the Code Compliance Board is Monday, April 13<sup>th</sup>, 2015, at 7:00pm

### **10. ADJOURNMENT**

Meeting adjourned at 7:45 p.m.

Minutes approved on \_\_\_\_\_

By: \_\_\_\_\_

Gary Kuhl, Chair



Jenny Johnson-Sardella  
Chair

David Goehl  
Vice Chair

Dale Blanton  
Ramon Irizarri  
Dan Keys  
Brian McNoldy  
Vicki Smith-Bilt

**MINUTES**  
**Charter Review Advisory Board**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Thursday, March 12, 2015 at 7:00pm**

**1 Call to Order**

Village Clerk Maria Camara called the meeting to order at 7:00pm.

**2 Roll Call**

Jenny Johnson-Sardella - present  
David Goehl - present  
Dale Blanton - present  
Ramon Irizarri - present  
Dan Keys - present  
Brian McNoldy - present  
Vicki Smith-Bilt - absent

Present from staff:

Village Clerk Maria C. Camara, Village Manager Heidi Siegel and Public Services  
Manager Krishan Manners

**3 Approval of Minutes**

Dan Keys makes a motion to approve the minutes of February 12, 2015, as presented. It is seconded by Dale Blanton. Motion passes 6/0.

**4 Presentations**

< None >

**5 Public Comments Related to Agenda Items**

< None >

6.a Continue review of points brought up at the January 8th meeting:

**> Section 4.01 - Commission meeting procedures**

Clerk Camara provides input from Attorney Hearn that the Manager checking with each Commissioner on their availability for a meeting does not violate Sunshine law.

---

Dale Blanton makes a motion to discontinue the Board and keeping the charter as is. It is seconded by Dan Keys with a request for clarification.

Dan Keys asks to clarify the motion by stating that the Board has completed the review of all items brought up and that no item rises to the level of needing a referendum.

The clarification to the motion is agreed upon by Dale Blanton (motion) and by Dan Keys (seconded the motion).

After discussion, Dale Blanton withdraws the motion and asks to continue with the discussion of the pending items.

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**> Section 2.03 Election and term of Office.**

On the matter of having candidates run at large for a specific seat, there is consensus to leave as is.

**> Section 2.05 Vacancies; forfeiture of office; filling of vacancies.**

In regards to clarifying the language as it relates to the attorney's role in the process; and that due process is provided for all reasons of forfeiture of office, there is consensus to leave as is.

Dan Keys makes a motion that the Board agrees that the deliberations should be terminated and conclude that a recommendation is made to make no changes. Motion carries 4/0.

Manager Siegel recommends preparing a final report for the Board to approve for the Chair to present at the next Commission meeting.

Dan Keys withdraws his motion.

Dan Keys makes a motion to prepare a report of the deliberations and opinions of the Board to be prepared by staff based on the minutes of all meetings, and to have a final deliberation at the March 26th meeting. The motion is seconded by Dale Blanton.

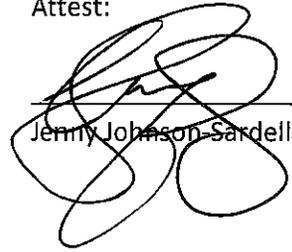
Motion carries 6/0.

The meeting was adjourned at 8:00pm.

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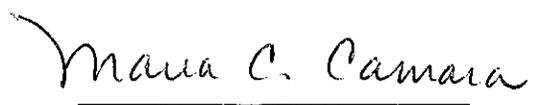
Board approved on 3/26/15.

Attest:



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Jenny Johnson-Sardella, Chair



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Maria C. Camara, Village Clerk



# *The Village of Biscayne Park*

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

Jenny Johnson-Sardella

Chair

David Goehl

Vice Chair

Dale Blanton

Ramon Irizarri

Dan Keys

Brian McNoldy

Vicki Smith-Bilt

## **MINUTES**

### **Charter Review Advisory Board**

**Ed Burke Recreation Center - 11400 NE 9th Court**

**Biscayne Park, FL 33161**

**Thursday, March 26, 2015 at 7:00pm**

#### **1 Call to Order**

Village Clerk Maria Camara called the meeting to order at 7:05pm.

#### **2 Roll Call**

Jenny Johnson-Sardella - present

David Goehl - absent

Dale Blanton -present

Ramon Irizarri - present

Dan Keys - present

Brian McNoldy - present

Vicki Smith-Bilt - absent

Present from staff:

Village Clerk Maria C. Camara, Village Manager Heidi Siegel and Public Services  
Manager Krishan Manners

#### **3 Approval of Minutes**

Dan Keys makes a motion to approve the minutes of March 12, 2015, as presented.

It is seconded by Ramon Irizarri. Motion passes 5/0.

#### **4 Presentations**

< None >

#### **5 Public Comments Related to Agenda Items**

< None >

**6 Old business**

< None >

**7 New Business**

7.a Final review and determination of findings.

Ramon Irizarri makes a motion to accept staff's report and the drafted memorandum to the Commission stating the board's final findings. It is seconded by Brian McNoldy.

Dan Keys is not in agreement with the Board's decision to change the current actions listed requiring an ordinance and to consider those that can be done through a less expensive action such as resolution, had the Board proceeded with proposing charter amendments (as reflected in the minutes of February 12th). Asks that this be included in the minutes.

Ramon Irizarri amends his motion to also include in the memorandum to the Commission that the Staff is to be commended for their assistance to the Board. The amendment is accepted by Brian McNoldy.

The amended motion passes, 5/0.

The Board's memorandum to the Commission and report will be included in the April 7, 2015, Commission agenda and Jenny Johnson-Sardella, Chair, will attend the meeting to formally present the Board's final findings.

The meeting was adjourned at 7:15pm.

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*These are the minutes of the FINAL meeting of the Charter Review Advisory Board. No subsequent meeting was scheduled to allow for the formal approval of the minutes.*

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PUBLIC ART  
ADVISORY BOARD

Veronica Fascie  
Karen Marinoni  
Susan Weiss

**MINUTES  
PUBLIC ART ADVISORY BOARD  
Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Ct., Biscayne Park, FL  
Wednesday, March 11, 2015 at 6:00PM**

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 6:18pm. Present were board members Karen Marinoni, Susan Weiss and Veronica Fascie. Also present was Village Clerk Maria.
2. AGENDA ADDITIONS AND DELETIONS - None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) - None
4. APPROVAL OF MINUTES – Karen Marinoni makes a motion to approve the minutes of February 11, 2015, and it was seconded by Susan Weiss. All in favor. Motion carries 3-0.
5. OLD BUSINESS –
  - a. Status of sculpture for pet waste station locations: Defer to next meeting.
  - b. Art in the Park Event on May 16<sup>th</sup> – Clerk Camara provided an update as provided by Parks & Recreation Manager Shelecia Bartley. Board members will refer artists interested in participating to Manager Bartley.
6. NEW BUSINESS –
  - a. Call to Artists: Susan Weiss provided two examples of a call to artists for sculpture to be loaned for display. Motion made by Susan Weiss to move forward with preparing a Call to Artists for the Village and it is seconded by Karen Marinoni. All in favor: 3/0  
  
To be further researched by board members and discussed at April meeting.
  - b. Photo Contest: Susan Weiss provided an example of a photo contest. Motion made by Susan Weiss to move forward with a Photo Contest in the Village and it is seconded by Karen Marinoni. All in favor: 3/0.



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

### Proposal for Photo Contest:

- Open to Village residents ONLY.
- Two age groups: YOUTH: 17 and under; ADULT: 18 and over
- Photo contest to begin on April 6<sup>th</sup> with submissions received up through May 11<sup>th</sup>.
- E-mail blast to be sent announcing the contest and also on Village's website home page. The announcement will read: *The Village of Biscayne Park Public Art Advisory Board calls all resident photographers to submit their best snapshots of the Village for its First Annual Photo Op Contest. Photo submissions accepted through Monday, May 12<sup>th</sup>. Winners will be determined by public voting at the Village's Art in the Park event on Saturday, May 16<sup>th</sup>. Each participant may submit up to five (5) entries via email in jpg digital format to villagehall@biscayneparkfl.gov.*
- Each participant may submit up to 5 entries via email in jpg digital format.
- Entries to be displayed in a loop on the Village's website.
- Voting will take place at the Art in the Park event on May 16<sup>th</sup> where the entries will be displayed by projector on a screen in the Recreation Center. Ballots will be provided for voting.
- Winners will be announced at Art in the Park on May 16<sup>th</sup> for each category.
- Winners to receive a certificate/blue ribbon and recognition on Village website as the winners.

7. NEXT MEETING DATE – Wednesday, April 8<sup>th</sup>, 2015, at 6:00pm.

8. ADJOURNMENT – Meeting was adjourned at 6:52pm.

---

Minutes approved on \_\_\_\_\_.



RECREATION  
ADVISORY BOARD

Dan Samaria  
Chairman

Ivette Cordero  
Elizabeth Goldman  
Andrew Hahn  
Rosemary Wais

## MINUTES

### RECREATION ADVISORY BOARD

Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Ct., Biscayne Park, FL  
Tuesday, March 24, 2015 at 7:00PM

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 7:00pm. Present were board members Dan Samaria, Andrew Hahn, Elizabeth Goldman, Ivette Corredero and Rosemary Wais. Also present was Parks and Recreation Manager Shelecia Bartley.
2. AGENDA ADDITIONS AND DELETIONS - None
3. APPROVAL OF MINUTES –No minutes were approved.
4. NEW BUSINESS –
  - a. Dan Samaria was re-elected Chairman of the board. Motion was made by Elizabeth Goldman. Seconded by Ivette Corredero. All in favor 5/0. Elizabeth Goldman was elected Vice Chair. Motion made by Chairman Samaria, seconded by Ivette Corredero. Motion carried 5/0. Manager Bartley was elected to take the minutes. Motion made by Rosemary Wais, seconded by Andrew Hahn. Motion carried 4/1. Chairman Samaria voted no.
  - b. Board Discussed what has been done in the past for Earth Hour. Motion made by Chairman Samaria to take over the event next year. Motion was seconded by Elizabeth Goldman. All in favor 5/0.
  - c. Board discussed the upcoming community yard sale. Manager Bartley gave information (date, time, cost) to participate in the event. Board suggested asking fellow residents to donate items to the recreation board so they can sell it and donate the proceeds to the recreation center. Manager Bartley also informed the board about the Villages Earth Day event on April 18<sup>th</sup> from 9am-noon. Board decided to have a kids' corner (Arts and Crafts center) and would provide a banner for the youth to decorate.
  - d. Board members asked the Chairman Samaria: What is the purpose of the board? What is their function? What is expected of them? What do they do? The board determined that each member would go home and next meeting report what the purpose of the board is.



## *The Village of Biscayne Park*

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

Telephone: 305-899-8000 Facsimile: 305 891 7241

Board also requested that the Park Manager create a wish list of items that the recreation center needs.

### 5. OLD BUSINESS –

- a. Egg Hunt- Board discussed their role in the egg hunt. They will have a table at the egg hunt event and have an egg guessing contest. Manager Bartley also provided an update on the event.
- b. Chairman Samaria provided the board with an update on the popcorn machine and informed board that the acrylic door was replaced and the bottom door on the machine was replaced for free by the company.

6. NEXT MEETING DATE – Tuesday, April 28<sup>th</sup>, 2015, at 7:00pm

7. PUBLIC COMMENT- Jared Susi: inquired about the park getting a tennis court and exercise equipment. The board members also agreed that exercise equipment might be a way to draw more residents to the park.

8. ADJOURNMENT – Meeting was adjourned at 8:20pm.

---

Minutes approved on \_\_\_\_\_.



## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Resolution 2015-20  
Professional Service Agreement with  
Golden Gates Tutoring and Athletics

**Prepared By:** Shelecia Bartley, Parks & Recreation  
Manager

**Sponsored By:** Staff

---

### **Background**

Julian and Afiya Gates of Golden Gates Tutoring and Athletics have been the contracted provider of after school care and summer camp programming for the Village of Biscayne Park for the past few years. Mr. and Mrs. Gates have received their education from Barry University and have experience and education in teaching at the Cushman School.

The after school care program operates Monday through Friday from 1:50 PM to 6:00 PM. The summer camp program operates Monday through Friday 8:00 AM to 6:00 PM. During the summer the camp goes on field trips at least once a week. The cost to attend after school care is \$50 per week for residents of Biscayne Park and \$60 per week for Non-Residents. There is also a daily rate of \$15. The cost to attend the summer camp is \$130 per week for residents and \$150 for Non-residents.

April 7, 2015

Commission Agenda Report

Resolution 2015-20

All of the staff that are hired by Golden Gates have passed their drug and fingerprint/background checks and are able to provide instruction. Additionally, staff providing transportation for the students have provided their driver licenses to the Village.

### **Fiscal / Budget Impact**

The after school care program and summer camp program provides revenue to the Village.

### **Recommendation**

Approval of Resolution 2015-20

### **Attachments**

- Resolution 2015-20
- Professional Service Agreement - Golden Gates Tutoring & Athletics LLC

1  
2  
3 **RESOLUTION NO. 2015-20**  
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**  
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA;**  
7 **AUTHORIZING THE MAYOR TO EXECUTE THE**  
8 **AGREEMENT BETWEEN GOLDEN GATES**  
9 **TUTORING AND ATHLETICS LLC AND THE**  
10 **VILLAGE OF BISCAYNE PARK FOR THE**  
11 **PROVISION OF AN AFTER SCHOOL CARE AND**  
12 **SUMMER CAMP PROGRAM AT THE ED BURKE**  
13 **RECREATION CENTER; PROVIDING FOR AN**  
14 **EFFECTIVE DATE.**  
15

16  
17 WHEREAS, the Village's Parks & Recreation Department strives to provide quality  
18 programs for the benefit of the residents; and,  
19

20 WHEREAS, Golden Gates Tutoring and Athletics LLC ("Golden Gates") has been  
21 operating an after school and summer camp program at the Ed Burke Recreation Center since  
22 2010 which has benefitted families in Biscayne Park and surrounding neighborhoods; and,  
23

24 WHEREAS, the previous agreement with Golden Gates expires in April 2015; and,  
25

26 WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in  
27 the best interests of the residents of the Village to enter into a new agreement with Golden  
28 Gates for the provision of an after school care and summer camp program at the Ed Burke  
29 Recreation Center.  
30

31  
32 **NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF**  
33 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**  
34

35  
36 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
37 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.  
38

39 **Section 2.** The Village Commission of the Village of Biscayne Park hereby  
40 authorizes the Mayor to execute the Agreement between Golden Gates Tutoring and Athletics  
41 LLC and the Village of Biscayne Park to provide an after school care and summer camp  
42 program at the Ed Burke Recreation Center. The Agreement, in substantial form, is attached  
43 and incorporated by reference into this resolution as exhibit 1.  
44

45 **Section 3.** This Resolution shall become effective upon adoption.  
46

47 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

\_\_\_\_\_  
David Coviello, Mayor

Mayor Coviello: \_\_\_\_  
Vice Mayor Jonas: \_\_\_\_  
Commissioner Anderson: \_\_\_\_  
Commissioner Ross: \_\_\_\_  
Commissioner Watts: \_\_\_\_

Attest:

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

Approved as to form:

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

**AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK  
AND GOLDEN GATES AFTER CARE & ATHLETICS LLC  
FOR THE PROVISION OF  
AN AFTER SCHOOL AND SUMMER CAMP PROGRAM**

**THIS AGREEMENT** is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015 between the Village of Biscayne Park, a Florida municipal corporation, (VILLAGE), and GOLDEN GATES AFTER CARE & ATHLETICS LLC (PROVIDER).

**WHEREAS**, the VILLAGE desires to retain the professional services of PROVIDER to provide an After School Care and Summer Camp Program at the Ed Burke Recreation Center; and

**WHEREAS**, the PROVIDER desires to provide an After School Care and Summer Camp Program at the Ed Burke Recreation Center; now, therefore

IN CONSIDERATION of the mutual promises set forth below, the PROVIDER and the VILLAGE agree as follows:

**ARTICLE I  
SCOPE OF SERVICES**

The PROVIDER agrees to:

- 1.1 Provide an After School Care and Summer Camp Program at the Ed Burke Recreation Center between the hours of \_\_\_\_\_ and \_\_\_\_\_, Monday through Friday, from \_\_\_\_\_ to \_\_\_\_\_ (hereinafter the "Program").
- 1.2 Commence all Program sessions at their scheduled times.
- 1.3 Conduct the programs in a professional, careful and responsible manner with due regard for the safety of the participants and others, during normal operating hours.
- 1.4 Be solely responsible, for securing the services of and compensating, at PROVIDER's sole expense, all PROVIDERs, counselors, and other personnel costs associated or required to perform the Program.
- 1.5 Provide to VILLAGE at the close of registration, a list of all participants, along with a signed VILLAGE approved Release form from all participants.
- 1.6 Permit only registered Program participants to attend Program sessions.

- 1.7 Vacate the Program facility promptly at the conclusion of the Program session in equal or better condition than it was found.
- 1.8 Accept neither fees nor any other payment other than as specifically set forth in this Agreement.
- 1.9 Immediately notify the Village Manager, or her designee, in the event it becomes necessary to cancel a Program session.
- 1.10 Immediately notify the Village Manager, or her designee, of any injury sustained by a Program participant.
- 1.11 Comply with any other rules adopted by the Village Manager, or her designee, for use of VILLAGE's property, including the facilities used by PROVIDER pursuant to this Agreement.
- 1.12 Actively supervise the operation of each Program session.
- 1.13 Be responsible for enforcing compliance with the approved rules for all Program sessions. The VILLAGE reserves the right to enact other rules, if necessary, at its sole discretion.
- 1.14 Require that all counselors, employees and/or PROVIDERs undergo Level 2 background screening prior to supervising children, and to pay for and furnish all reports to the VILLAGE.
- 1.15 The VILLAGE reserves the right to suspend, bar, or expel any employee, counselor, or PROVIDER for any reason, at its sole discretion, without recourse from the PROVIDER.
- 1.16 At least ten (10) days prior to the beginning of the Program, PROVIDER must provide a written list of all employees/counselors. Prior to any additional employees/counselors working at the Program on the premises, written notice shall be provided to the Village Manager or her designee.

The VILLAGE agrees to:

- 1.16 Grant PROVIDER license, revocable at will, to use the Ed Burke Recreation Center, consistent with the obligations under this Agreement.
- 1.17 Allow PROVIDER the use of the Ed Burke Recreation Center for PROVIDER's Program sessions.
- 1.18 Allow PROVIDER advertising in VILLAGE's newsletters and publications, at no cost to PROVIDER.
- 1.19 Process program participants' fees in accordance with VILLAGE revenue processing procedures.

**ARTICLE 2**  
**VAN USAGE AND INSURANCE FOR VAN**

- 2.1 The VILLAGE agrees to allow PROVIDER the use of a VILLAGE-owned van (hereinafter “van”) for the sole purpose of transporting Program participants. PROVIDER shall be allowed to use the van to pick up Program participants from local schools and transport them to the Program location and/or field trip locations.
- 2.2 PROVIDER shall submit copies of the driver’s licenses of all employees and/or subcontractors who will be utilizing the van to the Chief of Police, or his designee, prior to any usage. PROVIDER agrees that VILLAGE may, in its sole discretion, deny usage of the van by any employee and/or subcontractor.
- 2.3 PROVIDOR agrees to pay for fuel used to transport program participants.
- 2.4 PROVIDOR agrees to pay the current Internal Revenue Service mileage rate of \$0.5750 per mile (as amended from time to time) in order to defray the costs of operating the van used to transport program participants.
- 2.5 The VILLAGE agrees to allow PROVIDER to advertise its company services through advertising on the van.
- 2.6 PROVIDER agrees that the van shall be kept clean and in good condition, excepting normal wear and tear, and that the van shall be thoroughly cleaned one time per month.
- 2.7 The VILLAGE is a qualified, self-insurer pursuant to Section 768.28, Florida Statutes and that the Florida Municipal Insurance Trust shall cover the VILLAGE for automobile liability and automobile physical damage coverage. PROVIDER agrees to obtain a “drive other car policy”, at its own expense, to cover personal exposure.

**ARTICLE 3**  
**FEES AND COMPENSATION**

- 3.1 The PROVIDER shall be compensated from fees collected from participants. The parties agree that VILLAGE shall retain twenty percent (20%) of all registration fees and the PROVIDER shall retain eighty percent (80%) of all registration fees.
- 3.2 All items sold by PROVIDER shall be approved by the VILLAGE Manager prior to offering any item for sale.
- 3.3 PROVIDER shall keep all books, rosters and attendance in accordance with standard accounting procedures, and shall make them available to the VILLAGE for inspection and audit at all times.

**ARTICLE 4**  
**TERMS AND TERMINATION OF AGREEMENT**

- 4.1 This Agreement shall take effect as of the date of execution and shall be in effect for a period of three (3) years from the effective date (Term), unless otherwise terminated earlier as provided herein. At the end of the Term, the Parties may mutually agree to renew the Agreement for one (1) additional three (3) year term provided the renewal is in writing and signed by both parties.
- 4.2 This Agreement may be terminated upon thirty (30) days written notice from the VILLAGE at VILLAGE's sole discretion. PROVIDER may terminate this Agreement, at its sole discretion, by giving thirty (30) days written notice to the VILLAGE.
- 4.3 The VILLAGE may unilaterally immediately terminate this Agreement and the license granted by this Agreement if VILLAGE determines, in its sole discretion, that PROVIDER is not conducting his operations in complete accord with this Agreement, or in the best interests of the VILLAGE.

**ARTICLE 5**  
**INDEPENDENT CONTRACTOR**

- 5.1 The parties agree and affirm that PROVIDER is an independent contractor and not an agent, partner or employee of the VILLAGE, nor shall this Agreement be construed as a partnership nor joint venture between VILLAGE and PROVIDER, the relationship being solely on of licensor and licensee.
- 5.2 PROVIDER has control over the means and methods by which it performs the services. PROVIDER, its employees and agents shall be deemed independent contractors and not agents or employees of the VILLAGE, and shall not attain any rights or benefits generally afforded VILLAGE employees; further, PROVIDER, its employees and agents shall not be deemed entitled to the VILLAGE's worker's compensation, insurance benefits or similar laws.

**ARTICLE 6**  
**INDEMNIFICATION CLAUSE**

PROVIDER agrees to defend, indemnify and hold harmless the VILLAGE from and against any and all claims, suits, damages, liabilities or causes of action arising during the term of this Agreement, arising out of, related to, or in any way connected with the performance or non-performance of any provision of this Agreement required of the PROVIDER, including personal injury, loss of life or damage to property and from and against any orders, judgment or decrees which may be entered, and from and against all costs, attorney's fees, and expenses

incurred in and about the defense of any such claim and the investigation thereof. However, nothing shall be deemed to indemnify VILLAGE for any liability or claim arising solely out of the negligent performance or failure of performance of VILLAGE.

## **ARTICLE 7** **INSURANCE**

- 7.1 PROVIDER shall provide, pay for, and maintain in force at all times during the period of this Agreement, a Comprehensive General Liability Insurance Policy with minimum bodily injury coverage of \$500,000.00 (five hundred thousand dollars) and \$200,000.00 (two hundred thousand dollars) property damage liability; workers compensation insurance as required by State Statute. The PROVIDER'S insurance coverage shall be considered the primary carrier.
- 7.2 To the extent applicable, the worker's compensation insurance shall be at the statutory amount to apply for all employees in compliance with the "Workers' Compensation Law" of the State of Florida and all applicable federal laws. In addition, the policy(ies) must include: Employers' Liability at the statutory coverage amount.
- 7.3 The VILLAGE shall be named, as an additional insured on all insurance policies the PROVIDER is required to provide.

## **ARTICLE 8** **MISCELLANEOUS**

- 8.1 PROVIDER shall, without additional expenses to VILLAGE be responsible for obtaining any necessary licenses and for complying with any applicable federal, state, county, and municipal laws, ordinances, and regulations in connection with the performance of the services specified herein. PROVIDER shall take proper safety and health precautions, including the employment of needed assistance, to protect participants, the VILLAGE, the public and property of others. PROVIDER shall be responsible for all services performed until completion of this Agreement.
- 8.2 The PROVIDER shall not promote any privately owned business in a VILLAGE park facility or solicit any participant in a VILLAGE park for any privately owned business other than the After School Care or Summer Camp programs. It is further understood that such action(s) may result in immediate termination of the Agreement and the forfeiture of all compensation due to the PROVIDER.
- 8.3 PROVIDER shall meet with the Village Manager or her designee as requested.

- 8.4 No modification, amendment, or alteration of the terms and conditions contained shall be effective unless contained in a written document executed with the same formality and equal dignity herewith.
- 8.5 This Agreement is non-transferable or assignable, and PROVIDER agrees not to transfer or assign the performance of services called for in the Agreement.
- 8.6 This Agreement sets forth the full and complete understanding of the parties as of the effective date, and supersedes any and all negotiations, agreements, and representations made or dated prior to this Agreement.

IN WITNESS THEREOF, the parties hereto have made and executed this Agreement on the date above:

VILLAGE OF BISCAYNE PARK,  
FLORIDA, a municipal corporation,  
organized and existing under the laws of  
the State of Florida

ATTEST:

By: \_\_\_\_\_  
David Coviello, Mayor

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

Approved as to form:

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

Golden Gates After Care & Athletics LLC

\_\_\_\_\_

STATE OF FLORIDA     )  
COUNTY OF DADE     )

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared \_\_\_\_\_ and acknowledged he/she executed the foregoing Agreement as the proper official of Golden Gates After Care & Athletics LLC, a Florida corporation, for the use and purposes mentioned in it and that the instrument is the act and deed of the corporation.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

My Commission Expires:

\_\_\_\_\_  
NOTARY PUBLIC



## Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Resolution 2015-21

**Prepared By:** Chief Cornelius McKenna

**Sponsored By:** Staff

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### **Background**

The Village of Biscayne Park Police Department is committed to providing the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations. Smaller municipalities rely heavily on assistance from other police departments in Miami Dade County.

The Village of Biscayne Park and the Bal Harbour Village Police Departments have both relied on this type of assistance and a new Mutual Aid Agreement is needed to continue this mutually beneficial level of service and assistance to each other.

**Fiscal / Budget Impact:** N/A

**Recommendation:** Approval of Resolution 2015-21

### **Attachments**

- Resolution 2015-21
- Mutual Aid Agreement



1 PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2015.

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Noah Jacobs, Mayor

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10 Attest:

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Maria C. Camara, Village Clerk

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18 Approved as to form:

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John J. Hearn, Village Attorney

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

Mayor Coviello: \_\_\_\_

Vice Mayor Jonas: \_\_\_\_

Commissioner Anderson: \_\_\_\_

Commissioner Ross: \_\_\_\_

Commissioner Watts: \_\_\_\_

**VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE  
MUTUAL AID AGREEMENT  
BETWEEN THE VILLAGE OF BISCAYNE PARK AND  
THE BAL HARBOUR VILLAGE, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2015 (Effective Date), by and between the BAL HARBOUR VILLAGE, FLORIDA, a municipal corporation having its principal office at 655 96 Street, Bal Harbour Village, Florida 33154, and the Village of Biscayne Park, having its principal office at 640 NE 114<sup>th</sup> Street, Biscayne Park, FL 33161, state as follows:

WHEREAS, it is the responsibility of the governments of the Village of Biscayne Park, and the Bal Harbour Village, Florida, to ensure the public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the Village of Biscayne Police Department or the Bal Harbour Village Police Department; and

WHEREAS, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the Village of Biscayne Park and the Bal Harbour Village, Florida; and

WHEREAS, it is to the advantage of each law enforcement agency to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Continuing, multi jurisdiction law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and
- (2) Intensive situations including but not limited to emergencies as defined under Section 252.34 of the Florida Statutes, or requests for certain law enforcement services specified herein and as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the Village of Biscayne Park and the Bal Harbour Village have the voluntary cooperation and assistance authority under the Florida Mutual Aid Act, Sections 23.12-23.127 of the Florida Statutes, to enter into this Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") for law enforcement service which:

- (1) Permits voluntary cooperation and operational assistance of a routine law enforcement nature across jurisdictional lines as allowed under Section 23.1225, of the Florida Statutes; and
- (2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34 of the Florida Statutes.

NOW THEREFORE, BE IT KNOWN that the Village of Biscayne Park and the Bal Harbour Village, Florida, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

## **SECTION I. PROVISIONS FOR VOLUNTARY COOPERATION**

Each of the aforesaid law enforcement agencies hereby approve and enter into this Cooperation Agreement whereby each of the agencies may request and render law enforcement assistance to the other in dealing with any violations of Florida Statutes to include, but not necessarily be limited to, investigating sex offenses, robberies, assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts, drug violations pursuant to Chapter 893 of the Florida Statutes, backup services during patrol activities, and interagency task forces and/or joint investigation as set forth pursuant to, and under the authority of Chapter 23 of the Florida Statutes.

## **SECTION II. PROVISIONS FOR OPERATIONAL ASSISTANCE**

The aforesaid law enforcement agencies hereby approve and enter into this Cooperation Agreement whereby each of the agencies may request and render law enforcement assistance to the other to include, but not necessarily be limited to dealing with, the following:

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations and assemblies, controversial trials, political conventions, labor disputes, and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from, or disturbances within, prisoner processing facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
12. Security and escort duties for dignitaries.
13. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene and police information.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

The following procedures will apply in mutual aid operations:

1. Mutual aid requested or rendered will be approved by the Chief of Police, or designee.
2. Specific reporting instructions for personnel rendering mutual aid will be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene.
3. Communications instructions will be included in each request for mutual aid and each agency's communications centers will maintain radio contact with each other until the mutual aid situation has ended.
4. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency, or directors involved.

### **SECTION III. PROCEDURE FOR REQUESTING ASSISTANCE AND LIMITATIONS OF ASSISTANCE**

In the event that a party to this Cooperation Agreement is in need of assistance as set forth above, the Chief of Police or his/her designee, shall notify the Chief of Police or his/her designee from whom such assistance is requested. The Chief of Police or authorized agency representative whose assistance is sought shall evaluate the situation and the agency's available resources, consult with his/her supervisors, if necessary, and will respond in a manner he/she deems appropriate.

The Chief of Police in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized, and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

Should a law enforcement officer be in another subscribed agency's jurisdiction for matters of a routine nature, such as traveling through the area on routine business, attending a meeting or going to or from work, and a violation of Florida Statutes occurs in the presence of said party, representing his/her respective agency, **HE/SHE SHALL ONLY BE EMPOWERED TO RENDER ENFORCEMENT ASSISTANCE AND ACT IN ACCORDANCE WITH FLORIDA LAW.** Should enforcement assistance be taken, said party shall notify the agency having normal jurisdiction, and upon the latter's arrival, turn the situation over to them and offer any assistance requested, including but not limited to, a follow-up written report documenting the event and the actions taken. This provision, so prescribed in this paragraph, shall not grant general authority to conduct investigations, serve warrants, and/or subpoenas or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address critical, life-threatening or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter and such encounter results in a breach of the peace.

The parties acknowledge that the policy of the Florida Mutual Aid Act is to provide a means to deal with disasters, emergencies, and other major law enforcement problems. This Cooperation Agreement shall not extend police powers beyond the specific additional authority granted by the Legislature in Chapter 23 of the Florida Statutes, which intent was to assure the continued functioning of law enforcement in times of emergencies or in areas where major law enforcement efforts were being thwarted by jurisdictional barriers, and the respective parties,

police officers and authority are limited to those instances where the subject matter of the investigation originates inside the municipal city limits.

#### **SECTION IV. COMMAND AND SUPERVISORY RESPONSIBILITY**

The personnel and equipment that are assigned by the assisting Agency shall be under the immediate command of a supervising officer designated by the assisting Agency. Such supervising officer shall be under the direct supervision and command of the Chief of Police or his/her designee of the agency requesting assistance.

#### **SECTION V. CONFLICTS**

Whenever an officer is rendering assistance pursuant to this Cooperation Agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

#### **SECTION VI. HANDLING COMPLAINTS**

Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Cooperation Agreement, the Chief of Police or his/her designee of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:

1. The identity of the complainant.
2. An address where the complaining party can be contacted.
3. The specific allegation
4. The identity of the employees accused without regard as to agency affiliation.

If it is determined that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

#### **SECTION VII. LIABILITY**

Each party engaging in any mutual cooperation and assistance, pursuant to this Cooperation Agreement, agrees to assume full and final responsibility for the acts, omissions or conduct of such party's own employees while engaged in rendering such aid pursuant to this Cooperation Agreement, subject to the provisions of Section 768.28 of the Florida Statutes, where applicable.

## **SECTION VIII. POWERS, PRIVILEGES, IMMUNITIES AND EXPENDITURES**

(a) Employees of the Village of Biscayne Park and the Bal Harbour Village, when actually engaging in mutual cooperation and assistance outside of their normal jurisdictional limits but inside this State, under the terms of this Agreement, shall pursuant to the provisions of Section 23.127(1) of the Florida Statutes (as amended), have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.

(b) Each party agrees to furnish necessary personnel equipment, resources and facilities and to render services to each other party to this Cooperation Agreement as set forth above; provided however, that no party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

(c) A party that furnishes equipment pursuant to this Cooperation Agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

(d) The agency furnishing aid pursuant to this Cooperation Agreement shall compensate its appointees/employees during the time such aid is rendered and shall defray the actual travel and maintenance expenses of its employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid.

(e) To the extent provided by applicable law, ordinance, or rule, the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, 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 apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this Cooperation Agreement. The provisions of this section shall apply to paid, volunteer, and reserve employees.

(f) Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

(g) Should the Village of Biscayne Park receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the Bal Harbour Village shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

(h) Should the Bal Harbour Village receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the Village of Biscayne Park shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

(i) The Parties acknowledge that the Bal Harbour Village is authorized to pursue any property seized pursuant to the Florida Contraband Forfeiture Act for any mutual aid event occurring in the Bal Harbour Village. The Bal Harbour Village shall have the exclusive authority to initiate forfeiture proceedings under the Florida Contraband Forfeiture Act for any matters which arise from a mutual aid event occurring in the Bal Harbour Village that is covered by this Cooperation Agreement. The Bal Harbour Village upon successfully prosecuting a forfeiture action, shall equitably share in those proceeds seized, with the Village of Biscayne Park, as acceptable by the Chief of Police for the Bal Harbour Village and the Chief of Police for the Village of Biscayne Park.

Additionally, the Parties acknowledge that the Village of Biscayne Park is authorized to pursue any property seized pursuant to the Florida Contraband Forfeiture Act for any event occurring in the Village of Biscayne Park. The Village of Biscayne Park shall have the exclusive authority to initiate forfeiture proceedings under the Florida Contraband Forfeiture Act for any matters which arise from a mutual aid event occurring in the Village of Biscayne Park that is covered by this Cooperation Agreement. The Village of Biscayne Park, upon successfully prosecuting a forfeiture action, shall equitably share in those proceeds seized, with the Bal Harbour Village, as acceptable by the Chief of Police for the Bal Harbour Village and the Chief of Police for the Village of Biscayne Park.

## **SECTION IX. INSURANCE**

Each party shall provide satisfactory proof of liability insurance by one or more of the means specified in Section 768.28(16)(a) of the Florida Statutes (2010), in an amount which is, in the judgment of the governing body of that party, at least adequate to cover the risk to which that party may be exposed. Should the insurance coverage, however provided, of any party be canceled or undergo material change, that party shall notify all parties to this agreement of such change within ten (10) days of receipt of notice or actual knowledge of such change.

## **SECTION X. EFFECTIVE DATE**

This Agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect until January 31, 2020. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

**SECTION XI. CANCELLATION**

Either party may cancel its participation in this Agreement at any time upon delivery of written notice to the other party.

In witness whereof, the parties hereto cause to these presents to be signed on the date specified.

AGREED TO AND ACKNOWLEDGED this \_\_\_\_\_ day of \_\_\_\_\_, 2015

BAL HARBOUR VILLAGE, FLORIDA

VILLAGE OF BISCAYNE PARK, FLORIDA

  
\_\_\_\_\_  
MARK N. OVERTON  
POLICE CHIEF

\_\_\_\_\_  
CORNELIUS F. McKENNA  
POLICE CHIEF

Date: 01-16-15

Date: \_\_\_\_\_

  
\_\_\_\_\_  
JORGE M. GONZALEZ  
VILLAGE MANAGER

\_\_\_\_\_  
HEIDI SHAFRAN  
VILLAGE MANAGER

Date: 1-16-15

Date: \_\_\_\_\_

  
\_\_\_\_\_  
MAYOR MARTIN PACKER

\_\_\_\_\_  
MAYOR DAVID COVIELLO

Date: 1-20-15

Date: \_\_\_\_\_

**ATTEST:**

  
\_\_\_\_\_  
DOLORES M. MEJIA, INTERIM VILLAGE CLERK

\_\_\_\_\_  
MARIA CAMARA, VILLAGE CLERK



# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Ordinance 2015-02 Amending Chapter 17 of the Code to Authorize the Imposition of a Storm Water Repair/Improvements Assessment Fee and a Road Repair/Improvements Assessment Fee

**Prepared By:** Heidi Shafran, AICP, Village Manager

**Sponsored By:** Staff

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## **BACKGROUND**

Ordinance 2015-02 amends the Code of Ordinances to allow the Village to assess two individual fees for each property in the Village. The fees are for a Storm Water Repair/Improvements Assessment Fee and a Road Repair/Improvements Assessment Fee. At its September 9, 2014 meeting, the Village Commission authorized Staff to follow the procedures set forth in Florida State Statutes 197.3632 regarding the method for the levy, collection and enforcement of non-ad valorem assessments for roadway and storm water improvements. The next and final step in this process will be the determination of the amount of the assessment at a special commission meeting on May 12, 2015 where the annual sanitation assessment will also be set.

## **FISCAL / BUDGET IMPACT**

The creation of the Roads and Stormwater Drainage Assessment will assist the Village in providing funds for short term and long term infrastructure improvements.

## **STAFF RECOMMENDATION**

Staff recommends approval of Ordinance 2015-02 at first reading.

## **ATTACHMENTS**

Ordinance 2015-02

**ORDINANCE NO. 2015-02**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 17 OF THE CODE ENTITLED “FEES, BONDS AND CHARGES” TO AUTHORIZE THE IMPOSITION OF A STORM WATER REPAIR/IMPROVEMENTS ASSESSMENT FEE TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; FURTHER AUTHORIZING THE IMPOSITION OF A ROAD REPAIR/IMPROVEMENTS ASSESSMENT FEE TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; REVISING SECTION 17.4 OF THE CODE ENTITLED “IMPOSITION OF SOLID WASTE MANAGEMENT FEE ASSESSMENT”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE**

WHEREAS, at its December 2, 2014 meeting, the Village Commission of the Village of Biscayne Park, Florida (hereinafter the “Village Commission”) approved Resolution 2014-88 which sets forth the Village’s intent to use the uniform method for the levy and collection of a non-ad valorem special assessment to be levied upon residential properties lying within the municipal boundaries of the Village of Biscayne Park for the imposition of a road repair/improvements assessment fee; and

WHEREAS, at its December 2, 2014 meeting, the Village Commission of the Village of Biscayne Park, Florida (hereinafter the “Village Commission”) approved Resolution 2014-89 which sets forth the Village’s intent to use the uniform method for the levy and collection of a non-ad valorem special assessment to be levied upon residential properties lying within the municipal boundaries of the Village of Biscayne Park for the imposition of a storm water repair/improvements assessment fee; and

WHEREAS, also at its December 2, 2014 meeting, the Village Commission approved Resolutions 2014-93 and 2014-94 which authorized Village officials to execute an Intergovernmental Cooperation Agreement with the Miami-Dade County Office of the Property Appraiser on behalf of the Miami-Dade County Tax Collector to facilitate the collection of non-ad valorem assessments for the provision of storm water repair/improvements and road repair/improvements; and

WHEREAS, in accordance with Section 197.3632, Florida Statutes, the Village advertised its intent to use the uniform method for the collection of non-ad valorem special assessments for storm water repair/improvements and road repair/improvements and held a duly advertised public hearing; and

WHEREAS, the Village Commission, consistent with its previous actions and consistent with the Village Charter, finds it in the best interests of the Village to approve this ordinance,

1 authorizing the imposition of storm water repair/improvements and road repair/improvements  
2 assessment; and  
3

4 WHEREAS, the Village Commission further finds it in the best interests of the  
5 Village to revise Section 17.4 of the Code which addresses a solid waste management fee  
6 assessment, to make it consistent with the newly adopted special assessments;  
7

8 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**  
9 **THE VILLAGE OF BISCAWAYNE PARK, FLORIDA:**  
10

11 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as  
12 being true and correct and are hereby made a specific part of this Ordinance upon adoption  
13 hereof.

14 **Section 2.** **Authority.** This Ordinance is adopted pursuant to the provisions of the  
15 Village Charter and Chapter 166 of the Florida Statutes and other applicable provisions involved.

16 **Section 3.** Chapter 17, entitled “Fees, bonds and charges”, of the Village Code is  
17 hereby amended to read as follows:

18 **CHAPTER 17. - FEES, BONDS AND CHARGES**  
19

20 17.1. - Generally.

21 17.1.1 A listing of all fees and bonds required and charges that may be made by the village are  
22 set by resolution and kept on file in the clerk’s office.

23 17.2. - Building permit fees.

24 17.2.1 *Permit fees established.* The village shall charge and collect permit fees for building,  
25 plumbing, electrical, mechanical work and for work in the public rights-of-way at the rates  
26 listed in the fee schedule on file in the village clerk's office and made a part hereof and no  
27 work shall be commenced until the fees have been paid.

28 17.3. - Campaign sign bond.

29 17.3.1 *Cash bond required.* No political campaign signs shall be placed until the candidate has  
30 posted a cash bond with the village clerk. The cash bond amount shall be set forth in a  
31 separate resolution and kept on file in the clerk’s office. The bond shall be refunded after  
32 the election, provided a village inspection verified that all the candidate’s signs have been  
33 removed.

34 17.3.2 *Bond not required for certain signs.* The requirement of section 17.3.1 above does not  
35 apply to signs as [on] car tops or bumper stickers affixed to or placed in licensed operable  
36 motor vehicles.

37 17.4. - Imposition of solid waste management fee assessment.

38 (A) Residential units include all residential properties within the village except for buildings  
39 containing six (6) or more contiguous dwelling units are to receive solid waste services from

1 the village. Six (6) or more contiguous dwelling units are to contract with a county approved  
2 contractor.

3 (B) The assessed properties are hereby found to be specially benefitted by the provision of the  
4 solid waste collection services ~~in the amount of the solid waste management fee assessment~~  
5 ~~of five hundred seventy two dollars (\$572.00) per residential unit and are determined to be~~  
6 ~~fairly and reasonably apportioned.~~

7 (C) ~~For the fiscal year beginning October 1, 2013, the total solid waste management fee~~  
8 ~~assessment throughout the village is estimated to be seven hundred forty two thousand six~~  
9 ~~hundred sixty four dollars (\$742,664.00). The amount of the assessment shall be~~  
10 ~~determined annually consistent with the requirements of the Miami-Dade County Property~~  
11 ~~Appraiser and Florida Law.~~

12 ~~(D) The solid waste management fee assessment for solid waste collection services is hereby~~  
13 ~~approved and shall continue to be the current schedule for solid waste collection,~~  
14 ~~transportation, separation and disposal service in subsequent years unless and until a new~~  
15 ~~management fee assessment is established by separate ordinance.~~

16 ~~(E)~~ (D) The solid waste management fee assessment shall constitute a lien upon the real property,  
17 so assessed equal in rank and dignity with the liens of all state, county, district and  
18 municipal taxes and other non-ad valorem assessment.

19  
20 17.5. – Imposition of storm water repairs/improvements; fee assessment.

21  
22 (A) All residential units within the Village are subject to this special assessment.

23 (B) The assessed properties are hereby found to be specially benefitted by the provision of the  
24 storm water repair/improvements assessment.

25 (C) The amount of the assessment shall be determined annually consistent with the requirements  
26 of the Miami-Dade County Property Appraiser and Florida Law.

27 (D) The storm water repair/improvements assessment shall constitute a lien upon the real  
28 property so assessed equal in rate and dignity with the liens of all state, county, district and  
29 municipal taxes and other non-ad valorem assessments.

30  
31 17.6. – Imposition of roadway repairs/improvements; fee assessment.

32  
33 (A) All residential units within the Village are subject to this special assessment.

34 (B) The assessed properties are hereby found to be specially benefitted by the provision of the  
35 roadway repair/improvements assessment.

36 (C) The amount of the assessment shall be determined annually consistent with the requirements  
37 of the Miami-Dade County Property Appraiser and Florida Law.

38 (D) The roadway repair/improvements assessment shall constitute a lien upon the real property  
39 so assessed equal in rate and dignity with the liens of all state, county, district and municipal  
40 taxes and other non-ad valorem assessments.

41 ~~17.5~~ 17.7. - Public right-of-way permit fees.

42 ~~17.5.1~~ 17.7.1 Fees. All standards and permit fees regarding public rights-of-way shall be on file  
43 in the clerk's office.

44 ~~17.6~~ 17.8. - Planning and zoning fee schedule.

45 The fee schedule for all planning, zoning and public hearing applications of the Miami-Dade  
46 County Code as adopted by the Village of Biscayne Park.

- 1 (a) The fee schedule for all planning, zoning and public hearing development order  
2 applications pursuant to the village's Land Development Code, and pursuant to F.S. §  
3 163.3184, and F.S. § 166.041, (comprehensive plan amendment process) submitted  
4 directly to the Village of Biscayne Park shall be in accordance with the fee schedule  
5 provided by separate resolution and kept on file in the clerk's office.  
6 (b) The fee schedule for all planning, zoning and public hearings shall be submitted directly  
7 to the Village of Biscayne Park in accordance with the fee schedule provided by  
8 separate resolution and kept on file in the clerk's office.  
9 (c) All checks shall be made payable to the "Village of Biscayne Park."  
10 (d) All fee schedules established by the village's building department and all other fees  
11 other than those described in the resolution kept on file in the clerk's office shall remain  
12 in effect in the village until specifically repealed.

13 ~~17.6.1~~ 17.8.1 *Zoning applications.*

- 14 A. *Public hearings and administrative modifications.* Every application for a zoning  
15 change or other zoning application, where a public hearing is required to be held and for  
16 every application where notices and advertisement are required, there shall be paid a  
17 minimum fee as set forth in the resolution kept on file in the clerk's office.  
18 B. *Revisions to public hearing plans.* Submittal of the first revised plan will be processed  
19 at no additional cost to the applicant. Subsequent revisions will be processed at an  
20 additional charge as set forth by resolution kept on file in the clerk's office and shall be  
21 paid in total at the time of submittal.

22  
23 Onle one (1) fee shall be assessed; should an application involve two (2) or more  
24 adjustments of a different category, the greater shall apply.

25 ~~17.6.2~~ 17.8.2 *General information.*

- 26 A. *Application fees.* All applications fees shall be paid in total, at the time of filing of an  
27 application, and no fee shall be credited or refunded except when adjustment is  
28 warranted or deemed necessary due to departmental error. A refund of fifty (50) percent  
29 of an original application fee may be refunded upon the withdrawal of an application  
30 when the written request for withdrawal is received within thirty (30) days of the date of  
31 application.  
32 B. *Mailing fees; notices.* In addition to the zoning fees set by separate resolution, items  
33 requiring notice shall be assessed a fee for each notice required to be mailed in  
34 accordance with the Village's Code. These fees shall be assessed for every occasion on  
35 which notices are mailed.  
36 C. Processing costs will be charged equal to actual staff time and related costs for matters  
37 which involve research, including review of legal agreements. A minimum fee shall be  
38 charged.  
39 D. *Preparation of special studies or reports.* For special studies or reports that are not  
40 prepared as part of the regular work program of the village and are found by the village  
41 to be necessary to prepare recommendations related to planning and zoning  
42 applications, the applicant shall pay the actual cost incurred for any such required  
43 professional services. Specifically, the village shall charge the applicant the direct cost  
44 of review by employed/hired consultants and professionals, engineers, planners, legal,  
45 technical or environmental consultants deemed reasonably necessary by the village to  
46 review any application. Charges shall be in accord with the hourly rate charges by such

employed professionals or consultants. The applicant shall reimburse the village for the cost of such upon submission of an invoice within thirty (30) days. Failure to make payment shall result in a discontinuance of review/processing of an application; or rescinding of the final development order for failure to comply with a material condition to the approval.

E. *Re-advertisement and re-notification for deferred or remanded hearing applications.* For each and every zoning hearing application that is deferred or remanded to a date not yet advertised, a fee shall be paid based on the actual cost of re-advertisement and re-notification.

F. *Late payment charges on unpaid amounts.* Billing covered by contracts, agreements or other formal arrangements for services rendered by the department are due within forty-five (45) days from the date of the invoice. Full payment of the account balance must be received by the past due date set forth on the invoice. A monthly late payment charge will be assessed on any outstanding balance at the rate of ten (10) percent thereafter, until payment is received in full.

TABLE A RESIDENTIAL SECTORS

Regulations	RESIDENTIAL SECTORS			
	A	B	C	D
Density (Dwelling units per gross acre <sup>1</sup> )	= <2.0	2.1—6.0	2.1—6.0	2.1—6.0
Minimum lot size (square feet <sup>2</sup> )	8,500	8,500	6,000	8,500
Dwelling type allowed	Detached one-family	Detached one-family	Detached one-family two-family <sup>4</sup>	Detached community res. home
Minimum dwelling size (gross horizontal floor area, square feet)	1,900	1,400	(a) 1,400 (b) 2,000	1,400
Maximum lot coverage (percent)	50	50	50	50
Maximum dwelling units per single lot	1	1	1	1
Maximum building height (stories)	2	2	2	2
Minimum setbacks (feet)				
Street property line	50	30 <sup>3</sup>	30	30
Rear	10	10	10	10
Sides	10	10	10	10

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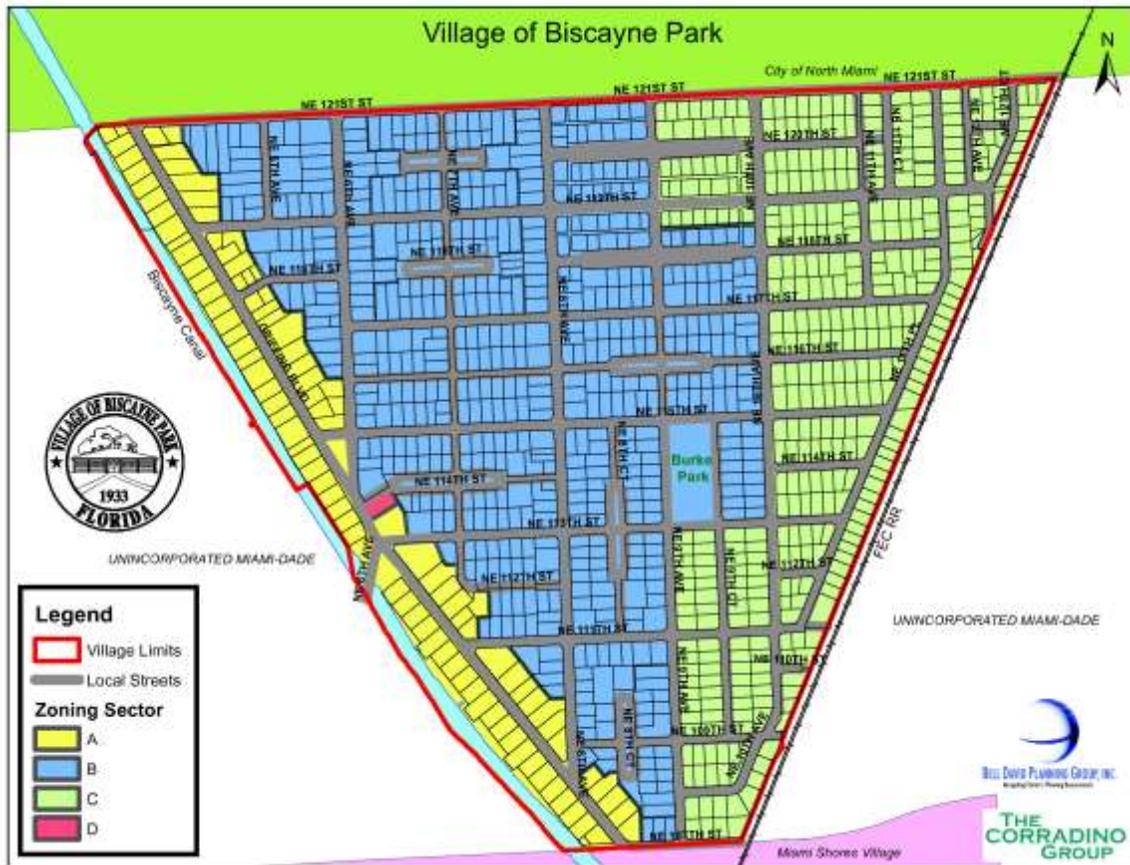
Notes:

<sup>1</sup> Gross acre is the lot area plus half the width of the adjacent road.

<sup>2</sup> And in any case not less than the area of any lot of record.

<sup>3</sup> Except north side of 116th Street between 6th Avenue to 8th Avenue where the present setback shall be maintained; except on all 60-foot lots facing NE 9th Avenue between 118th Street and 120th Street where the setback shall be 20 feet from the NE 9th Avenue property line and said lots shall be subject to existing setback requirements of the streets on which they abut.

<sup>4</sup> Two-family or duplex dwellings are prohibited on lots with a frontage of fifty (50) feet or less.



12

**Residential Sectors Illustration**

13  
14

**Section 4.** 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.

15

16

**Section 5.** Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

17

18

1 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
2 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it  
3 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
4 part.

5 **Section 6.** Codification. It is the intention of the Village Commission of the Village of  
6 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of  
7 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be  
8 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other  
9 word or phrase in order to accomplish such intention.

10 **Section 7.** Effective Date. This Ordinance shall be effective upon adoption on  
11 second reading.

12  
13 The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its  
14 adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote,  
15 the vote was as follows:

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

16  
17  
18  
19 \_\_\_\_\_  
20 David Coviello, Mayor

21 Attest:

22  
23  
24  
25 \_\_\_\_\_  
26 Maria C. Camara, Village Clerk

27 Approved as to form:

28  
29  
30  
31 \_\_\_\_\_  
32 John J. Hearn, Village Attorney

Mayor Coviello \_\_\_\_  
Vice Mayor Jonas \_\_\_\_  
Commissioner Anderson \_\_\_\_  
Commissioner Ross \_\_\_\_  
Commissioner Watts \_\_\_\_



## Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Ordinance 2015-03

**Prepared By:** Village Clerk Maria Camara

**Sponsored By:** Staff

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### **Background:**

At the February 3, 2015, Commission meeting, Attorney John Hearn explained that the code related to the Planning & Zoning Board is covered in multiple places in the Village's Code of Ordinances, and asked for Commission approval to move forward in drafting an ordinance to clarify and correct. The Commission passed a motion giving Attorney Hearn the direction to rewrite the code as necessary.

### **Fiscal / Budget Impact:**

Cost for advertisement of the second reading of the ordinance and cost to codify.

### **Attachments:**

- Ordinance 2015-03

1 **ORDINANCE NO. 2015-03**

2  
3 **AN ORDINANCE OF THE VILLAGE COMMISSION OF**  
4 **THE VILLAGE OF BISCAYNE PARK, FLORIDA**  
5 **AMENDING CHAPTER 13 OF THE LAND**  
6 **DEVELOPMENT CODE ENTITLED “PLANNING**  
7 **BOARD AND LOCAL PLANNING AGENCY”;**  
8 **AMENDING CHAPTER 14 OF THE LAND**  
9 **DEVELOPMENT CODE ENTITLED “CODE**  
10 **COMPLIANCE BOARD”;** AMENDING CHAPTER 15  
11 **ENTITLED “ENFORCEMENT”;** PROVIDING FOR  
12 **CONFLICTS; PROVIDING FOR SEVERABILITY;**  
13 **PROVIDING FOR INCLUSION; PROVIDING FOR AN**  
14 **EFFECTIVE**

15  
16 WHEREAS, Chapters 13, 14 and 15 of the Land Development Code provide regulations  
17 concerning the Village’s Planning and Code Compliance Boards; and

18  
19 WHEREAS, the Village’s professional staff recommends that the chapters of the LDC  
20 pertaining to the Planning and Code Compliance Boards be revised to be consistent with state  
21 law; and

22  
23 WHEREAS, the Village Commission finds it in the best interests of the Village to  
24 approve this ordinance, authorizing the LDC to be revised to be consistent with state law;

25  
26 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**  
27 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

28  
29 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as  
30 being true and correct and are hereby made a specific part of this Ordinance upon adoption  
31 hereof.

32  
33 **Section 2.** Chapter 13, entitled “Planning Board and Local Planning Agency”, is  
34 hereby amended to read as follows:

35  
36 **CHAPTER 13. - PLANNING BOARD AND LOCAL PLANNING AGENCY**

37  
38 13.1. – Generally rules and policies.

39 13.1.1 ~~*Purpose of chapter.* The following board and agency are created to administer the~~  
40 ~~provisions of this code under the authority prescribed by this code and Florida law.~~ Unless  
41 provided otherwise in this Article, Article III, Section 2-30 of the Biscayne Park Code shall  
42 govern the rules, policies and procedures of the planning board.

43 13.2. - Planning board.

44  
45 13.2.1 Authority/duties. The planning board shall serve as the local planning agency, review  
46 variance applications, and have other authority as provided by state law and the Land  
47 Development Code.

1 ~~13.2.1 *Appointed.* There is hereby appointed and created a village planning board hereinafter~~  
2 ~~called the board to review and recommend to the village commission approval or denial of~~  
3 ~~development applications submitted under this code and any other matter that may be~~  
4 ~~referred to the board by the commission.~~

5 ~~13.2.2 *Term.* The planning board shall be appointed for a term of two (2) years.~~

6 ~~13.2.3 *Membership.* The board shall be composed of three (3) members. Each member shall~~  
7 ~~reside in the village. When a position becomes vacant before the end of the term, the village~~  
8 ~~commission shall appoint a substitute member to fill the vacancy for the duration of the~~  
9 ~~vacated term.~~

10 ~~13.2.4 *Chair.* The members shall designate one of them as chair of the planning board.~~

11 ~~13.2.5 *Meetings.* The board shall meet in the village hall or at such other place or places as the~~  
12 ~~members thereof may decide and at such times as the members of the board may decide.~~

13 ~~13.2.6 *Quorum.* A majority of the members of the planning board shall constitute a quorum for~~  
14 ~~all purposes.~~

15 ~~13.2.7 *Procedures.* The board shall follow rules of procedure that conform to this code, the~~  
16 ~~village charter and other ordinances, and state law. Minutes of the board's proceedings shall~~  
17 ~~be kept, indicating the attendance of each member, and the decision on every question. Each~~  
18 ~~decision of the board must be approved by majority vote. All meetings of the board shall be~~  
19 ~~public meetings and all board records shall be public records.~~

20 ~~13.2.8 *Finances.* The village commission shall appropriate funds to permit the planning board to~~  
21 ~~perform its prescribed functions. Members shall not be compensated, but may be paid for~~  
22 ~~travel and other expenses incurred on board business under procedures prescribed in~~  
23 ~~advance by the village commission.~~

24  
25 ~~13.2.9~~ 13.2.2 *Application fees.* The village commission shall adopt by resolution a schedule of  
26 application fees for functions performed by the planning board in response to applications  
27 submitted by any person, corporation, organization or governmental entity.

28 13.3. - Local planning agency.

29 13.3.1 *Designation and establishment of local land planning agency.* Pursuant to and in  
30 accordance with F.S. § 163.3174, the village planning board is hereby designated and  
31 established as the local planning agency for the incorporated territory of Biscayne Park,  
32 Florida.

33 13.3.2 *Duties and responsibilities of as the local planning agency.* The planning board, as ~~the~~  
34 local planning agency, in accordance with ~~the Local Government Comprehensive Planning~~  
35 and Land Development Act of 1985, F.S. § 163.3174(4), shall:

36 (a) Be the agency responsible for the preparation of the comprehensive plan and shall make  
37 recommendations to the ~~governing body~~ village commission regarding the adoption of  
38 such plan or element or portion thereof.

39 (b) Monitor and oversee the effectiveness and status of the comprehensive plan and  
40 recommend to the governing body such changes in the comprehensive plan as may from  
41 time to time be required, including ~~preparation~~ review of the periodic reports required  
42 by F.S. § 163.3191, (evaluation and appraisal of the comprehensive plan once every  
43 five (5) years).

44 (c) When the local planning agency is serving as the land development regulation  
45 commission or the local government requires review by both the local planning agency  
46 and the land development regulation commission, review proposed land development

1 regulations, land development codes, or amendments thereto, and make  
2 recommendations to the governing body as to the consistency of the proposal with the  
3 adopted comprehensive plan or portion thereof.

4 (d) Perform any other functions, duties, and responsibilities assigned to it by the governing  
5 body or general or special law.

6 ~~13.3.3 Organization, rules and procedures of the agency. Members of the local planning agency~~  
7 ~~shall continue to be appointed and follow such rules of procedure, methods of choosing~~  
8 ~~officers, setting of public meetings, providing of financial support, and accomplishing its~~  
9 ~~duties as provided in the Charter.~~

10 ~~13.3.4 Public meetings and records. All meetings of the local planning agency shall be public~~  
11 ~~meetings and all agency records shall be public records. The local planning agency shall~~  
12 ~~encourage public participation.~~

13 ~~13.3.5~~ 13.3.3 *Funds.* The commission shall appropriate funds at its discretion to the local  
14 planning agency for expenses necessary in the conduct of its work. The local planning  
15 agency may, in order to accomplish the purposes and activities required by the Local  
16 Government Comprehensive Planning and Land Development Act of 1985 Act, expend all  
17 sums so appropriated and other sums made available for use from fees, gifts, state or federal  
18 grants, state or federal loans, and other sources; provided acceptance of loans or grants must  
19 be approved by the commission.

20 ~~15.3~~13.4. - Variances.

21 ~~15.3-1~~13.4.1. *Variances recommended by the planning board.* The planning board may  
22 recommend to the commission a variance from the strict application of any provision of this  
23 code, except provisions of the adopted levels of service, (chapter 9).

24 ~~15.3-2~~13.4.2 *Grounds for a variance—Findings required.* The board may recommend a  
25 variance from this chapter when, in its opinion, undue hardship may result from strict  
26 compliance. In recommending any variance, the board shall prescribe only conditions that it  
27 deems necessary to or desirable for the public interest. In making its findings, as required  
28 herein below, the board shall take into account the nature of the proposed use of land and the  
29 existing character of land and buildings in the vicinity. No variance shall be recommended  
30 unless the board finds:

- 31 (1) That there are special circumstances or conditions affecting the property which are such  
32 that the strict application of the provisions of this chapter would deprive the applicant of  
33 the reasonable use of his land.  
34 (2) That the variance is necessary for the preservation and enjoyment of a substantial  
35 property right o the petitioner.  
36 (3) That the granting of the variance will not be detrimental to the public welfare or  
37 injurious to other property in the territory in which the property is situated.  
38 (4) That the variance proposed is the minimum variance which makes possible the  
39 reasonable use of the property.

40 ~~15.3-3~~13.4.3 *Imposition of conditions.* In recommending a development approval involving a  
41 variance, the planning board may also recommend such conditions and restrictions upon the  
42 premises benefited by a variance as may be necessary to allow a positive finding to be made  
43 on any of the factors in subsection 15.3.2 above, or to minimize the injurious effect of the  
44 variance.

45 ~~15.3-4~~13.4.4 *Village commission approval.* The planning board recommendation shall be sent  
46 to the village commission for final consideration. The village commission shall review the

1 findings and recommendations of the planning board, determine whether all grounds for the  
2 variance have been established and make a final decision regarding approval or denial of the  
3 requested variance.

4 ~~15.3.5~~13.4.5 *Historic properties.* Special variances may be granted for the reconstruction,  
5 rehabilitation or restoration of structures listed or classified in the national or county register  
6 of historic places. The special variance shall be the minimum necessary to protect the  
7 historic character and design of the structure. No special variance shall be granted if the  
8 proposed construction, rehabilitation, or restoration will cause the structure to lose its  
9 historical designation.

10 ~~15.3.6~~13.4.6 *Conditions and limitations.* In authorizing any variance, the commission shall  
11 include as part of such variance, any condition, requirement or limitation which the board  
12 may believe to be necessary and desirable to protect adjacent properties in the surrounding  
13 neighborhood, and to carry out the spirit and purpose of the land development code.

14 ~~15.3.7~~13.4.7 *Administrative variances.* This part is established to provide standards and  
15 procedures for the granting of administrative variances of development standards for  
16 existing sites. Administrative variances are specifically intended to promote high standards  
17 of design, provide flexibility in the administration of standards in recognition of site specific  
18 conditions, and to establish conditions to ensure compatibility where standards are modified.

19 Administrative variances shall be limited to ten (10) percent of the affected setback or  
20 substantially similar dimensional requirement, up to a maximum of one (1) foot. The village  
21 manager shall be charged with the granting or denying of administrative variances. No  
22 administrative variance shall be granted unless the applicant clearly shows the existence of one  
23 of the following circumstances:

- 24 (1) Superior alternatives: Where the development will provide an alternative which will  
25 achieve the purposes of the requirement through clearly superior design.
- 26 (2) Technical impracticality: Where the strict application of the requirements would be  
27 technically impractical in terms of design or construction practices or existing site  
28 conditions. The degree of existing nonconforming conditions and the extent to which  
29 the proposed modification would lessen the nonconforming condition shall be  
30 specifically considered.
- 31 (3) Protection of natural features, including trees, wetlands, archeological sites and similar  
32 circumstances.
- 33 (4) Other technical, architectural or engineering reasons.

34 ~~15.4~~13.5. - Procedure for amending this code or the comprehensive plan.

35 ~~15.4.1~~13.5.1 *State law.* The procedures for amending this code or the comprehensive plan shall  
36 adhere to state law in all respects.

37 ~~15.4.2~~13.5.2 *Applications.* Any affected person or affected local government may apply to the  
38 local planning agency to amend this code or the comprehensive plan in compliance with  
39 procedures prescribed by the agency.

40 ~~15.4.3~~13.5.3 *Local planning agency recommendation.* The local planning agency shall hold a  
41 legislative hearing on each application to amend this code or the comprehensive plan and  
42 thereafter submit to the village commission a written recommendation which:

- 43 (a) Identifies any provisions of the code, comprehensive plan, or other law relating to the  
44 proposed change and describes how the proposal relates to them.
- 45 (b) States factual and policy considerations pertaining to the recommendation.

1 ~~15.4.4~~13.5.4 *Decision by the village commission.* The village commission shall hold a  
2 legislative hearing on the proposed amendment and may enact or reject the proposal, or  
3 enact a modified proposal that is within the scope of matters considered at the hearing.

4 ~~15.4.5~~13.5.5 *Legislative hearing.* Each legislative hearing shall conform to the following  
5 requirements:

6 (a) Notice. Notice that complies with the requirements of state law shall be given.

7 (b) Hearing. The public hearing shall as a minimum:

8 (i) Comply with the requirements of state law.

9 (ii) Present the local planning agency's analysis of the proposed decision.

10 (iii) Present the local planning agency's summary of reports by other agencies.

11 (iv) Permit any affected person or affected local government to submit written  
12 recommendations and comments before or during the hearing.

13 (v) Permit a reasonable opportunity for interested persons to make oral statements.

14 ~~15.5~~13.6. - Appeals.

15 ~~15.5.1~~13.6.1 *Submission of appeal.* Appeals as to any provision of this code or regulations may  
16 be made to the commission by any aggrieved resident or property owner of the area affected,  
17 and upon receipt of such appeal it shall be referred to the local planning agency for  
18 investigation.

19 ~~15.5.2~~13.6.2 *Local agency evaluation.* Such appeals may concern general provisions of the  
20 plan and regulations or their effect in application to specific pieces of property. The local  
21 planning agency shall determine whether or not relief may be granted without substantial  
22 detriment to the public good and without impairing the intent and purpose of the plan and  
23 code, and shall report its findings and recommendations as to change and amendments, if  
24 any, to the commission.

25 ~~15.5.3~~13.6.3 *Final action.* Final action on appeals shall be taken by the commission after  
26 receipt of such report, and the commission may overrule the local planning agency.

27 ~~15.5.4~~13.6.4 *Local planning agency failure to act.* Failure of the local planning agency to act  
28 on any appeal within thirty (30) days after its official submission to it shall be deemed  
29 approval unless a longer period is requested and granted by the commission.

30 ~~15.5.5~~13.6.5 *Certification.* Changes in the adopted comprehensive plan and land development  
31 code, or amendments thereto, originated by the local planning agency may be certified  
32 through the commission at any regular meeting and adopted as amendments to this code in  
33 the regular manner.  
34

35 **Section 3.** Chapter 14, entitled "Code Compliance Board", is hereby amended to read  
36 as follows:

37 **CHAPTER 15 14. – PROCEDURES – CODE COMPLIANCE BOARD**

38  
39 ~~15.1.~~ 14.1 - Code compliance board—Generally.

40 ~~15.1.1~~ 14.1.1 *Purpose.* This chapter sets forth the procedures of the code compliance board.  
41 When not expressly provided for in this Chapter, Article III, Section 2-30 of the Biscayne  
42 Park Code shall apply. ~~for enforcement of this code, for the consideration of variances from~~  
43 ~~this code, for amending this code or the comprehensive plan, and for appealing decisions.~~  
44 ~~Section 15.1 shall be for code compliance procedures. Section 15.2 relates to planning board~~  
45 ~~requirements.~~

1 ~~15.1.2~~ 14.1.2 *Intent*. It is the intent of the village to provide an equitable, expeditious, effective,  
2 and inexpensive method of enforcing the codes and ordinances in force in the village by  
3 granting to the code compliance board the authority to impose administrative fines and other  
4 ~~no~~ non-criminal penalties for violation(s) of said codes and ordinances.

5 ~~15.1.3~~ 14.1.3 *Composition*. The five-member board shall be appointed by the village  
6 commission. Members of the code compliance board shall be ~~property owners and~~ residents  
7 of the Village of Biscayne Park. Appointments shall be made on the basis of experience or  
8 interest and, when possible, ~~the inclusion of~~ include the following individuals ~~is encouraged~~:  
9 an architect, ~~an attorney~~ a business person, an engineer, a general contractor, a subcontractor  
10 and a licensed real estate person.

11 ~~15.1.4~~ 14.1.4 *Term of office*. The initial appointments to the code compliance board and the  
12 alternate members shall be as follows:

- 13  
14 (1) One (1) member appointed for a term of one (1) year.  
15 (2) Two (2) members appointed for a term of two (2) years.  
16 (3) Two (2) members appointed for a term of three (3) years.

17  
18 Thereafter, all appointments shall be made for a term of three (3) years and shall take effect  
19 on May 1 of the year the appointment is made. A member may be reappointed upon  
20 approval of the village commission. Appointments to fill any vacancy on the code  
21 compliance board shall be for the remainder of the unexpired term of office. If any member  
22 who fails to attend two (2) of the three (3) successive meetings without cause and without  
23 prior approval of the chairman, the board shall declare the member's office vacant, and the  
24 village commission shall promptly fill such vacancy. The terms of office of the members of  
25 the board shall be up for reappointment yearly at the regular March village commission  
26 meeting. The nominating commissioner can continue the term of the commissioner's current  
27 appointment or appoint a new member. If no action is taken by the commissioner or the  
28 commission, the board or committee member shall continue to serve. New commissioners  
29 will also be able to continue the term of a previous commissioner or appoint a new member.

30 The members shall serve in accordance with the Village Charter and may be suspended and  
31 removed for cause as provided in the Village Code ~~of Ordinances and resolutions~~ for removal of  
32 members of village boards.

33 ~~15.1.5~~ 14.1.5 *Procedures*.

- 34 (a) *Chairman*. The members of the code compliance board shall elect a chairman from  
35 among its members.  
36 (b) *Quorum*. The presence of three (3) members shall constitute a quorum of the code  
37 compliance board.  
38 (c) *Expenses*. Members shall serve without compensation, but may be reimbursed for such  
39 travel, mileage and per diem expenses as may be authorized by the village commission.

40 ~~15.1.6~~ 14.1.6 *Counsel*. The village attorney shall either be counsel to the code compliance  
41 board or shall represent the village by presenting cases before the board, but in no case shall  
42 the village attorney serve in both capacities.

43  
44 ~~15.1.7~~ 14.1.7 *Compliance procedure*.

- 1 (a) It shall be the duty of the code compliance officer to initiate enforcement proceedings of  
2 the various codes; provided, however, no member of the code compliance board shall  
3 have the power to initiate such enforcement proceedings.
- 4 (b) Except as provided in subsections (c) and (d), if a violation of the codes is found, the  
5 code compliance officer shall notify the violator and give the violator a reasonable time  
6 to correct the violation ~~and, unless an emergency or life safety situation may issue a~~  
7 ~~courtesy notice.~~ Should the violation continue beyond the time specified for correction,  
8 the code compliance officer shall notify the code compliance board of the charges and  
9 request a hearing pursuant to procedure in section ~~15.1.8~~ 14.1.8, ~~of the Land~~  
10 ~~Development Code.~~ Notice shall be provided pursuant to section ~~15.1.13~~ 14.1.13, ~~of the~~  
11 ~~Land Development Code.~~
- 12 (c) If the violation is corrected and then recurs or if the violation is not corrected by the  
13 time specified for correction by the code compliance officer, the case may be presented  
14 to the code compliance board even if the violation has been corrected prior to the board  
15 hearing, and the notice shall so state. If a repeat violation is found, the code compliance  
16 officer shall notify the violator but is not required to give violator a reasonable time to  
17 correct the violation. The code compliance officer, upon notifying the violator of a  
18 repeat violation, shall notify the code compliance board and request a hearing. The code  
19 compliance board shall schedule a hearing and shall provide notice pursuant to section  
20 ~~15.1.12~~ 14.1.12, ~~of the Land Development Code.~~ The case may be presented to the code  
21 compliance board even if the repeat violation has been corrected prior to the board  
22 hearing, and the notice shall so state. "Repeat violation" means a violation of a  
23 provision of a code or ordinance by a person who has been previously found, through a  
24 code compliance board or other quasi-judicial or judicial process, to have violated or  
25 has admitted violating the same provision within five (5) years prior to the violation.
- 26 (d) If the code compliance officer has reason to believe a violation presents a serious threat  
27 to the public health, safety and welfare, the code compliance officer may proceed  
28 directly to the procedure in subsection ~~15.1.7(b)~~ 14.1.7(b), ~~of the Land Development~~  
29 ~~Code without being required to notifying the violator of a reasonable time to correct.~~
- 30 (e) If the owner of the property which is subject to an enforcement proceeding before a  
31 code compliance board, or if the court, transfers ownership of such property between  
32 the time the initial pleading was served and the time of the hearing, such owner shall:
- 33 (1) Disclose, in writing, the existence and the nature of the proceeding to the  
34 prospective transferee.
- 35 (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other  
36 materials relating to the code enforcement proceeding received by the transferor.
- 37 (3) Disclose, in writing, to the prospective transferee that the new owner will be  
38 responsible for compliance with the applicable code and with orders issued in the  
39 code enforcement proceeding.
- 40 (4) File a notice with the code compliance department of the transfer of the property,  
41 with the identity and address of the new owner and copies of the disclosures made  
42 to the new owner, within five (5) days after the date of the transfer. A failure to  
43 make the disclosures described in this subsection before the transfer creates a rebut  
44 table presumption of fraud. If the property is transferred before the hearing, the  
45 proceeding shall not be dismissed, but the new owner shall be provided a  
46 reasonable period of time to correct the violation before the hearing is held.

1 ~~15.1.8~~ 14.1.8 *Conduct of hearing.*

- 2 (a) The chairman of the code compliance board may call hearings of the board, and  
3 hearings may also be called by written notice signed by at least three (3) members of the  
4 code compliance board. The board, at any hearing, may set a future hearing date. The  
5 board shall attempt to convene no less frequently than once every two (2) months, but it  
6 may meet more or less often as the demand necessitates. Minutes shall be kept of all  
7 hearings by the board, and all hearings and proceedings shall be open to the public. The  
8 village shall provide clerical and administrative personnel as may be reasonably  
9 required by the board for the proper performance of its duties.
- 10 (b) Each case before the code compliance board shall be presented by a code compliance  
11 officer appointed by the village for that purpose.
- 12 (c) The code compliance board shall proceed to hear the cases on the agenda for that day.  
13 All testimony shall be under oath and shall be recorded. The board shall take testimony  
14 from the code compliance officer, the alleged violator, and any witnesses called. Formal  
15 rules of evidence shall not apply, but fundamental due process shall be observed and  
16 govern said proceedings.
- 17 (d) At the conclusion of the hearing, the code compliance board shall issue findings of fact,  
18 based on evidence recorded and conclusions of law, and shall issue an order affording  
19 the proper relief consistent with powers granted herein. The finding shall be by motion  
20 approved by a majority of those present and voting, except that at least three (3)  
21 members of the code compliance board must vote for the action to be official. The order  
22 may include a notice that it must be complied with by a specified date and that a fine  
23 may be imposed if the order is not complied with by said date. A certified copy of such  
24 order may be recorded in the public records of ~~Miami Dade County~~ the county and shall  
25 constitute notice to any subsequent purchasers, successors in interest, or assigns if the  
26 violation concerns real property, and the findings therein shall be binding upon the  
27 violator and, if the violation concerns real property, any subsequent purchasers,  
28 successors in interest, or assigns. If an order is recorded in the public records pursuant  
29 to this subsection and the order is complied with by the date specified in the order, the  
30 code compliance board shall issue an order acknowledging compliance that shall be  
31 recorded in the public records. A hearing is not required to issue such an order  
32 acknowledging compliance.

33 ~~15.1.9~~ 14.1.9 *Powers of the code compliance board.* The code compliance board shall have the  
34 power to:

- 35 (1) Adopt rules for the conduct of its hearings.  
36 (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by  
37 the police department.  
38 (3) Subpoena evidence to its hearings.  
39 (4) Take testimony under oath.  
40 (5) Issue orders having the force of law commanding whatever steps are necessary to bring  
41 a violation into compliance.

42 ~~15.1.10~~ 14.1.10 *Fines; liens.*

- 43 (a) The code compliance board, upon notification by the code compliance officer that a  
44 previous order of the board has not been complied with by the set time, or finds a  
45 person to be a repeat violator under subsection (c), may order the violator to pay a fine

1 in an amount specified in this section for each day the violation continues past the date  
2 set by the board for compliance or, in the case of a repeat violation, for each day the  
3 repeat violation continues past the date of notice to the violator of the repeat violation.  
4 If a finding of a violation or a repeat violation has been made as provided in this part, a  
5 hearing shall not be necessary for issuance of the order imposing the fine.

6 An "*uncorrectable violation*" is a violation which cannot be remedied after the violation  
7 has been committed because the violation constitutes a single prohibited act rather than  
8 an ongoing condition or circumstance. Each reoccurrence of an uncorrectable violation  
9 shall constitute a separation violation and shall subject the violator to an additional  
10 penalty in the same amount as that prescribed for the original violation. If, however, a  
11 violator has been once found guilty of an uncorrectable violation, and causes the same  
12 uncorrectable violation to occur a second time, each reoccurrence of the uncorrectable  
13 violation by such violator shall constitute a "repeat violation."

14 "*Continuing violations*" are those violations which remain uncorrected beyond the  
15 reasonable time period for correction contained in either the civil violation notice or the  
16 final order of the code compliance board, whichever is applicable. For each day of  
17 continued violation after the time for correction has run, an additional penalty in the  
18 same amount as that prescribed for the original violation shall be added.

19 A "*repeat violation*" is a recurring violation of an ordinance by a violator who has  
20 previously been guilty of the same violation within the last five (5) years. In the case of  
21 correctable violations, a repeat violation can occur only after correction of the previous  
22 violation has been made. For the first repeat violation, the amount of the civil penalty  
23 shall be double the amount of penalty prescribed for the original violation.

24 (b) *Amount of fine.*

25 (1) A fine imposed pursuant to this section shall not exceed the following:

- 26 a. Two hundred fifty dollars (\$250.00) per day per violation for a first violation;
- 27 b. Five hundred dollars (\$500.00) per day per violation for a repeat violation;
- 28 c. Up to one thousand dollars (\$1,000.00) per day if the code compliance board  
29 finds the violation to be irreparable or irreversible in nature; and
- 30 d. A limit of fifteen ~~five~~ thousand dollars (\$15,000.00) per violation if the code  
31 compliance board finds the violation to be irreparable or irreversible in nature.

32 (2) In determining the amount of the fine, if any, the code compliance board shall  
33 consider the following factors:

- 34 a. The gravity of the violation;
- 35 b. Any actions taken by the violator to correct the violation; and
- 36 c. Any previous violations committed by the violator.

37 (c) *Reduction of fine imposed pursuant to this section.*

38 (1) The code compliance board is hereby delegated the authority to hear requests for  
39 reduction of fines pursuant to this section and make the final decision on behalf of  
40 the village.

41 (2) For all requests for reduction of fine, the code compliance officer shall submit a  
42 written recommendation to the code compliance board. In formulating the

1 recommendation, the code compliance officer shall consider criteria, which  
2 includes, but is not limited to the following:

- 3 a. The cooperation of the respondent, including whether the respondent had  
4 appeared before the board at the original hearing;
- 5 b. The documentation provided by the respondent in support of the request;
- 6 c. Whether the respondent has new evidence or information which could not be  
7 provided at the original hearing;
- 8 d. Whether there was any extraordinary hardship which existed or currently  
9 exists;
- 10 e. Whether the respondent has come into compliance with the order of the board;
- 11 f. The number of days that the violation existed;
- 12 g. Whether the respondent has been deemed a repeat violator by the board;
- 13 h. Whether the property is homestead or non-homestead property; and
- 14 i. The total administrative cost to the village for the handling of the case, which  
15 cost will be inclusive of staff time and recording and release of lien fees.

16 (3) The code compliance board shall consider the same criteria as the code compliance  
17 officer.

18 (4) The code compliance board shall not waive administrative costs incurred by the  
19 local government in enforcing its codes. In addition, the code compliance board  
20 and the administrative panel shall not waive costs of repairs incurred by the local  
21 government.

22 (d) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded  
23 in the public records and thereafter shall constitute a lien against the land on which the  
24 violation exists, or, if the violator does not own the land, upon any other real or personal  
25 property owned by the violator. Upon petition to the circuit court, such order shall be  
26 enforceable in the same manner as a court judgment by the sheriffs of this state,  
27 including execution and levy against the personal property of the violator but such order  
28 shall not be deemed otherwise to be a judgment of a court except for enforcement  
29 purposes. A fine imposed pursuant to this part shall continue to accrue until the violator  
30 comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed  
31 pursuant to this section, whichever occurs first. After three (3) months from the filing of  
32 any such lien which remains unpaid, the code compliance board may authorize the  
33 village attorney to foreclose on the lien. No lien created pursuant to the provisions of  
34 this chapter may be foreclosed on real property, which is a homestead under the Florida  
35 Constitution, Art. X, § 4.

36 ~~15.1.11~~ 14.1.11 *Duration of lien.* No lien provided by the Code Compliance Boards Act  
37 shall continue for a longer period than twenty (20) years after the certified copy of an order  
38 imposing a fine has been recorded, unless within that time an action to foreclose on the lien  
39 is commenced in a court of competent jurisdiction. In an action to foreclose on the lien, the  
40 prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it  
41 incurs in the foreclosure. The continuation of the lien effected by the commencement of the  
42 action shall not be good against creditors or subsequent purchasers for valuable  
43 consideration without notice, unless a notice of ~~lies pendent~~ lis pendens is recorded.

44 ~~15.1.12~~ 14.1.12 *Appeal.* An aggrieved party, including the village, may appeal a final order  
45 of the code compliance board to the circuit court. Such an appeal shall not be a hearing do

1            novo but shall be limited to appellate review of the record created before the board. An  
2            appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

3    ~~15.1.13~~ 14.1.13            *Notices and procedures.*

4            (a) All notices required by this part shall be provided to the alleged violator by:

- 5            (1) Certified mail, return receipt requested, provided if such notice is sent under this  
6            subsection to the owner of the property in question at the address listed in the tax  
7            collector's office for tax notices, and at any other address provided to the village by  
8            such owner and is returned as unclaimed or refused, notice may be provided by  
9            posting as described in subsections (b)(1) and (2) below, and by first class mail  
10           directed to the addresses furnished to the local government with a properly  
11           executed proof of mailing or affidavit confirming the first class mailing; or  
12           (2) Hand delivery by the sheriff or other law enforcement officer, code compliance  
13           officer, or other person designated by the local governing body; or  
14           (3) Leaving the notice at the violator's usual place of residence with any person  
15           residing therein who is above fifteen (15) years of age and informing such person  
16           of the contents of the notice.

17           (b) (1) In lieu of ~~notice~~ publication as described in subsection (a), such notice may be  
18           posted at least ten (10) days prior to the hearing, or prior to the expiration of any  
19           deadline contained in the notice, in at least two (2) locations, one of which shall be  
20           the property upon which the violation is alleged to exist and the other of which  
21           shall be at the Village Hall.

22           (2) Proof of posting shall be by affidavit of the person posting the notice, which  
23           affidavit shall include a copy of the notice posted and the date and places of its  
24           posting.

25           (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in  
26           subsection (a), together with proof of ~~notice~~ publication or posting as provided in  
27           subsection (b), shall be sufficient to show that the notice requirements of this chapter  
28           have been met, without regard to whether or not the alleged violator actually received  
29           such notice.

30    14.1.14 ~~(d)~~            Enforcement procedures by code compliance officer.

31           (~~1a~~) For the purposes of this chapter, a "code compliance officer" is defined to be any  
32           agent or employee of the village or Miami-Dade County whose duty is to assure the  
33           enforcement of and compliance with the Village Code, the Florida Building Code,  
34           or Miami-Dade County, as applicable. Prior to being provided the authority to  
35           initiate enforcement proceedings under this chapter, a code compliance officer shall  
36           be required to successfully complete a criminal background investigation as  
37           prescribed by administrative order of the county manager. Subject to the  
38           requirements of section 8CC-11, a "code compliance officer" is also defined to be  
39           any agent or employee of a municipality who has been authorized pursuant to that  
40           section to assure code compliance. Municipal employees shall also be required to  
41           successfully complete a criminal background investigation prior to being provided  
42           authority to initiate enforcement proceedings under this chapter.

43           (~~2b~~) For the purposes of this chapter, "violators" shall be deemed to be those persons or  
44           entities legally responsible for the violation of the Village's Code of Ordinances,

1 applicable provision of the Miami-Dade County Code, or the Florida Building  
2 Code.

3 (3c) A code compliance officer who finds a violation of an ordinance shall determine a  
4 reasonable time period within which the violator must correct the violation. This  
5 determination shall be based on considerations of fairness; practicality; ease of  
6 correction; ability to correct; severity of violation; nature, extent and probability of  
7 danger or damage to the public; and other relevant factors relating to the  
8 reasonableness of the time period prescribed. A time for correction need not be  
9 specified if the violation is deemed to be an uncorrectable violation.

10 (4d) Service shall be effected by delivering the civil violation notice to the violator or  
11 his agent, or by leaving the civil violation notice at the violator's usual place of  
12 abode with any person residing therein who is fifteen (15) years of age or older and  
13 informing that person of its contents. If such service cannot be effected, the notice  
14 may be sent by certified mail, return receipt requested, or by posting of the civil  
15 violation notice in a conspicuous place on the premises or real property upon which  
16 the violation has been observed or by mailing to or posting the civil violation notice  
17 at the property owner's mailing address as listed in the tax records of Miami-Dade  
18 County. Such posting of the notice or violation shall be deemed proper service, and  
19 the time for compliance, stated in the notice, shall commence with the date such  
20 notice is posted.

21 (5e) A code compliance officer is authorized to record in the public record the civil  
22 violation notice or a notice of violation which is based upon the civil violation  
23 notice. The recording of the civil violation or a notice of violation under this  
24 section shall not act as or be a lien on the property and shall not act as a notice of a  
25 lien on the property but shall merely act as public notice of the existence of the  
26 violation.

27 (6f) A code compliance officer must have, at a minimum, a Florida Association of Code  
28 Enforcement (F.A.C.E.) Level 1 certification within one (1) year of hire.

29 ~~15.2. Planning board.~~

30 ~~Authority/duties. This planning board shall serve as the local planning agency, review~~  
31 ~~variance applications, and have other authority as provided by state law and code.~~

32 ~~15.3. Variances.~~

33 ~~15.3.1. Variances recommended by the planning board. The planning board may recommend to~~  
34 ~~the commission a variance from the strict application of any provision of this code, except~~  
35 ~~provisions of the adopted levels of service, (chapter 9).~~

36 ~~15.3.2. Grounds for a variance Findings required. The board may recommend a variance from~~  
37 ~~this chapter when, in its opinion, undue hardship may result from strict compliance. In~~  
38 ~~recommending any variance, the board shall prescribe only conditions that it deems~~  
39 ~~necessary to or desirable for the public interest. In making its findings, as required herein~~  
40 ~~below, the board shall take into account the nature of the proposed use of land and the~~  
41 ~~existing character of land and buildings in the vicinity. No variance shall be recommended~~  
42 ~~unless the board finds:~~

43 ~~(1) That there are special circumstances or conditions affecting the property which are such~~  
44 ~~that the strict application of the provisions of this chapter would deprive the applicant of~~  
45 ~~the reasonable use of his land.~~

- ~~(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~
- ~~(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.~~
- ~~(4) That the variance proposed is the minimum variance which makes possible the reasonable use of the property.~~

~~15.3.3 Imposition of conditions. In recommending a development approval involving a variance, the planning board may also recommend such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the factors in subsection 15.3.2 above, or to minimize the injurious effect of the variance.~~

~~15.3.4 Village commission approval. The planning board recommendation shall be sent to the village commission for final consideration. The village commission shall review the findings and recommendations of the planning board, determine whether all grounds for the variance have been established and make a final decision regarding approval or denial of the requested variance.~~

~~15.3.5 Historic properties. Special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed or classified in the national or county register of historic places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.~~

~~15.3.6 Conditions and limitations. In authorizing any variance, the commission shall include as part of such variance, any condition, requirement or limitation which the board may believe to be necessary and desirable to protect adjacent properties in the surrounding neighborhood, and to carry out the spirit and purpose of the land development code.~~

~~15.3.7 Administrative variances. This part is established to provide standards and procedures for the granting of administrative variances of development standards for existing sites. Administrative variances are specifically intended to promote high standards of design, provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.~~

~~Administrative variances shall be limited to ten (10) percent of the affected setback or substantially similar dimensional requirement, up to a maximum of one (1) foot. The village manager shall be charged with the granting or denying of administrative variances. No administrative variance shall be granted unless the applicant clearly shows the existence of one of the following circumstances:~~

- ~~(1) Superior alternatives: Where the development will provide an alternative which will achieve the purposes of the requirement through clearly superior design.~~
- ~~(2) Technical impracticality: Where the strict application of the requirements would be technically impractical in terms of design or construction practices or existing site conditions. The degree of existing nonconforming conditions and the extent to which the proposed modification would lessen the nonconforming condition shall be specifically considered.~~
- ~~(3) Protection of natural features, including trees, wetlands, archeological sites and similar circumstances.~~
- ~~(4) Other technical, architectural or engineering reasons.~~

~~15.4. Procedure for amending this code or the comprehensive plan.~~

1 ~~15.4.1 State law.~~ The procedures for amending this code or the comprehensive plan shall adhere  
2 to state law in all respects.

3 ~~15.4.2 Applications.~~ Any affected person or affected local government may apply to the local  
4 planning agency to amend this code or the comprehensive plan in compliance with  
5 procedures prescribed by the agency.

6 ~~15.4.3 Local planning agency recommendation.~~ The local planning agency shall hold a  
7 legislative hearing on each application to amend this code or the comprehensive plan and  
8 thereafter submit to the village commission a written recommendation which:

9 (a) ~~Identifies any provisions of the code, comprehensive plan, or other law relating to the~~  
10 ~~proposed change and describes how the proposal relates to them.~~

11 (b) ~~States factual and policy considerations pertaining to the recommendation.~~

12 ~~15.4.4 Decision by the village commission.~~ The village commission shall hold a legislative  
13 hearing on the proposed amendment and may enact or reject the proposal, or enact a  
14 modified proposal that is within the scope of matters considered at the hearing.

15 ~~15.4.5 Legislative hearing.~~ Each legislative hearing shall conform to the following  
16 requirements:

17 (a) ~~Notice.~~ Notice that complies with the requirements of state law shall be given.

18 (b) ~~Hearing.~~ The public hearing shall as a minimum:

19 (i) ~~Comply with the requirements of state law.~~

20 (ii) ~~Present the local planning agency's analysis of the proposed decision.~~

21 (iii) ~~Present the local planning agency's summary of reports by other agencies.~~

22 (iv) ~~Permit any affected person or affected local government to submit written~~  
23 ~~recommendations and comments before or during the hearing.~~

24 (v) ~~Permit a reasonable opportunity for interested persons to make oral statements.~~

25 ~~15.5.— Appeals.~~

26 ~~15.5.1 Submission of appeal.~~ Appeals as to any provision of this code or regulations may be  
27 made to the commission by any aggrieved resident or property owner of the area affected,  
28 and upon receipt of such appeal it shall be referred to the local planning agency for  
29 investigation.

30 ~~15.5.2 Local agency evaluation.~~ Such appeals may concern general provisions of the plan and  
31 regulations or their effect in application to specific pieces of property. The local planning  
32 agency shall determine whether or not relief may be granted without substantial detriment to  
33 the public good and without impairing the intent and purpose of the plan and code, and shall  
34 report its findings and recommendations as to change and amendments, if any, to the  
35 commission.

36 ~~15.5.3 Final action.~~ Final action on appeals shall be taken by the commission after receipt of  
37 such report, and the commission may overrule the local planning agency.

38 ~~15.5.4 Local planning agency failure to act.~~ Failure of the local planning agency to act on any  
39 appeal within thirty (30) days after its official submission to it shall be deemed approval  
40 unless a longer period is requested and granted by the commission.

41 ~~15.5.5 Certification.~~ Changes in the adopted comprehensive plan and land development code, or  
42 amendments thereto, originated by the local planning agency may be certified through the  
43 commission at any regular meeting and adopted as amendments to this code in the regular  
44 manner.  
45



1 ~~14.5.3~~ 15.4.3 *Civil citation.* For any violation against this code and to enforce any provisions of  
2 this code, civil citation procedures may be used ~~along with a fine of twenty five dollars~~  
3 ~~(\$25.00).~~

4 ~~14.5.4~~ *Criminal penalties.* ~~Any person who violates any provisions of this code shall be deemed~~  
5 ~~guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.~~  
6

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

9 **Section 6.** **Severability.** The provisions of this Ordinance are declared to be  
10 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be  
11 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
12 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it  
13 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
14 part.

15 **Section 7.** **Codification.** It is the intention of the Village Commission of the Village of  
16 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of  
17 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be  
18 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other  
19 word or phrase in order to accomplish such intention.

20 **Section 8.** **Effective Date.** This Ordinance shall be effective upon adoption on  
21 second reading.  
22

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

26 The foregoing ordinance upon being put to a  
27 vote, the vote was as follows:  
28

1 \_\_\_\_\_  
2 David Coviello, Mayor

3  
4 Attest:

5  
6  
7 \_\_\_\_\_  
8 Maria C. Camara, Village Clerk

9  
10 Approved as to form:

11  
12  
13 \_\_\_\_\_  
14 John J. Hearn, Village Attorney

Mayor Coviello \_\_\_\_  
Vice Mayor Jonas \_\_\_\_  
Commissioner Anderson \_\_\_\_  
Commissioner Ross \_\_\_\_  
Commissioner Watts \_\_\_\_

## MEMORANDUM

**TO:** Honorable Village Commission  
Heidi Siegel, Village Manager  
Maria Camara, Village Clerk

**FROM:** John J. Hearn, Village Attorney

**RE:** Proposed Changes to Section 5.6 of the Land Development Code

**DATE:** April 2, 2015

---

Pursuant to the direction of the Village Commission at its March 3, 2015 regular Commission meeting, I have provided proposed changes to Section 5.6 entitled “Off-Street Parking” of the Village’s Land Development Code. At the March meeting, the Commission gave direction to review the various proposed amendments to Chapter 5 entitled “Transportation” in phases. The first phase requested to be addressed was off-street parking. After having reviewed the tape of the Village Commission meeting, the following changes are proposed below:

1. Extend the time for compliance for non-conforming properties from one year to two years if the existing driveway had not been permitted by the Village. Importantly, the driveway must be installed and permitted within the two years.
2. If an existing driveway has been permitted by the Village during the last five years, the non-conforming surface may remain for a period of ten years or until a substantial repair or addition to the driveway occurs.
3. Removing reference to multi-family properties concerning obtaining a variance when a ten foot landscape area cannot be maintained. The removal of this section does not prevent a homeowner from seeking a variance under the Village’s variance procedures in Section 15 of the Land Development Code.
4. Requiring gravel driveways to have a border width of 16” immediately adjacent to the road perimeter and 8” along the entire length of both edges of the driveway.

Below please see the changes highlighted in green:

### **5.6. Off-street parking.**

5.6.1 *Applicability.* Off-street parking facilities shall be provided within the lot of all development properties within in the village pursuant to the requirements of this code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

(a) All vehicles must be parked on an approved driveway surface subject to the design standards set forth in Section 5.6.8.

1. Non-conforming properties that do not have an approved driveway surface shall have ~~one (1) year~~ two (2) years from the date of enactment of this ordinance to come into compliance. ~~have the compliant driveway installed and permitted.~~

2. If the existing driveway has been permitted by the Village during the last five (5) years prior to the enactment of this ordinance, the non-conforming surface may remain for a period of ten (10) years or unless and until a substantial repair and/or addition to the driveway occurs.

3. When an approved driveway surface does exist all vehicles shall park on said driveway upon enactment of this ordinance.

(b) Where this requirement cannot be met by multi-family properties while still without maintaining a ten (10) foot landscape area in front of the building, a variance may be obtained from the Planning Board. For the purposes of this section, multi-family refers to units that are two family duplexes or more.

5.6.2 *Computation.* In the village hall, recreation area, church, the occupancy shall be based on the maximum capacity rating given the building by the fire marshal. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

5.6.3 *Number of parking spaces required.* The table below specifies the required minimum number of off-street automobile parking spaces. The number of off-street parking spaces for uses not listed in the table shall be determined by the planning board. The term "tandem parking space" means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.

TABLE INSET:

Use		Minimum Off-Street Parking Requirement	
		Resident Parking	Visitor Parking
(a)	Residential		
	Detached one-family:		
	1, 2 and 3 bedrooms	2 spaces/unit*	1 space/unit**
	4 bedrooms	3 spaces/unit*	1 space/unit**
	Detached two-family:		
	2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b)	Recreation.		
	Parks, Clubs: determined by the planning board.		
(c)	Public assembly.		
	Church: 1 space/3 seats or 1 space/35 square feet of gross auditorium floor area		

\* Resident parking spaces may be tandem.

\*\* If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

5.6.4 *Handicapped parking spaces.* Any parking area to be used by the general public shall provide suitable, marked and paved parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of F.S. §§ 316.1955, and 316.1956, or succeeding provisions. No parking spaces required for the handicapped shall be counted as a parking space in determining compliance with subsection 5.6.3, public uses, above, but **optional supplemental** spaces for the handicapped shall be counted. The parking and related features contained in the Department of Community Affairs, Florida Board of Building, Codes and Standards, Accessibility Requirements Manual are hereby incorporated by reference into the village code.

5.6.5 *Parking in medians prohibited.* No parking shall be allowed in median open spaces or median parkways.

5.6.6 *Existing nonconforming minimum off-street parking requirements.* The number of off-[street] parking spaces existing on properties at the time of the adoption of this code, although such number does not conform to the minimum off-street parking requirements hereof, may be lawfully continued. However, all vehicles must be parked on an approved driveway surface consistent with Section 5.6.1.

5.6.7 *Historic preservation exemption.* The preservation of any property that has been placed on the county or national register of historic places, shall be grounds for a grant by the planning review board of a reduction in, or complete exemption from, the parking requirements in subsection 5.6.3 of this chapter.

5.6.8 *Design standards for off-street parking.* Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel. The size and layout of these spaces shall be according to the **Miami-Dade** County Code and Public Works Manual, ~~Metro~~ Miami-Dade County. Vehicles shall be parked on impervious or pervious surfaces but impervious areas shall not exceed forty (40) percent of the front yard, excluding the right-of-way. Off-street parking (within the lot lines of all properties) shall only be permitted on approved surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an approved surface.

- a. All driveways shall be of a similar material and design element.
- b. All driveways must have an improved approach across the swale which shall meet the minimum standard of gravel construction.
- c. All driveways shall be no closer than thirty (30) inches from side property line.
- d. All non-conforming driveways, as related to setback, shall come into compliance when there is a change in driveway material or the installation of a new driveway.

- e. Driveways shall only be constructed with the following materials; concrete, paver, brick, gravel, asphalt, cut stone or turf block.
  
- f. Gravel driveways shall be built with a permanent perimeter border and shall be a minimum of four (4) inches deep with the width of the border being sixteen inches (16") immediately adjacent to the road perimeter and eight inches (8") along the entire length of both edges of the driveway.
  
- g. Road rock shall not be used as a finished driveway material.
  
- h. Construction of a portion of a driveway in the swale or right-of-way, such as the apron and driveway approach, shall require the property owner to indemnify, hold harmless, and defend the Village from any and all actions, caused by, resulting from, or in any way associated with the proposed work within the Village right-of-way on a form provided by the Village.

**NOTE: Code Review Board Proposed Language as of February 18, 2015 is underlined in black.**

**CHAPTER 5. TRANSPORTATION** (As amended as of August 2014, update Nov 19, 2014)

**5.1. General provisions.**

5.1.1 *Purpose.* This chapter establishes minimum requirements applicable to the transportation system, including public and private streets, bikeways, pedestrian ways, parking, and access control from public streets. The standards in this chapter are intended to minimize the traffic impacts of development, and to assure that all developments adequately and safely provide for the storage and movement of vehicles with good engineering and development design practices.

5.1.2 *Compliance with technical construction standards manual.* All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards of the Public Works Manual, ~~Metro~~ Miami-Dade County

5.1.3 Definitions. These definitions supplement Chapter 2 of these Code of Ordinances.

- (a) Front Yard -- the area on a property between the front lot line and the front of the building on the property.
- (b) Clear Trunk Height -- Clear trunk height (CT). The height of a tree measured from the ground to the bottom of the canopy.
- (c) Diameter Breast Height -- diameter of a tree trunk measured at four and one-half (4.5) feet above grade. In the case of multi-stemmed trees, the D.B.H. shall be measured at four and one-half (4.5) feet above grade on each stem and added together to count as one (1) tree.
- (d) Off-Street Parking -- Parking that is confined to the area within the lot line of a property and does not include the public right-of-way or swale.
- (e) Mulch -- Natural materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.
- (f) Right-of-Way -- The area not contained within property lines and is for public use and is measured from lot line to lot line.
- (g) Sod -- turf grass that is used to cover the ground.

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- (h) Street Frontage -- the part of the boundary of the lot next to a street
- (i) Swale -- the area between the pavement edge and the property line which includes the sidewalk adjacent and contiguous to the property lots. The swale is located within the right-of-way.

## 5.2. Streets.

5.2.1 *Street classification system established.* Streets in the village are classified and mapped according to function served in order to allow for regulation of access and appropriate design and construction standards. Streets dedicated to the village and private streets are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. The following street hierarchy is established: Residential, collector, and arterial. Each street type is divided into subcategories.

5.2.2 *Residential streets (local roads).* Residential streets are primarily suited to providing direct access to residential development and are designed to minimize unnecessary and/or speeding traffic. Each residential street shall meet the minimum standards for one (1) of the following street types:

- (a) *Residential access street.* This is the lowest order street in the hierarchy. A residential access street is a frontage street which provides direct access to abutting properties and should not carry more traffic than is generated on the street itself. Residential access streets may take access from any higher order street type. Both ends of a residential loop street must take access from a single higher order street. Residential access streets shall have a maximum ADT of five hundred (500). Loop streets shall have a maximum of four hundred (400). Cul-de-sacs shall have a maximum ADT of two hundred (200).
- (b) *Residential subcollector street.* This is the middle order street in the residential street hierarchy. It will collect traffic from residential access streets and provide direct access to abutting properties. Residential subcollector streets may take access from any higher order street type and may give access to residential access streets and may provide direct access to nonresidential uses. Residential subcollector streets shall have a maximum ADT of one thousand (1,000).
- (c) *Residential collector street.* This is the highest order street that can be classified as residential. It will collect traffic from residential access and subcollector streets and may provide direct access to nonresidential uses. Residential collector streets shall have a maximum ADT of two thousand (2,000).

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5.2.3 *Collector roads (county collectors)*. Collector roads connect lower order streets to other collector streets and to arterial streets, provide access to nonresidential uses, and serve through traffic. Collector streets shall have an average daily traffic volume of no greater than seven thousand (7,000).

5.2.4 *Arterial roads (state minor arterials)*. There are three (3) types of arterial roads, minor, major, and freeways but there is only a minor type in the village. The minor arterial links community districts to regional and state highways and may give access to any lower order street type.

5.2.5 *Special purpose roadways*.

(a) *Alley*. Alleys are not considered part of the street hierarchy system as they are generally unpaved thoroughfares for the purpose of service to adjacent properties.

(b) *Divided streets*. Divided streets are for the purpose of protecting environmental features or avoiding excessive grading. In such a case, the standards shall be applied to the aggregate dimensions of the two (2) street segments.

5.2.6 *Future traffic circulation map*. The future traffic circulation map and any amendments thereto, adopted by the village as part of the comprehensive plan (Map 3.4), is hereby made a part of this code. Roadways within the village are either designated in the future traffic circulation map or may be classified according to function, design, and use by the village upon request. The map shall be the basis for all decisions regarding required road improvements or access.

### **5.3. Rights-of-way.**

5.3.1 *Right-of-way widths*. The right-of-way shall be measured from lot line to lot line.

5.3.2 *Protection and use of rights-of-way*.

(a) No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the village.

(b) Use of the right-of-way for public or private utilities, including, but not limited to, potable water, telephone wires, cable television wires, gas lines, sanitary sewer, or electricity transmission, shall be allowed subject to the placement specifications in the Public Works Manual, ~~Metro~~Miami-Dade County, and other applicable county regulations.

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**NOTE: Code Review Board Proposed Language as of February 18, 2015 is underlined in black.**

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(c) All vehicles of any type parked on any street, alley, or public right-of-way in the Village of Biscayne Park shall have at all times attached a current license plate.

(d) Sidewalks and bicycle ways shall be placed within the right-of-way.

**5.3.3 Parking of trucks, etc., prohibited in the right-of-way.**

(a) It shall be unlawful to park or cause to be parked upon any public street or in the public right-of-way in the village any truck, trailer, semitrailer, bus (public or private owned) except while loading or unloading or when such vehicle is parked in connection with and in the aid of the performance of a service to or on the property being serviced.

(b) Nothing herein contained shall be deemed to prohibit the parking of one (1) truck in front of any one property not exceeding three-fourths ton net weight that contains no lettering or advertising and is owned or leased by the occupant of the property, when it is proven to be physically impossible to park it off of the public right-of-way.

(c) It shall be unlawful to park or store any boat, boat trailer, air boat, any self-propelled or nonself-propelled mobile home, motor home or camper upon any public street or in the public right-of-way in the village.

**Cross references:** Truck overnight parking permit, § 16.11.

**~~5.3.4 Objects in the right of way.~~**

~~(a) Markers. Dome type markers only may be placed within dedicated right-of-way provided that they are placed not closer than eighteen (18) inches to the nearest edge of the paved surface of the designated roadway. All markers must be at least twenty-four (24) inches apart. Markers placed in the right-of-way shall not exceed twelve (12) inches in diameter nor be more than six (6) inches in height and shall be white in color.~~

~~(b) Landscaping. Nothing shall be planted or allowed to grow in such a manner so as to obstruct the right-of-way clear zone at a level between three (3) feet and six (6) feet above the grade, measured at the centerline of right of way. Trees or palms, however, having trunks and foliage trimmed in such a manner that no branches or foliage extend into the right-of-way area clear zone shall be allowed, provided they are so located so as not to create a traffic hazard.~~

~~(c) Paving and drainage. Pervious pavers shall be allowed but any impervious paving shall be adequately drained to prevent the buildup of stormwater in the right of way.~~

~~(d) Other objects prohibited. It shall be unlawful to install, place or maintain within the dedicated right-of-way, parkway or swale area of the village any pointed concrete or other unapproved hard materials such as rocks, stones, bricks, metal objects or other similar obstructions.~~

**5.3.4 Landscaping and objects in the swale area of the right-of-way.**

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**(a) Use of the swale area of the right of way:** The swale area of the Village's right-of-way is public property. ~~All objects and landscaping, with the exception of mailboxes, shall be considered the property of the Village whether existing at the time of the enactment of this ordinance or thereafter.~~ No object or landscaping shall be allowed in the swale, except as provided for in this section, with the exception of mailboxes. All other signage, including political signs, shall be consistent with Chapter 12 of these Code of Ordinances.

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**(b) Minimum standard:** Sod coverage that is well maintained shall be provided in the swale unless other plant materials or approved driveway surfaces are installed in accordance with this section. The contiguous adjacent property owner is responsible for the maintenance of all permitted objects, landscaping and sod in the swale unless otherwise specified by these Code of Ordinances. The height of sod shall be consistent with Section 8.4 (Property Maintenance).

**(c) Markers:** Only dome type markers may be placed within the swale provided that they are placed not closer than eighteen (18) inches to the nearest edge of the paved surface of the designated roadway. All markers must be at least (24) inches apart. Markers placed in the swale shall not exceed twelve (12) inches in diameter nor be more than six (6) inches in height and shall be white in color.

**(d) Mailboxes:** May be located within the swale provided no part of the mailbox is closer than two (2) feet from the edge of the paved surface of the designated roadway. Non conforming mailboxes shall have one (1) year from date of enactment of this ordinance to come into compliance.

**(e) Restrictions on the placement of landscaping in the swale:** Landscaping in the swale adjacent to front lot lines and exterior side lot lines, as defined in Chapter 2 of these Code of Ordinances, shall conform to the following restrictions:

(i) Clear Zone: An area five (5) feet deep, parallel with and immediately adjacent to the edge of the paved road shall be maintained as a clear zone. All landscaping in the swale installed after the enactment of this ordinance must be located a minimum of five (5) feet from the edge of pavement of the nearest roadway. Any landscaping installed previous to the enactment of this ordinance within the clear zone must be removed once it dies or is damaged and cannot be replaced. ~~If existing landscaping is deemed a safety hazard by the Village, it must be immediately removed. CAN'T READ CUT OFF PAGE~~. Sod is always a permitted material in the clear zone.

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(a) Approved Driveway Surface is also permitted within the clear zone in accordance with Section **5.6.8 of this Code of Ordinances.**

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(a)(b) Clear Trunk Height: Plant materials of unlimited height shall be permitted such that they do **not** intrude in any way into the clear zone at a height lower than eight (8) feet. All landscape overhangs into the street are subject to applicable local, county and state laws.

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(ii) *Installation of trees in the swale:* The installation of trees within the swale shall require a permit from the Village. A dimensional plan and indication of the proposed species, grade and size of the proposed tree(s) shall be submitted. Trees installed in the public right-of-way without a permit shall be subject to immediate removal after a thirty (30) day written notice to the property owner. Permits shall not be issued for trees within the clear zone.

(iii) *Mulch in the swale:* Only natural materials with the exception of cypress mulch and mulch with chemical compounds shall be permitted in the swale. **THIS NEEDS TO BE CLARIFIED. NOT SURE WHAT IS EXCLUDED/INCLUDED BY THIS SECTION.**

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(f) A combination of paving and sodding of rights-of-way shall be permitted provided the impervious section does not exceed forty (40) percent of the total area and such paved areas shall be kept **on in** good condition.

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(g) *Removal of obstructions by the Village:* In the event any object or tree placed in the swale creates an emergency situation involving potential danger to the health, safety, and welfare of the community, the Village may perform removal operations immediately, thus eliminating the emergency, and may assess the cost of such removal against **the** adjacent property **owner**.

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(h) *Removal of trees in the swale by the abutting property owner:* Property owners must obtain a permit from **the Village Biscayne Park** and Miami-Dade County to remove trees in the swale.

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(i) *Property owner's responsibilities for maintenance:* The property owner or resident living in the property shall be jointly and severally responsible for the maintenance of the Swale area contiguous to their property. Maintenance shall include but not be limited to mowing the sod and performing general edging, weeding, trimming, pruning and cleanup activities. The landscaping and sod shall be maintained in good plant health.

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The landscaping shall be kept free of dead limbs and branches. No Swale landscaping shall be maintained in such manner as to constitute a nuisance.

1. Property owners shall be responsible for the removal of dead and diseased trees, with the exception of dead and diseased trees that are sixty (60) inches **or more** in diameter breast height (DBH) there will be a 50%/50% share between the Village and property owner for the cost of removal, depending on the availability of budgeted Village funds. Any permitted tree planted by the property owner after the enactment of this ordinance shall be the full responsibility of the property owner. If a tree is on both the swale and the property, there is no share with the Village.

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5.3.5 *Vacation of rights-of-way.* Applications to vacate a right-of-way may be approved upon a finding that all the following requirements are met:

- (a) The requested vacation is consistent with the traffic circulation element of the village comprehensive plan.
- (b) The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
- (c) The vacation would not imperil the current or future location of any utility.
- (d) The proposed vacation is not detrimental to the public interest, and provides a benefit to the village.

**Cross references:** Right-of-way permit, § 16-8.1; fees for right-of-way permits, § 17.5.1.

#### **5.4. Street standards.**

5.4.1 *Clear visibility triangle.* In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

- (a) ~~For street intersections the clear visibility triangle shall be formed by a line along the street pavement edge fifteen (15) feet long from the street corner perpendicular, generally, to a second line of the street pavement edge of~~

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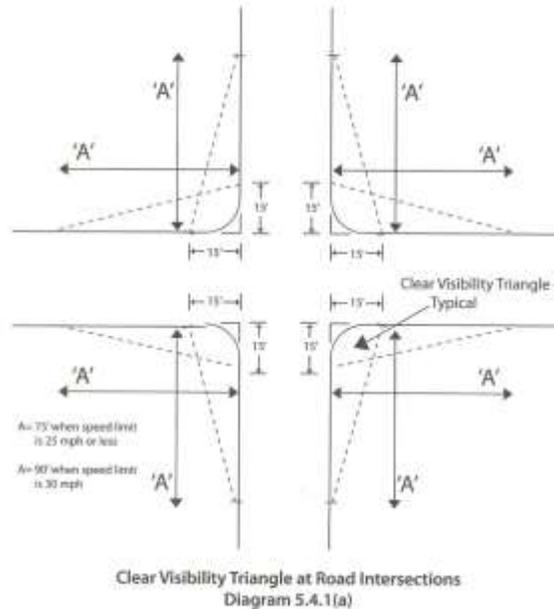
~~approaching traffic, connected by a third line that measures three (3) times the speed limit of the street.~~

(a) (ii) Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner that it would restrict visibility above a height of three (3) feet above grade, measured at the centerline of the intersection within the area of the visibility triangles.

(a)(b) For street intersections the clear visibility triangle shall be formed by connecting points on the edge of each street and the intersection point. Beginning at point one, the intersection, point two shall be located Fifteen (15) feet from the intersection on one street and point three on the second street shall be located at a distance from the intersection, measured in feet equal to ~~15~~ three (3) times the streets speed limit. A line connecting the three points shall create the triangle. This triangle applies to both directions from the intersection. See Diagram 5.4.1 (a)

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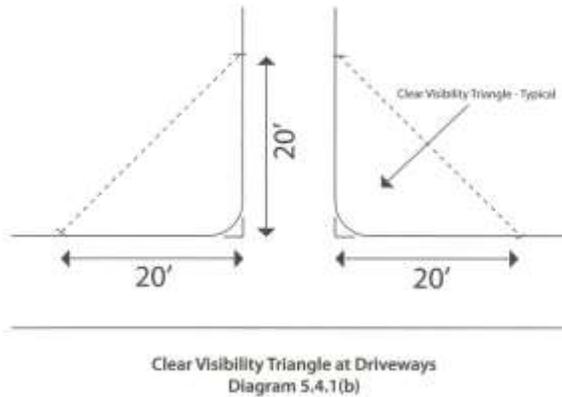
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(b)(c) For driveways two (2) clear visibility triangles shall be formed by connecting, in each case, a point on the edge of the street pavement and a point on the edge of the driveway, each to be located at a distance of twenty

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(20) feet from the intersection of the street and driveway lines, and a third line joining the two (2) points. See Diagram 5.4.1 (b)



(e)(d) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner so as to obstruct cross-visibility at a level between three (3) feet and six (6) feet above the grade, measured at the centerline of the intersection. Trees or palms, however, having trunks and foliage trimmed in such a manner that no trunks or foliage extend into the cross-visibility area shall be allowed, provided they are so located so as not to create a traffic hazard.

## 5.5. Sidewalks and bikeways.

5.5.1 *Design and construction standards.* Design and construction of sidewalks, bikeways, or other footpaths shall conform to the requirements of the Public Works Manual, ~~Metro~~ Miami-Dade County, including provision for access by physically handicapped persons.

## 5.6. Off-street parking.

5.6.1 *Applicability.* Off-street parking facilities shall be provided within the lot of all development properties within in the village pursuant to the requirements of this code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

**NOTE: Code Review Board Proposed Language as of February 18, 2015 is underlined in black.**  
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(a) All vehicles must be parked on an approved driveway surface subject to the design standards set forth in Section 5.6.8.

1. Non-conforming properties that do not have an approved driveway surface shall have ~~one (1) year~~ two (2) years from the date of enactment of this ordinance to ~~come into compliance.~~ have the compliant driveway installed and permitted.

2. If the existing driveway has been permitted by the Village during the last five (5) years prior to the enactment of this ordinance, the non-conforming surface may remain for a period of ten (10) years or unless and until a substantial repair and/or addition to the driveway occurs.

3. When an approved driveway surface does exist all vehicles shall park on said driveway upon enactment of this ordinance.

(b) Where this requirement cannot be met by multi family properties while still without maintaining a ten (10) foot landscape area in front of the building, a variance may be obtained from the Planning Board. For the purposes of this section, multi-family refers to units that are two family duplexes or more.

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5.6.2 *Computation.* In the village hall, recreation area, church, the occupancy shall be based on the maximum capacity rating given the building by the fire marshal. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

5.6.3 *Number of parking spaces required.* The table below specifies the required minimum number of off-street automobile parking spaces. The number of off-street parking spaces for uses not listed in the table shall be determined by the planning board. The term "tandem parking space" means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.

TABLE INSET:

Use		Minimum Off-Street Parking Requirement	
(a)	Residential	Resident Parking	Visitor Parking
	Detached one-family:		
	1, 2 and 3 bedrooms	2 spaces/unit*	1 space/unit**
	4 bedrooms	3 spaces/unit*	1 space/unit**

Village of Biscayne Park  
 CHAPTER 5.  
 DRAFT  
 Page 11 of 12

**NOTE: Code Review Board Proposed Language as of February 18, 2015 is underlined in black.**  
 \*\*\*\*\*

	Detached two-family:		
	2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b)	Recreation.		
	Parks, Clubs: determined by the planning board.		
(c)	Public assembly.		
	Church: 1 space/3 seats or 1 space/35 square feet of gross auditorium floor area		

\* Resident parking spaces may be tandem.  
 \*\* If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

5.6.4 *Handicapped parking spaces.* Any parking area to be used by the general public shall provide suitable, marked and paved parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of F.S. §§ 316.1955, and 316.1956, or succeeding provisions. No parking spaces required for the handicapped shall be counted as a parking space in determining compliance with subsection 5.6.3, public uses, above, but optional, supplemental spaces for the handicapped shall be counted. The parking and related features contained in the Department of Community Affairs, Florida Board of Building, Codes and Standards, Accessibility Requirements Manual are hereby incorporated by reference into the village code.

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5.6.5 *Parking in medians prohibited.* No parking shall be allowed in median open spaces or median parkways.

5.6.6 *Existing nonconforming minimum off-street parking requirements.* The number of off-[street] parking spaces existing on properties at the time of the adoption of this code, although such number does not conform to the minimum off-street parking requirements hereof, may be lawfully continued. However, all vehicles must be parked on an approved driveway surface consistent with Section 5.6.1.

5.6.7 *Historic preservation exemption.* The preservation of any property that has been placed on the county or national register of historic places, shall be grounds for a grant by the planning review board of a reduction in, or complete exemption from, the parking requirements in subsection 5.6.3 of this chapter.

5.6.8 *Design standards for off-street parking.* Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the

Village of Biscayne Park  
CHAPTER 5.  
DRAFT  
Page 12 of 12

**NOTE: Code Review Board Proposed Language as of February 18, 2015 is underlined in black.**  
\*\*\*\*\*

same parcel. The size and layout of these spaces shall be according to the Miami-Dade County Code and Public Works Manual, Metro Miami-Dade County. Vehicles shall be parked on impervious or pervious surfaces but impervious areas shall not exceed forty (40) percent of the front yard, excluding the right-of-way. Off-street parking (within the lot lines of all properties) shall only be permitted on approved surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an approved surface.

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- a. All driveways shall be of a similar material and design element.
- a.b. All driveways must have an improved approach across the swale which shall meet the minimum standard of gravel construction.
- b.c. All driveways shall be no closer than thirty (30) inches from side property line.
- e.d. All non-conforming driveways, as related to setback, shall come into compliance when there is a change in driveway material or the installation of a new driveway.
- d.e. Driveways shall only be constructed with the following materials; concrete, paver, brick, gravel, asphalt, cut stone or turf block.
- e.f. Gravel driveways shall be built with a permanent perimeter border and shall be a minimum of four (4) inches deep with the width of the border being sixteen inches (16") immediately adjacent to along the road perimeter and eight inches (8") along the entire length of both edges edge of the driveway.
- f.g. Road rock shall not be used as a finished driveway material.
- g.h. Construction of a portion of a driveway in the swale or right-of-way, such as the apron and driveway approach, shall require the property owner to indemnify, hold harmless, and defend the Village from any and all actions, caused by, resulting from, or in any way associated with the proposed work within the Village right-of-way on a form provided by the Village.

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## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Board Appointments

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

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### **Background**

At the March 2015 Commission meeting, the Village Commission appointed board members to the Village Boards based on applications received.

Two applications were received after the March meeting from:

- Vilma Datorre (Public Art Advisory Board)
- Thomas Pliske (Ecology Board reappointment)

Currently the Public Art Advisory Board has three (3) members, and the Ecology Board has four (4) members.

### **Staff Recommendation**

The Village Commission to consider the two board applications.

### **Attachments**

- Board application - Vilma Datorre
- Board application - Thomas Pliske



## Village of Biscayne Park Board Member Application

Last Name <b>DATORRE</b>		First Name <b>VILMA</b>		M.I. <b>X</b>
Home Address <b>11600 NE 11th PL</b>		City <b>Biscayne Park</b>	State <b>FL</b>	Zip Code <b>33161</b>
Principal Business Address		City	State	Zip Code
Home Telephone Number		Cell Number <b>786 301 5119</b>	Work Number	
E-Mail Address <b>ximena@qlx.com</b>			Are you a registered voter? Yes or No <b>Y</b>	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.				
<b>Public Art Advisory Board</b>				
List all Village Boards on which you are currently serving or have previously served. Please include dates.				
Educational qualification.				
List any related professional certifications and licenses which you hold.				
Give your present, or most recent employer, and position. <b>QUALEX CONSULTING SERVICES INC</b>				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)				

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

  
 \_\_\_\_\_  
 Signature

**3/3/2015**  
 \_\_\_\_\_  
 Date



### Village of Biscayne Park Board Member Application

Last Name <b>PLISKE</b>		First Name <b>THOMAS</b>		M.I. <b>E</b>
Home Address <b>10705 Griffing Blvd.</b>		City <b>Biscayne Park</b>	State <b>FL</b>	Zip Code <b>33161</b>
Principal Business Address <b>FIU / BBC Campes</b>		City <b>N. Miami</b>	State <b>FL</b>	Zip Code <b>33181</b>
Home Telephone Number <b>305-892-9733</b>	Cell Number <b>N/A</b>	Work Number <b>N/A</b>		
E-Mail Address <b>plisket@fiu.edu</b>			Are you a registered voter? Yes or No <b>Yes</b>	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

**Ecology**

List all Village Boards on which you are currently serving or have previously served. Please include dates.

**Ecology Board 2012-present**

Educational qualification.

**PhD in Biology; Prof. Emeritus of Envir. Studies FIU**

List any related professional certifications and licenses which you hold.

**Doctoral Degree, Cornell Univ.**

Give your present, or most recent employer, and position.

**FIU - Prof. Emeritus Envir. Studies**

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

**40 yrs. Teaching & research in ecology & entomology**

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.

**Thomas J. Pliske** \_\_\_\_\_  
Signature

**4 Mar. 2015** \_\_\_\_\_  
Date



## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Use of the Recreation Center

**Prepared By:** Mayor David Coviello

**Sponsored By:** Commission

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### **Request for Discussion:**

Continue to discuss issues with the basketball courts at the Ed Burke Recreation Center and to look at alternative uses.

### **Attachments:**

- Memorandum from Village Manager Heidi Siegel
- Survey of Recreation Center visitors



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

**DATE:** April 2, 2015

**TO:** Mayor David J. Coviello

**FROM:** Heidi Siegel, Village Manager

**RE:** Long term vision for the outdoor use of the recreation center

---

At the March 3, 2015 Village Commission meeting you requested a discussion item at the April 7, 2015 Village Commission meeting regarding the use of the basketball courts and the possible conversion to another use, such as tennis courts. We have included in this memo suggestions and opportunities for the long-term programming enhancements outside at the recreation center.

### **RECREATION USER SURVEY**

To determine what the needs and wants of recreation center users, Village staff conducted a survey randomly from January 2015 - March 2015. This survey was conducted by staff on an informal basis. Questions asked of users included: age, city of residence and what activity brought them to the park. A tabulation of the surveys is attached to this memo. Of the 71 individuals surveyed, twenty-nine identified themselves as Biscayne Park residents.

The results of the survey, informal conversations with visitors as well as suggestions from the Recreation Advisory Board member reveal that common desires are adequate lighting in the park, rubberized flooring in the playground areas and outdoor exercise equipment.

### **BASKETBALL COURTS**

The Village currently has a full 60'x 120' basketball court that is used daily by residents and visitors to the park. Based on our survey results, of the 71 individuals surveyed, 19 were playing basketball. Of those 19 individuals, 11 stated they were Biscayne Park residents.

Staff received an estimate of approximately \$12,000 to properly convert the basketball court to a tennis court. It should be noted that this estimate does not include the cost of converting the fence to a tennis appropriate height surrounding the court.

Should the basketball courts remain, a new fence should be considered for the court.



## *The Village of Biscayne Park*

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

Telephone: 305-899-8000 Facsimile: 305 891 7241

### **CHILDREN'S PLAY AREA**

Of the 71 individuals surveyed, twenty-five stated that they were at the recreation center to use the playground. Of those 25 individuals, eleven stated that they were Biscayne Park residents.

The most popular hours of usage of the Tot Lot is weekdays from 9:00am-11:00am and 5:00pm-7:00pm. Park Manager Bartley routinely converses with the parents during these times to solicit feedback. There was an overwhelming response to install rubberized flooring for the tot lot. A lot of the parents shared that one of the reasons they frequent the Tot Lots in surrounding municipalities is because of the rubberized flooring. Some of the parents feel that flooring is a more sanitary alternative to the mulch flooring that the Village currently has.

A sun cover for the older children playground area has also been suggested by recreation center users.

### **OUTDOOR LIGHTING**

There were three different kinds of requests for outdoor lighting. These include outside lighting along the perimeter of the park, exterior building lighting and playground lighting. Staff has explained to those that requested playground lighting that the playground is not open after dark and therefore, lighting is not encouraged. Staff is currently exploring options for exterior building lighting and will present this to the Biscayne Park Foundation for possible funding. Staff will continue to explore the need for perimeter lighting.

### **OUTDOOR EXERCISE AREA**

It has been observed that the park is constantly being used for exercise most hours of the day. An idea for usage that has been proposed by the Recreation Advisory Board was purchasing exercise stations for residents to use in conjunction with walking around the park.

A neighboring municipality recently sought bids for outdoor exercise equipment. While they have not chosen a vendor, the bids range from \$2,700 - \$5,000 for individual pieces of equipment and approximately \$2,000 for signage.

An example of an outdoor exercise area is the Giusti Heart Parcours within the City of Oakland Park (Broward County). The Parcours includes a pea gravel path that has stationary outdoor exercise equipment incorporated within the course.



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241



**Figure 1 Giusti Heart Parcours -- City of Oakland Park**



**Figure 2 View of Exercise Station -- Giusti Heart Parcours**



**Figure 3 View of path at Giusti Heart Parcours**

[www.biscayneparkfl.gov](http://www.biscayneparkfl.gov)

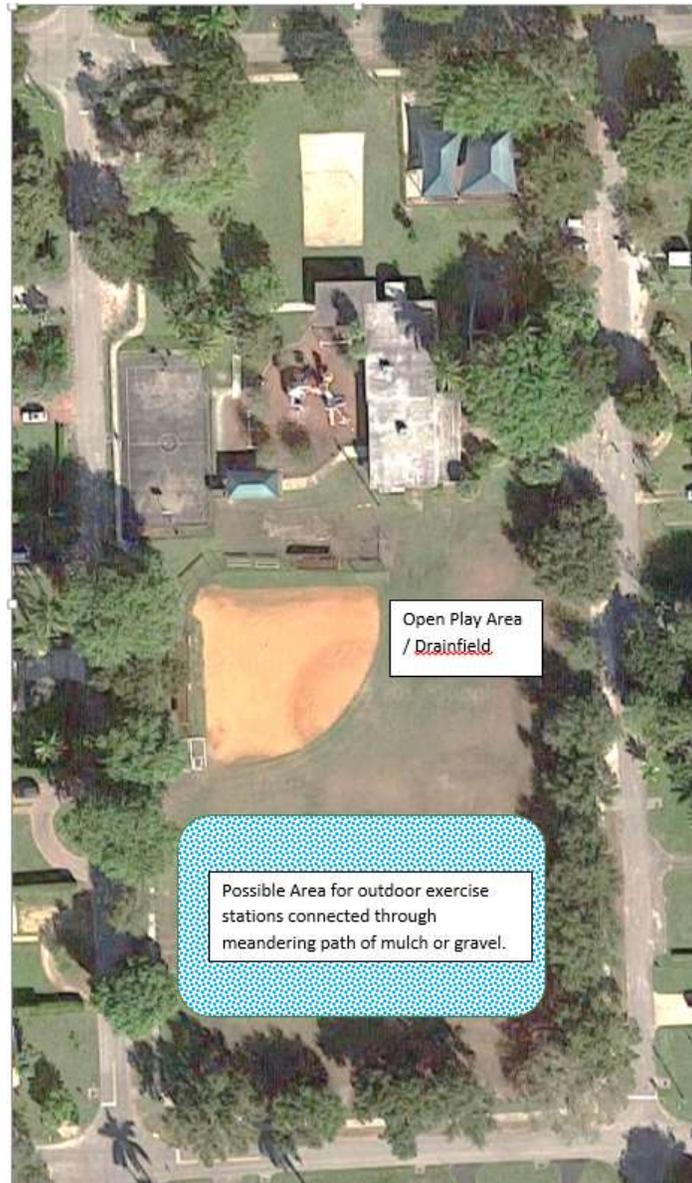


## *The Village of Biscayne Park*

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

Telephone: 305-899-8000 Facsimile: 305 891 7241

An adapted version of such a park could be considered in the future for the Recreation Center property. Upon reviewing the site, Staff has identified the south portion of the park as an area that could accommodate such a use. This would eliminate some field maintenance requirements and limit the types of organized play available at the Recreation Center. Ideally, the area would be enhanced with more shade trees, a path and some benches. The below sketch is offered for discussion purposes only.



The Village Staff welcomes a discussion with the Village Commission regarding the future use of the outdoor areas of the Recreation Center. This discussion would be used to guide the upcoming budget preparation process.

Village of Biscayne Park  
Random Survey of Park Visitors

Results  
1/ 12/15-1/21/15 3/3/15-3/20/15

Age	City	Reason for Visiting Park			Soccer	Other
		BasketBall	Exercise	Playground with Children		
20	BP	X	X			
14	BP	X				Hang out
24	BP			X		
22	BP					Relax
24	BP			X		
16	BP	X				
35	BP			X		
28	BP			X		
14	BP					Hang out
33	BP			X		
15	BP	X				
14	BP	X				Sports
28	BP					Nearest Park
49	BP			X		
25	BP			X		Nearest Park
27	BP			X		
23	BP	X				Relax
18	BP	X				
21	BP		X			
16	BP					Soccer Practice
31	BP					Relax
39	BP			X		
33	BP				X	
N/A	BP			X		
N/A	BP			X		
14	BP	X				
14	BP	X				
12	BP	X				
13	BP	X				
43	Aventura			x		
26	B Gardens			X		
42	Dntwn Miami				X	

Village of Biscayne Park  
Random Survey of Park Visitors

Results  
1/ 12/15-1/21/15 3/3/15-3/20/15

Age	City	Reason for Visiting Park			Soccer	Other
		BasketBall	Exercise	Playground with Children		
25	El Portal					peaceful environment
28	Hollywood					birthday party
63	Lake Wates			X		
23	M. Shores			X		
37	M. Shores			X		
12	M. Shores	X				
27	M. Shores			X		
13	M. Shores					Football
33	M. Shores					Feels it's a safe park
15	M. Shores	X				
46	M. Shores					Location
52	M. Shores					Soccer Practice
36	M. Shores					Soccer Practice
27	M. Shores					Relax
32	M. Shores				X	
36	Miami				X	
21	Miami	X				
18	Miami	X				
44	Miami			X		
31	Miami	X			X	
34	Miami				X	
41	Miami Beach					Child plays Soccer
37	Miami Beach					
46	Miramar			X		
13	N. Miami					Football
19	N. Miami	X	X			
21	N. Miami			X		
N/A	N. Miami				X	Soccer Practice
32	N. Miami			X		
19	N. Miami					Soccer Practice
22	N. Miami			X		
18	N. Miami					meet with friends

Village of Biscayne Park  
 Random Survey of Park Visitors

Results  
 1/ 12/15-1/21/15 3/3/15-3/20/15

Age	City	Reason for Visiting Park			Soccer	Other
		BasketBall	Exercise	Playground with Children		
31	N. Miami				X	
23	N. Miami			X		
N/A	N. Miami			X		
21	NMB					Hang with friends
44	Unicorp. Dade			X	X	
17	Unicorp. Dade	X				
29	Unicorp. Dade	X				



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Newsletter Policy

**Prepared By:** Commissioner Roxanna Ross

**Sponsored By:** Commission

### **Request for Discussion:**

Consider the format and content of the Village Newsletter.

### **Background**

Guidelines for the Village Newsletter were first formalized in Resolution 2010-20, stating, “The primary purpose of the newsletter is to carry out a program of positive information flow between the Village and the residents.” The resolution tasks the Village Manager (or her designee) as Editor in Chief and sets a policy for seasonal publications, 4 to 8 pages per issue, listing content parameters, including advertising. The advertising policy, in part allows “for free advertising for residents offering non-commercial articles or services to other residents.”

Newsletter policy was restated in Resolution 2012-34, amending the content section to provide for submissions “by the Mayor (front page) and Commission with a word count of 500 words each.” In practice, 500-word columns for the Mayor and Commission take up 4-5 pages, over half of the publication, leaving less print space for informative pieces from Village departments, let alone sufficient advertising space free or paid to cover the cost of the publication.

I propose that we examine our current practice and consider ways to make each publication a wealth of information, including Village department contacts and service details, hours of operation, featured resident or home of historic interest, remodel or upgrade ideas, upcoming events, leisure activities

April 7, 2015

**Commission Agenda Report**

**Newsletter Policy**

available at the Recreation Center, do's and don'ts for being a good neighbor, and seasonal highlights. Also consider engaging a consultant, or outsourcing production of the newsletter to boost advertising and cover the expense of production and distribution.

Another consideration may be to develop a Village List (Angie's List) of neighborhood service providers, posted online or published in an annual catalog. The upcoming Business Expo could be a starting point in developing a book of businesses/services in the community.

**Fiscal / Budget Impact**

No budgetary impact, but expenditure of resources -- staff time and energy to coordinate development and production.

**Attachments:**

- Resolution 2010-20
- Resolution 2012-34

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**RESOLUTION NO. 2010-20**

**A RESOLUTION OF THE VILLAGE COMMISSION  
OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,  
STATING GUIDELINES FOR THE VILLAGE  
NEWSLETTER; PROVIDING FOR AN EFFECTIVE  
DATE**

WHEREAS, the Village Charter establishes the municipal government of the Village of Biscayne Park ("Village") conferring the broadest exercise of home rule powers permitted under the Constitution and laws of the State; and

WHEREAS, the Village recognizes that a communication program is essential to promote a well-informed community and the success of the Village; and

WHEREAS, the Village has regularly distributed a newsletter to each household on paper, usually on a quarterly basis; and

WHEREAS, the Village has regularly distributed a paper newsletter to each household on a quarterly basis, which has proven to be an effective way to communicate announcements and information of interest to the residents; and

WHEREAS, the sale of promotional advertisement space in the newsletter defrays the cost of producing and distributing the newsletter; and

WHEREAS, the Village Commission finds it desirable to set forth in clear and concise terms a written policy regarding specific standards, rules and practices regarding content, time of distribution, publication size and other standards regarding the Village newsletter; and

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. Newsletter Purpose. The primary purpose of the newsletter is to carry out a program of positive information flow between the Village and the residents.

Section 2. Editor in Chief. The Village Manager or the Manager's designee shall serve as Editor, with primary responsibility:

- a. to prepare a regular newsletter,
- b. to solicit and contribute articles informing residents about developments and activities in the Village and surrounding communities,
- c. to solicit and contribute articles of general interests to the residents that reflect qualities and resources of the Village,
- d. to arrange for publicity for Village events, as requested,
- e. to arrange for distribution and approved notices to residents within the Village.

1 The Editor shall consult with the Village Manager and Committee Chairs in the preparation and  
2 distribution of the newsletter.

3  
4 Section 3. Newsletter Policy.

5 a. Timing: the newsletter shall be published each season.

6 b. Size: The newsletter shall have not less than 4, nor more than 8 pages per issue.

7 c. Content:

8 (i) To be provided by the Village Manager, Department Heads, and Boards at the  
9 Manager's discretion.

10 (ii) Priority will be given to items of significance to the majority of the Village  
11 residents.

12 (iii) Sources of information shall be verified, accuracy of information shall be  
13 established, fact shall be distinguished from rumor.

14 (iv) Conformance the Charter, ordinances and policies of the Village.

15 (v) Advertising Policy:

16 (a.) Advertising rates:

17 1. Full Page: \$250.00

18 2. Half Page: \$150.00

19 3. Quarter Page: \$100.00

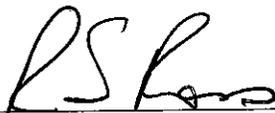
20 4. Eighth Page (business card): \$50.00

21 5. Sixteenth Page: \$30.00

22 (b.) Allow for free advertising for residents offering non-commercial articles or  
23 services to other residents.

24  
25 Section 4. Effective Date. This Resolution shall become effective immediately upon  
26 adoption hereof.

27  
28 PASSED AND ADOPTED this 22nd day of June, 2010.

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32 \_\_\_\_\_  
33 Mayor Roxanna Ross

The foregoing resolution upon being  
put to vote, the vote was as follows:

Mayor Ross: Yes

Vice Mayor Cooper: No

Commissioner Anderson: Yes

Commissioner Bernard: No

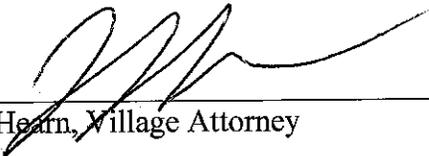
Commissioner Childress: Yes

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38 Attest:

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42 Maria Camara, Village Clerk

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Approved as to form:



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John J. Hearn, Village Attorney

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**RESOLUTION NO. 2012-34**

**A RESOLUTION OF THE VILLAGE  
COMMISSION OF THE VILLAGE OF  
BISCAYNE PARK, FLORIDA, STATING  
GUIDELINES FOR THE VILLAGE  
NEWSLETTER; PROVIDING FOR AN  
EFFECTIVE DATE**

WHEREAS, the Village recognizes that a communication program is essential to promote a well-informed community and the success of the Village; and

WHEREAS, the Village has regularly distributed a paper newsletter to each household three (3) to four (4) times per year, which has proven to be an effective way to communicate announcements and information of interest to the residents; and

WHEREAS, the Village Commission finds it desirable to set forth in clear and concise terms a written policy regarding specific standards, rules and practices regarding content, time of distribution, publication size and other standards regarding the Village newsletter; and

WHEREAS, at the Village Commission meeting of June 5, 2012, the Commission addressed the topic of whether the Mayor and Commissioners should be given the opportunity to submit an article for the newsletters.

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

**Section 1. Newsletter Purpose.** The primary purpose of the newsletter is to carry out a program of positive information flow between the Village and the residents.

**Section 2. Editor in Chief.** The Village Manager or the Manager's designee shall serve as Editor, with primary responsibility:

- a. to prepare a regular newsletter,
- b. to solicit and contribute articles informing residents about developments and activities in the Village and surrounding communities,
- c. to solicit and contribute articles of general interests to the residents that reflect qualities and resources of the Village,
- d. to arrange for publicity for Village events, as requested,
- e. to arrange for distribution and approved notices to residents within the Village.

**Section 3. Newsletter Policy.**

- 1 a. Timing: the newsletter shall be published each season, as budgeted.
- 2 b. Size: The newsletter shall have not less than 4, nor more than 8 pages per issue.
- 3 c. Content:
- 4 (i) To be provided by the Mayor (front page) and Commissioners (in alphabetical
- 5 order) with a word count limit of 500 words each.
- 6 (ii) Additional content to be provided by the Village Manager, Department Heads,
- 7 and Boards at the Manager's discretion.
- 8 (iii) Advertising Policy:

9 (a.) Advertising rates:

- 10 1. Full Page: \$250.00
- 11 2. Half Page: \$150.00
- 12 3. Quarter Page: \$100.00
- 13 4. Eighth Page (business card): \$50.00
- 14 5. Sixteenth Page: \$30.00

15 (b.) Allow for free advertising for residents offering non-commercial articles or

16 services to other residents.

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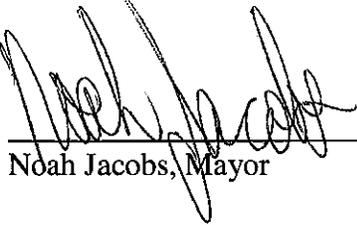
19 **Section 4. Effective Date.** This Resolution shall become effective immediately upon

20 adoption hereof.

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22 PASSED AND ADOPTED this 10<sup>th</sup> day of July, 2012.

23

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25 \_\_\_\_\_  
26 Noah Jacobs, Mayor

The foregoing resolution upon being  
put to vote, the vote was as follows:

27 Mayor Jacobs: Yes

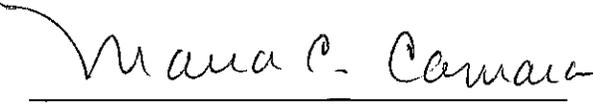
28 Vice Mayor Ross: No

29 Commissioner Anderson: No

30 Commissioner Cooper: Yes

31 Commissioner Watts: Yes

32 Attest:

33   
34 \_\_\_\_\_  
35 Maria Camara, Village Clerk

36 Approved as to form:

37

38   
39 \_\_\_\_\_  
40 John J. Hearn, Village Attorney

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## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** April 7, 2015

**Subject:** Police Calls / Miami-Dade County  
Dispatch Network

**Prepared By:** Commissioner Roxanna Ross

**Sponsored By:** Commission

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### **Request for Discussion:**

EMERGENCY (9-1-1) AND NON-EMERGENCY (305-4-POLICE) CONTACT  
NUMBERS FOR BISCAYNE PARK POLICE CALLS AND MIAMI-DADE  
COUNTY DISPATCH NETWORK

### **Background**

Our current Police Department operations are complimented through mutual aid agreements with other agencies, including Miami Dade County, its dispatch department and network of resources available to our Biscayne Park officers to assist in the delivery of police services in the Village and surrounding communities.

A call to Miami Dade's 911 Communications Center opens access to a variety of responding agencies and resources specific to the nature of the caller's need, in addition to access to the Village Police Department

Many police departments have found that a shared dispatch system is a great advantage. On the west coast and upstate Florida, several departments are moving toward cooperative networks to reduce

April 7, 2015

**Commission Agenda Report**

**Police Calls / Miami-Dade County Dispatch Network**

redundancy, improve response times and the delivery of specialized services as needed, as well as to generally enhance safety for first responders and the public.

Chief Rusty McKenna has on occasion briefed us on the benefits of partnering with other agencies at Biscayne Park Crimewatch Meetings. For the Commission Regular Meeting in April, I invite Chief McKenna to share any available data and his professional views on emergency/non-emergency calls and Miami Dade County Dispatch, by attachment to this agenda item and/or speaking to us directly at the meeting.

**Fiscal / Budget Impact**

Minimal impact.

**Recommendation**

For Residents: a) Understand your alarm company's protocols and/or provide clear instructions in the event your house alarm is triggered. b) Continue supporting our Biscayne Park Police Department and Citizens' Crimewatch by being the eyes and ears of the neighborhood and reporting suspicious activity. In an emergency (or if in doubt) CALL 9-1-1. To report something after the fact or a non-emergency, call 305-4-POLICE (305-476-5423).

For Administration: Continue networking with other cities, the County, regional and state-wide agencies. These relationships supplement and strengthen delivery of municipal services including public safety in our communities.