



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, August 5, 2014
Presentations at 6:30pm / Meeting at 7:00pm

 *Indicates back up documents are provided.*

1 Call to Order

2 Roll Call

3 Pledge of Allegiance

4 Presentations at 6:30pm

4.a Click It or Ticket Achievements

 4.b Presentation to Commissioner Fred Jonas - Certificate of Completion - 2014 Institute for Elected Municipal Officials

 4.c Proclamation - Recognition of Service to Issa Thornell

4.d Students Working Against Tobacco Group (SWAT) - Presentation on flavored tobacco issues affecting Florida's youth.

4.e Presentation by Roly Marante, All Aboard Florida and Florida East Coast Railway (*Refer to item 8.c under the Consent Agenda*)

4.f Presentation by RJ Heisenbottle - Log Cabin Assessment

Meeting start at 7:00pm

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 Sanitation services transition update



7.b Review of monthly financials - ending June 30, 2014 - Irwin Williams, Finance Director

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

- ◆ July 1, 2014 Regular Commission Meeting
- ◆ July 17, 2014 Special Commission Meeting



8.b Acceptance of Board Minutes

- ◆ Parks & Parkway Advisory Board - May 28, 2014
- ◆ Recreation Advisory Board - May 27, 2014
- ◆ Parks & Parkway Advisory Board - June 18, 2014
- ◆ Ecology Board - June 23, 2014
- ◆ Public Art Advisory Board - June 11, 2014
- ◆ Planning & Zoning Board - July 7, 2014
- ◆ Planning & Zoning Board - July 21, 2014
- ◆ Code Compliance Board - July 8, 2014
- ◆ Public Art Advisory Board - July 9, 2014



8.c **Resolution 2014-47**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **STRONGLY SUPPORTING FLORIDA EAST COAST INDUSTRIES' CONSTRUCTION OF A 235 MILE PASSENGER RAILROAD FROM MIAMI TO ORLANDO**; PROVIDING FOR AN EFFECTIVE DATE



8.d **Resolution 2014-48**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE PURCHASE OF RECYCLING CARTS FROM REHRIG PACIFIC COMPANY**; PROVIDING FOR AN EFFECTIVE DATE



8.e **Resolution 2014-49**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **THANKING GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE FOR THEIR SUPPORT OF THE APPROPRIATION FOR RENOVATION OF THE HISTORIC VILLAGE HALL LOG CABIN AND NEW MUNICIPAL ANNEX; PROVIDING FOR AN EFFECTIVE DATE**

9 **Ordinances**

FIRST READING



9.a **Ordinance 2014-06**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; **APPROVING THE SCHEDULE FOR SOLID WASTE COLLECTION AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2014**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE



9.b **Ordinance 2014-07**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 7 OF THE VILLAGE'S LAND DEVELOPMENT CODE, ENTITLED "RECREATION AND OPEN SPACE", TO PROVIDE REQUIREMENTS FOR WATERCRAFTS TO BE REGISTERED WITH THE STATE AND TO PROVIDE OTHER CLARIFICATIONS**; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE

SECOND READING:



9.c **Ordinance 2014-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 10, OF THE LAND DEVELOPMENT CODE ENTITLED "DESIGN AND IMPROVEMENT STANDARDS", RELATIVE TO ROOFING**; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

10 **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.



10.a Resident Decal Safety - Chief McKenna

 10.b Ygrene - Clean Energy Coastal Corridor - Vice Mayor Ross

10.c FLOC Annual Conference attendance and fees - Mayor Coviello

11 New Business

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

11.a Increased communication to residents - As requested by Commissioner Watts

 11.b Board Member application - Parks & Parkway Advisory Board and Recreation Advisory Board

 11.c Update on Annexation - As requested by Commissioner Anderson

 11.d Voter Reapportioning - Miami Dade County Division of Elections

 11.e Fine Reduction Request - 1019 NE 115th Street, Biscayne Park, FL

 11.f Village of Biscayne Park Sponsorship at the GREEN DAY event in Miami Shores - As requested by Mayor Coviello

11.g Discussion on hiring a lobbyist - As requested by Mayor Coviello

11.h Removal of dead trees in swales and other trees too close to other shade trees - As requested by Mayor Coviello.

 11.i Discussion of establishment and update of rules and regulations at the Ed Burke Recreation Center - Manager Heidi Shafran

12 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.

13 Reports

13.a Village Manager

- ◆ Log Cabin Restoration and Annex Update
- ◆ Annexation Update

13.b Village Attorney

13.c Board / Committee Reports:

- ◆ Parks & Parkway Advisory Board

- ◆ Code Review Board
- ◆ Recreation Advisory Board
- ◆ Ecology Board
- ◆ Biscayne Park Foundation

13.d Commissioner Comments

- ◆ Vice Mayor Ross
- ◆ Commissioner Anderson
- ◆ Commissioner Jonas
- ◆ Commissioner Watts
- ◆ Mayor Coviello

14 Announcements

Wednesday, August 6th - Public Art Advisory Board at 6:00pm
 Wednesday, August 6th - Code Review Board at 7:00pm
 Tuesday, August 12th - Code Compliance Board at 7:00pm
 Wednesday, August 13th - 1st Budget Workshop FY 2014-15 at 6:30pm
 Saturday, August 16th - Community Meeting on Village Hall Annex at 9:30am
 Saturday, August 16th - Back to School / Children's Safety Day at 10:30am
 Monday, August 18th - Planning & Zoning Board at 6:30pm
 Monday, August 18th - Ecology Board at 6:30pm
 Wednesday, August 20th - 2nd Budget Workshop FY 2014-15 at 6:30pm
 Wednesday, August 20th - Code Review Board at 7:00pm
 Tuesday, August 26th - Primary Elections from 7:00am to 7:00pm
 Wednesday, August 27th - Recreation Advisory Board at 7:00pm
 Monday, September 1st - All Village Departments are Closed for Labor Day
 Tuesday, September 2nd - Planning & Zoning Board at 6:30pm
 Wednesday, September 3rd - Code Review Board at 7:00pm

Our next regular Commission meeting is Tuesday, September 9, 2014, at 7:00pm

15 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.



301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

July 17, 2014

The Honorable Fred Jonas
Commissioner, Village of Biscayne Park
640 NE 114th St.
Biscayne Park, FL 33161

Dear Commissioner Jonas:

On behalf of the John Scott Dailey Florida Institute of Government and the Florida League of Cities, I am pleased to award this certificate to you for the completion of eighteen hours of instruction at the Institute for Elected Municipal Officials in Delray Beach, Florida on June 13-15, 2014.

It is our sincere hope that you found the program challenging, informative, and rewarding. Now that you have taken the basic IEMO, we encourage you to attend the Advanced Institute as well as other FLC University and IOG programs. You can find the dates and locations on both the IOG and FLC websites at www.iog-fsu.edu and www.flcities.com.

We strongly believe that your willingness to complete this program of study is indicative of your commitment to improving the quality of municipal government in Florida. We commend you for this and sincerely thank you.

We hope to see you at future IOG and FLC events!

Sincerely,

Lynn S. Tipton
Director of Membership Development

Enclosure

President **P.C. Wu**, Councilman, Pensacola

First Vice President **Lori C. Moseley**, Mayor, Miramar • Second Vice President **Matthew D. Surrency**, Mayor, Hawthorne
Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**



Institute
for Elected
Municipal
Officials

Certificate of Completion

June 13-15, 2014 • Delray Beach, Florida

Awarded to

Commissioner Fred Jonas
Village of Biscayne Park

Sponsored by


Executive Director
Florida League of Cities


Executive Director
Florida Institute of Government



Proclamation

In Honor and Recognition of Issa Thornell for Service to the Village of Biscayne Park

Whereas, Issa Thornell began his career with the Parks & Recreation Division of the Village of Biscayne Park in 1995 as a young high school student working as an after school assistant; and

Whereas, Issa became a valuable asset to the Village by filling in temporary positions as camp counselor, coordinator for the winter youth programs, and finally being hired full time in October 2005 as Recreation Coordinator, and working his way up to the position of Parks & Recreation Director in 2010; and

Whereas, Issa has developed recreational programs, sports activities and built up the Village's signature holiday events that continue to be popular attractions for residents and visitors; and

Whereas, Issa's energetic personality and his joy of recreation and sports has been shared with toddlers, elementary school children, teenagers, their parents, adults and seniors alike; and

Whereas, most importantly, Issa has given guidance, mentoring and provided a positive role model to the many, many youths that visited our park and participated in recreational programs through these last 19 years, and many of them, who are now parents, bring their children to enjoy the same.

NOW THEREFORE, BE IT RESOLVED THAT WE, THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, DO HEREBY HONOR AND CONGRATULATE ISSA THORNELL FOR OUTSTANDING SERVICE TO THE VILLAGE.

WE FURTHER PROCLAIM AUGUST 5, 2014, ISSA THORNELL DAY, AND WE WISH HIM WELL IN HIS FUTURE ENDEAVORS.



Dated this 4th day of March, 2014

Village of Biscayne Park, Florida

Mayor David Coviello

The Village of Biscayne Park

Financial Statement Recap

For the 9 Months Ended June 30, 2014

General Fund

% of Year Completed **74.79%**

2013-14

DESCRIPTION	AMENDED BUDGET	YTD BAL- 06/30/2014	AVAILABLE BALANCE	% BDGT USED
Revenues				
Property Taxes	1,222,080	1,215,395	6,685	99.45
Utility Taxes	269,000	223,164	45,836	82.96
Franchise Fees	123,359	72,623	50,736	58.87
Charge For Services	427,517	280,540	146,977	65.62
Intergovernmental Revenues	297,100	220,673	76,427	74.28
Investment & Misc income	21,225	21,726	-501	102.36
Operating Grants & Contributions	6,953	19,420	-12,467	279.30
	2,367,234	2,053,542	313,692	86.75
Expenditures				
Village Commission	25,573	15,566	10,007	60.87
Administration	222,993	148,987	74,006	66.81
Finance	151,482	112,219	39,263	74.08
Planning & Zoning	20,000	8,803	11,198	44.01
General Government	256,507	126,734	129,773	49.41
Police	1,017,459	828,118	189,341	81.39
Building Department	146,728	105,356	41,372	71.80
Code Enforcement	68,505	48,935	19,570	71.43
Public Works	212,550	149,869	62,681	70.51
Parks and Recreation	180,986	104,651	76,335	57.82
	2,302,783	1,649,239	653,544	71.62
Excess of Revenues Over Expenditures	64,451	404,303		

Variance Explanations

Byrne Grant	1,906
Forestry Grant	4,500
Cultural Council	2,014
Vest Grant	11,000
	19,420



\$39,960 FMIT workers compensation assessment for Final Quarter Final Quarter Sept 2013.

Volunteer Police Officers Per Workers Comp considered as Part-Time Employees





Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

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

- July 1, 2014 Regular Commission Meeting
- July 17, 2014 Special Commission Meeting



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, July 1, 2014 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:09pm.

2 Roll Call

Mayor David Coviello - present
Vice Mayor Ross - present
Commissioner Bob Anderson - present
Commissioner Fred Jonas - present
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Heidi Shafran
Village Clerk Maria C. Camara
Village Attorney John Hearn
Assistant to the Manager/Public Services Director Candido Sosa-Cruz
Finance Director Irwin Williams
Chief of Police Cornelius McKenna
Parks & Recreation Director Issa Thornell
Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

Florida House Representative Daphne Campbell presented a proclamation in
4.a remembrance of the 81st anniversary of the Village of Biscayne Park, and individual
recognitions to the Mayor and each Commissioner.

Biscayne Park Foundation Vice President Jorge Marinoni presented a recognition to
4.b resident Tracy Torano for her contributions to the Foundation. The presentation was
given to Foundation Secretary Marie Smith in Ms. Torano's absence.

Proclamation - July is Parks and Recreation Month, was presented to Issa Thornell,
4.c Parks & Recreation Director for the Village of Biscayne Park.

5 Additions, Deletions or Withdrawals to the Agenda

Commissioner Watts postpones item 12.c under New Business to the August meeting.

6 Public Comments Related to Agenda Items / Good & Welfare

Tracy Truppman: Thanks the Commission for their hard work in getting the \$1 million appropriation. Thanks Vice Mayor Ross for bringing forward item 12.g, *amicus curiae* brief in support of marriage equality.

Chuck Ross: Supports item 12.g, support of marriage equality. If the attorney costs are too high, suggests instead to draft a resolution to support Miami Beach. Welcomes Chief McKenna and invites the Chief to the next Crime Watch meeting. Thanks Representative Campbell for her efforts, as well as staff, Mayor and Commissioners to achieve the \$1 million appropriation. On item 12.d, funding tuition cost, reminds the Commission of Vice Mayor Ross' item brought up in the past in regards to an expense reimbursement plan. This issue being discussed today could have been handled by that plan. Plan also provided for a tax break. Since that plan is not in place, this funding would have to come from Commissioner salary.

Janey Anderson: Trade Fair is a great idea. Great way to find out what services our neighbors provide. Good to combine with marketing campaign. We need to do better job of showcasing who we are. On item 12.d, funding tuition cost, even though there is surplus today, there might not be tomorrow. Even if we do, why spend on non-essential item.

Dale Blanton: Supports Vice Mayor Ross' item on support of marriage equality. Looks for the day when he can be married in the State of Florida.

Maria Barnes - Deputy Director of SAVE. Asks the Village to take a stand on marriage equality.

Brian McNoldy: Thanks to everyone who was involved in acquiring funding for cabin. Welcomes the new Chief. Supports marriage equality.

7 Information / Updates

7.a Assistant to the Manager Candido Sosa- Cruz provided a Sanitation services transition update: Mailer was sent out to all property owners asking for preferred garbage collection location and size recycling cart, 65 gallon or 35 gallon. Survey is also available online.

Mr. Sosa-Cruz also provided samples of color swatches for the recycling carts. After discussion, the consensus was to select ROC DARK GREEN.

7.b Finance Director Irwin Williams provided the monthly financials for the month ending May 31, 2014.

8 Consent Agenda

8.a Approval of Minutes

June 3, 2014 Regular Commission Meeting

8.b Acceptance of Board Minutes

Planning & Zoning Board - April 21, 2014

Planning & Zoning Board - May 19, 2014

Planning & Zoning Board - June 2, 2014

Planning & Zoning Board - June 16, 2014

Code Compliance Board - June 10, 2014

8.c Resolution 2014-44

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN DRISHTI PLISKE AND THE VILLAGE OF BISCAYNE PARK FOR THE PROVISION OF EXERCISE CLASSES** AT THE ED BURKE RECREATION CENTER; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Opposed: None

Motion carries: 5/0

9 Ordinances

FIRST READING:

9.a Ordinance 2014-05

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING CHAPTER 10, OF THE LAND DEVELOPMENT CODE ENTITLED "DESIGN AND IMPROVEMENT STANDARDS", RELATIVE TO ROOFING**; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title and background.

Mayor Coviello opened the meeting to public comment on this ordinance.

Harvey Bilt: Long time coming. Confirms it is for standing seam only.

Barbara Kuhl: In favor of ordinance. Some of the language is confusing. Issue with homes in the Village with asphalt roofs. The way this is worded, what happens with homes that have no overhang? States roof material from now on is tile or metal. There is tremendous burden to follow the way it is worded to repair or replace if you currently have asphalt. No provision to allow to continue with the asphalt roof. An important issue. Take your time to understand this and not push it through. Should not just state "homes" in the Village, should be "buildings" or "structures". Also stated in favor of marriage equality.

Gage Hartung, Chair of Code Review Board, also provided background.

After discussion, there is consensus to rephrase the language to allow replacement of existing asphalt if engineer's report states it cannot support tile; and to add language to allow Village Hall log cabin to replace with wood shingles.

Vice Mayor Ross makes a motion to approve Ordinance 2014-05 at first reading with the changes discussed and agreed on and it is seconded by Commissioner Jonas.

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

Opposed: None

Motion carries: 5/0

SECOND READING:

9.b Ordinance 2014-04

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING CHAPTER 3, ENTITLED "ANIMALS" RELATIVE TO DOGS AND CITY-SPONSORED EVENTS**; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attorney Hearn read the title.

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

Commissioner Anderson makes a motion to approve Ordinance 2014-04 at second reading and it is seconded by Commissioner Watts.

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

Opposed: Commissioner Jonas

Motion carries: 4/1

10 Resolutions

< None >

11 Old Business

< None >

12 New Business

- 12.a Fine Reduction Request (845 NE 119th Street): Assistant to the Manager Sosa-Cruz provided the background on the request from Mr. Mike Tomany for a fine reduction for a municipal lien and unpaid waste fees, due to the Village providing different amounts owed on two separate lien searches.

Manager Shafran: Currently drafting an internal policy on the procedures for lien searches.

Vice Mayor Ross makes a motion to reduce the fine to the original amount of \$952.67 for unpaid waste fees plus \$212.27 for the original amount of a municipal lien, and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 5/0

- 12.g Joining City of Miami Beach *amicus curiae* brief in support of marriage equality.

Vice Mayor Ross provided the background and Attorney Hearn explained the options.

Vice Mayor Ross makes a motion to draft and adopt a resolution in support of the issue and it is seconded by Commissioner Watts.

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

Opposed: None

Motion carries: 5/0

Vice Mayor Ross makes a motion to instruct Attorney Hearn to submit a court filing on behalf of the Village as part of the *amicus curiae* brief, and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 5/0

- 12.b Discussion on holding a Trade Fair for home based businesses and resident owned businesses.

Vice Mayor Ross provided the background.

Manager Shafran confirmed that budget funds should not be used, rather that the event is funded through participant registration fees.

Commissioner Anderson makes a motion to move forward to schedule a Trade Fair in the Village and it is seconded by Vice Mayor Ross.

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

Opposed: None
Motion carries: 5/0

12.d Funding for tuition cost for Commissioner Watts to attend the Good Government Initiative.

Commissioner Watts provided the background. Of the \$1,750 tuition, a discount was provided and \$500 has been paid by Commissioner Watts leaving a balance of \$1,000.

After discussion, consensus that no additional Village funds will be approved for this request.

12.e Discussion on changes to Ordinance 2013-06 (AMENDING CHAPTER 7 OF THE VILLAGE'S LAND DEVELOPMENT CODE, ENTITLED "RECREATION AND OPEN SPACE", TO PROVIDE REGULATIONS FOR COMMERCIAL AND RECREATIONAL VEHICLES).

Assistant to the Manager Sosa-Cruz provided the background. Recommends removing "where required by State Statute".

Attorney Hearn will need to clarify what is the legislative intent, and bring back with the correct language.

Vice Mayor Ross recommends "must be" instead of "shall".

Commissioner Anderson confirms registration is filed at Village Hall.

After discussion, consensus to direct Attorney Hearn to draft an ordinance for first reading.

12.f Discussion on branding/marketing of the Village.

Mayor Coviello provided the background.

Manager Shafran confirms there is funding available in the Commission budget.

Item will be brought back for further discussion with a report from Chief McKenna if having the vehicle magnets could pose a security/safety issue.

13 Request for Placement of Items on Next Meeting Agenda

< None >

14 Reports

14.a Village Manager

- ◆ Request for Village participation in Citizens' Crime Watch of Miami Dade County event. Manager Shafran confirms there is \$1,200 available in the Police Budget.

Consensus to allow staff to coordinate.

- ◆ Biscayne Park Foundation Meeting on June 9, 2014: The Foundation is looking for a liaison between the Commission and the Foundation.

After discussion, consensus to appoint Manager Shafran as the liaison.

Log cabin restoration update: Manager Shafran has been in communication with the State, Department of Economic Opportunity. Working on a tight timeline. Critical that all deadlines are met. Thanks Commissioner Anderson for providing all the documentation from the prior drawings done. In regards to working with residents

- ◆ that have architectural or design experience, better to create an informal working group of residents, instead of a formal board. Working with Chief McKenna on relocating the Police Department to the Public Works building. Have received the historic building assessment and will have the architect provide a presentation at the August meeting.

Personnel Changes: Manager Shafran announced that Assistant to the Manager Sosa-

- ◆ Cruz has accepted a position with a neighboring municipality. His last day is July 11th. Thanks him for his service to the Village and wishes him well.

Manager Shafran intends to under fill the existing position and looks to create a Public Services Coordinator position.

Mayor Coviello asks that discussion on this position is added to the July 17th Special Commission meeting, but confirms to proceed with position announcement.

Entire Commission thanks Assistant to the Manager Sosa-Cruz for his service and wishes him much success.

Annexation Update: Manager Shafran reported that communication received from the County on our application, and that the Village is deficient on two items which is currently being worked on:

- To show that the proposed annexation area does not create an enclave.
- A petition of 20% of the residents in the proposed annexation area agree with the annexation application. Will require to hold a public meeting in the area.

14.b Village Attorney

Investigation on police department should be concluded by next week and looks to receive the completed report by the end of next week or earlier. Will communicate to Commission when received.

Recommends that during the changes to code on boat registrations, to suspend enforcement until it is resolved.

Commissioner Watts: Residents can give a donation for the employees from the Sanitation Division that are leaving. Checks can be made payable to the Biscayne Park Foundation and delivered to Village Hall. The amount collected will be divided among the four employees.

14.c Board / Committee Reports

< None >

15 Announcements

Wednesday, July 2nd - Code Review Board at 7:00pm
Friday, July 4th - All Village Departments are closed for Fourth of July Holiday
Friday, July 4th - Bark of July from 4:00pm to 7:00pm
Monday, July 7th - Planning & Zoning at 6:30pm
Tuesday, July 8th - Code Compliance Board at 7:00pm
Wednesday, July 9th - Public Art Advisory Board at 6:00pm
Wednesday, July 16th - Parks & Parkway Advisory Board at 6:00pm
Thursday, July 17th - Special Commission Meeting at 6:30pm
Monday, July 21st - Planning & Zoning Board at 6:30pm
Tuesday, July 22nd - Recreation Advisory Board at 7:00pm

The next regular commission meeting is Tuesday, August 5, 2014, at 7:00pm.

16 Adjournment

The meeting was adjourned at 10:33pm.

Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk



MINUTES
SPECIAL COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Thursday, July 17, 2014 at 6:30pm

1 Call to Order

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

2 Roll Call

Mayor David Coviello - present

Vice Mayor Ross - present

Commissioner Bob Anderson - present

Commissioner Fred Jonas - present

Commissioner Barbara Watts - absent (*arrived at 6:33pm*)

Present from staff were:

Village Manager Heidi Shafran

Village Clerk Maria C. Camara

Village Attorney John Hearn

Finance Director Irwin Williams

Chief of Police Cornelius McKenna

Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

- 4.b Pablo Llerena, GLSC & Company, PLLC, provided a summary of the audit report for fiscal year ending September 30, 2014.

5 Additions, Deletions or Withdrawals to the Agenda

Commissioner Anderson requested to add an item on appointing a board member for the Parks & Parkway Advisory Board as they were having a problem getting quorum. There was consensus to add this item to the August meeting.

6 Public Comments Related to Agenda Items / Good & Welfare

Milton Hunter: On restoration project and new annex building, concerned and have a fear of short changing the log cabin restoration and putting more towards the annex building. For this project to move forward, all have not fully grasped the concept of a Manager form of government. In the past we have squandered a grant for the Computer Learning Center, as well as the time it took to build the entrance sign. It was due to the inability to make decisions. Money and time spent on prior design should be used to save time. Not all needs to be micro managed by ad hoc committees. Allow Manager to do her job so as not to delay and miss opportunities.

Tracy Truppman: On the Public Service Coordinator position, was very vocal about not having an Assistant to the Manager, but as written, this position will help. Specifically for response to residents. On ad hoc committee, concerned with boards and issue of not being able to move forward. Need to be careful not to micro manage. Keep front of new building same style as log cabin. Police should be in new building, not Public Works building. Perhaps Public Works building could become storage or gymnasium. On storm water project, include improvements to water pipes as part of the assessment.

Chuck Ross: In light of auditor's comments, maintain the trim at 9.70. Have sufficient funds to build reserves. Audio project should be included.

Resume Presentations

4.a Mayor Coviello introduced Senator Miguel De La Portilla and thanked him for his efforts that were instrumental in acquiring the \$1 million appropriation from the State of Florida.

Mayor Coviello called for a recess at 7:12pm

The meeting resumed at 7:26pm

Resume Public Comments

Barbara Kuhl: Parks & Parkway Advisory Board expressed hope they get more support from Public Works. Better utilize funds. Feels Code and Public Works have a need. If the situation in the Office needs a person, then re-evaluate. Supports millage at 9.70. Thanks the Commission, Manager and Staff this week to accommodate those that had questions and interest on this topic.

7 Resolutions

7.a Resolution 2014-46

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **ESTABLISHING A TENTATIVE MILLAGE RATE OF 9.7000 FOR FISCAL YEAR 2014-15**, ESTABLISHING THE CURRENT YEAR ROLLED BACK RATE TO BE 8.8456 AND ESTABLISHING THE FIRST AND THE SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK AND FINANCE DIRECTOR TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; ESTABLISHING THE TIME AND LOCATION OF THE FIRST AND SECOND PUBLIC HEARINGS; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Manager Shafran stated that the proposed budget submitted is at 9.7000 mills, and is balanced and efficient. In addition to the public hearings, there will also be two workshops in August.

Vice Mayor Ross makes a motion to approve Resolution 2014-46 at the recommended millage rate of 9.7000 and it is seconded by Commissioner Anderson.

Commissioner Jonas expressed millage should be set at maximum, 10.000.

The motion was called to a vote:

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

Opposed: Commissioner Jonas

Motion carries: 4/1

8 Old Business

< None >

9 New Business

9.a Informational Item - Public Services Coordinator position

Manager Shafran provided the background. Position was updated to include oversight of Public Works, Code Compliance and Building, as they all work hand in hand. Looks for concurrence and support.

After discussion, there is consensus for this position.

9.b Roads & Storm water Assessment

Manager Shafran provided the background. Important that a study and master plan be created for this project. Master plans are critical in order to request available matching funds from the State.

Attorney Hearn explained that an assessment must be for the benefit to the properties. A roads and storm water assessment are at the center of allowable types. Have been involved with many cities who have done these.

Manager Shafran explains that a series of ordinances and resolutions must be drafted and passed with specific advertising requirements. Must all be completed before January 1, 2015, in order that the assessment can begin in October 2015.

Vice Mayor Ross makes a motion to authorize staff to take the next steps in the process and prepare the necessary resolution.

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

Opposed: None

Motion carries: 5/0

9.c Discussion - Village Hall Annex Ad Hoc Committee - Commissioner Anderson

Commissioner Anderson: Need to have a system of feedback on this project.

Manager Shafran provided a very broad overview of the timeline and milestones that must be achieved. State appropriation must be spent by June 2015. On the \$50,000 historical grant, we have until 2016 to spend that.

Manager Shafran will reach out to residents with architecture or design experience on a one on one basis to get input and assistance. Once design ideas are gathered, will hold community workshops to get resident input. Continue to make the public aware of the process.

Consensus to allow the Manager to proceed.

Commissioner Watts: The Village is eligible to apply for capital improvement grants with Miami Dade County Cultural Division for an amount up to \$30,000. Can be used towards making restrooms conform to ADA requirements. There is also the Villager's grant.

Manager Shafran provided an update on the responses to date on the Sanitation Mailers which was at 44% response. A second letter was sent out to those that had not responded with a new deadline of July 21st.

Attorney Hearn provided an update on the police investigation and that a report was due to be completed the following week.

10 Announcements

Monday, July 21st - Planning & Zoning Board at 6:30pm

Tuesday, July 22nd - Recreation Advisory Board at 7:00pm

The next regular commission meeting is Tuesday, August 5, 2014, at 7:00pm.

11 Adjourment

The meeting was adjourned at 8:46pm.

Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Acceptance of Board Minutes

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

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

- Parks & Parkway Advisory Board - May 28, 2014 **DRAFT**
- Recreation Advisory Board - May 27, 2014
- Parks & Parkway Advisory Board - June 18, 2014 **DRAFT**
- Ecology Board - June 23, 2014
- Public Art Advisory Board - June 11, 2014
- Planning & Zoning Board - July 7, 2014
- Planning & Zoning Board - July 21, 2014 **DRAFT**
- Code Compliance Board - July 8, 2014 **DRAFT**
- Public Art Advisory Board - July 9, 2014 **DRAFT**



PARKS &
PARKWAY
ADVISORY BOARD

Dan Keys
Chairman

Barbara Kuhl
Robert Moreno
Robert Silverman
Randy Wagoner

**MINUTES
PARKS & PARKWAY ADVISORY
BOARD**

**Ed Burke Recreation Center 11400 NE 9th Court
Wednesday, May 28, 2014 at 6:00 PM**

1. CALL TO ORDER AND ROLL CALL – Barbara Kuhl, Robert Silverman, Randy Wagoner, Robert Moreno and Dan Keys Present
2. AGENDA ADDITIONS AND DELETIONS
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM)
4. The Minutes of April 2, 2014 and APRIL 23, 2014 were approved.
5. OLD BUSINESS

Mr. Keys advised that he had spoken to Candido Soso-Cruz and that he said that the City had received a grant for tree trimming for \$5,000 to be matched by the Village with \$5,000. The Board discussed the issue and is hereby requesting that the Village permit the Board to have input into the specifications prior to moving forward. Thinning and dead wooding of trees was mentioned as being needed. Over lifting and frivolous tipping of branches were practices that the Board felt were either detrimental or wasteful of resources.

Mr. Keys reported that Isa had advised him that the athletic field had received an herbicide treatment and that all of the incorrectly sized irrigation heads had been replaced.

Ongoing progress toward the installation of the Sabal palms on the 6th Ave bridge embankment was discussed.

Barbara Kuhl and Dan Keys advised that they had been advised that the County had awarded the Village a \$50,000 Grant for the installation of entrance signage. The Board discussed the issue and the following a motion was made and passed unanimously: **That the Village should engage the appropriate professionals to design and subsequently install signage and landscaping appropriate for two types of situations - medians and the side swales at entrance points; that the landscape design process should include development of a pallet of plant material suitable in use as a base for use throughout the Village within the medians; and that lighting should be taken into consideration.** The Board further advises that it would like to dialog with the Village staff and or Village Commission regarding the sign and landscape design.

6. The meeting adjourned with no further discussion.



RECREATION
ADVISORY BOARD

Dan Samaria
Chairman

Charly McDonald
Patrick McGeehan
Walter Pettis
Manny Espinoza

MINUTES
RECREATION ADVISORY BOARD
Ed Burke Recreation Center 11400 NE 9th Court
Tuesday May 27, 2014 at 7:00PM

1. CALL TO ORDER

The meeting was called to order at 7:10 p.m.

2. ROLL CALL

Present at the meeting were board members: Dan Samaria, Patrick McGeehan and Walter Pettis. Manny Espinoza, Charly McDonald, Recreation Director Issa Thornell.

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS: none

4. APPROVAL OF MINUTES

Walter made a motion to approve the minutes for Apr. 22, 2014 second by Patrick board

approved 4-0

5. NEW BUSINESS

- a. Dan welcomed the public we had a good turnout of about 19 people, including some members of the commission and the administration. Issa give a brief presentation to the public on what the public could do to help make the Recreation a great place for our kids and residents to come.
- b. Dan updated the board of his appearance at the last commission meeting in reference in getting advice on the board's fund raising: Dan advised the commission that the Recreation Advisory Board had sponsored events, such as movie night and the car/motorcycle shows and solicited donations. Dan explained to the commission how the money would be used. And that was working with Issa to put the money where he thinks it can help the Rec. Center. And that Dan was working with the Foundation to do the fundraising since the board is not allowed to raise money. And if the Commission had a problem with that he could do it as a private business which he owns **Creepy Critters Pest Control** have a table after he pays the fee sell food and donate the money to the foundation and have it go to the Rec. Board to be used for the Rec. Center. There was a member of the foundation there that assured the board that they and the rec. board could work together in the future with fund raising.



- c. After the meeting the board greeted the residents, handled out a survey that the board set up to get advice from the residents on how the board could do a better job to improve on working with Issa to help the parents of BP to get programs that they want at the Rec. Center for their kids and residents of BP. There was plenty of food and drinks and even was a raffle with two special prizes, one was a wine and cheese basket and a massage from Massage Envy. The event was sponsored by **Creepy Critters Pest Control**, **DASK Children Foundation** and the **Rec. Board**. A lot of those residents present was so happy that the Board held this event and look forward to the next one which will be held in August.

6. OLD BUSINESS

- a. Dan explained to the residents and the board the Movie Night which was held on May 17 sponsored by the Village was a huge success. There was food trucks present so the board was limited on what we could sell at our table, since the trucks paid a fee. Dan informed the board that we sold Popcorn, drinks and other items. Dan made a special thank you to Issa who saved the day. Since his board members couldn't attend the event to help. And since there was a lot of people there to see the movie, Dan was running out of popcorn from the jar and had only had left over microwave popcorn. And Issa helped by running to the kitchen and using the microwave, while Dan ran the stand. He informed the board that we had \$143.00 in donations. Dan also informed the board that we need to find a company that sells popcorn for the popcorn machine that we have at the Rec. Center. The food that was sold at the Rec. Board's table was donated by **Creepy Critters Pest Control** and **DASK Children Foundation** which owned by Dan.
- b. The Board is still waiting for Issa to get back to us with the cost to do the enclosure for the garbage cans on a side of the building of the Rec, Center. Issa said he will check with the people who are remodeling the bathrooms to see if they could give us a good price for this project.

7. PUBLIC COMMENT

Members of the public thanked the board for the evening and some of them said they would be glad to work with the board in future events and meeting.

8. Future Calendar Events

Dan talked about upcoming event which was July 4 Bark in the Park and that the board was not allowed to have a table for the event.

9. Future Fund Raising.

Dan ask the board and residents to come up with ideals for future fund raising.



The Village of Biscayne Park

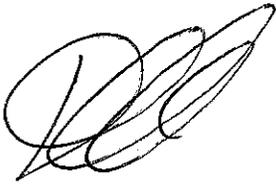
640 NE 114th St., Biscayne Park, FL 33161

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

10. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING – The next meeting of the Recreation Advisory Board is **Tuesday, May 24, 2014**, at 7:00PM.

9. ADJOURNMENT

A motion was made by Walter to adjourn at 7:45 p.m. it was second by Patrick and approved 4-0. And now it was time to eat food and meet with the residents.



7/24/14



**PARKS &
PARKWAY
ADVISORY BOARD**

**Dan Keys
Chairman**

**Barbara Kuhl
Robert Moreno
Robert Silverman
Randy Wagoner**

**MINUTES
PARKS & PARKWAY ADVISORY BOARD
Ed Burke Recreation Center 11400 NE 9th Court
Wednesday, June 18, 2014 at 6:00 PM**

1. CALL TO ORDER AND ROLL CALL – Barbara Kuhl, Robert Moreno, Robert Silverman and Dan Keys were present. Randy Wagoner was absent.
2. AGENDA ADDITIONS AND DELETIONS - None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) – None
4. APPROVAL OF MINUTES – No minutes were available for approval.
5. OLD BUSINESS
 - A. Sixth th Ave. Bridge Grant – It was reported that the RFP had been issued for the Sabal Palm planting for the 6th Avenue bridge embankment.
 - B. Discussion of a path forward for design and construction of secondary entrance signage took place specifically with regard to the requirements of the \$50,000 County grant received by the Village. Dan Keys reported that the Manager had not as yet had any of the details of the grant.
6. NEW BUSINESS – Discussion took place with regard to the Boards desire to have more involvement of Village staff in the meetings so that reports of the progress of Village projects could be received and discussed.
7. ADJOURNMENT – The meeting adjourned with no further discussion.



ECOLOGY BOARD

Carmen DeBernardi
Chair

Karla Gottlieb
Tom Pliske
Marie Smith
Richie Strassberg

Alternate
Luca Bronzi

MINUTES
Ecology Board
Ed Burke Recreation Center
11400 NE 9th Court, Biscayne Park, FL

June 23, 2014

1. **Call to Order** The meeting was called to order at 637 PM
2. **Roll Call:** Richie Strassberg, Marie Smith, Tom Pliske, Karla Gottlieb
3. **Additions, deletions and withdrawals:** none
4. **Approval of Minutes:** The minutes of the previous meeting were read and approved.
5. **New Business:**

Richie Strassberg mentioned that there is a rumor that the Village commissioners wish to merge the Ecology Board with the Parks and Parkways Board. All were in favor of finding out the fate of the Ecology Board.

Investigations are underway.

We would like to have a free e-waste disposal event this fall similar to the very successful one in 2012.

We explored the idea of a biodiversity survey for the Village with a link to photos of Village wildlife on the Village webpage.

3. **Old Business:** We discovered that Biscayne Park has a shredder for vegetation, but it has only a 3 HP engine and does not work. We discussed again the possibility of



The Village of Biscayne Park

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buying a used shredder for the purpose of utilizing vegetation waste in the village for residential and public area mulching.

We also discussed the possibility of finding or buying a paper shredder to be used for the Village's 150 boxes of old documents waiting for disposal. The shredded remains of these could be recycled.

We discussed the prospects for organizing a fruit-sharing event for Village residents and we are exploring a native plant sale, possibly in cooperation with Citizens for a Better South Florida as we did in 2012.

7. Public Comments: none

3. Announcements: The next meeting will be Monday, July 21, 630 PM at the recreation center.

3. Adjournment: We adjourned at 7:21 PM

Minutes taken by Tom Pliske

Minutes approved by: CARMEN DE BERNARDI — *Carmen de Bernardi*

On this 21st day of July, 2014

Minutes approved by: _____

On this _____ day of _____, 2014.



PUBLIC ART
ADVISORY BOARD

Bradley Piper
Chair

Karen Cohen
Karen Marinoni
Larry Newberry
Susan Weiss

MINUTES
PUBLIC ART ADVISORY BOARD
Village Hall Median, 640 NE 114th St., Biscayne Park, FL
Wednesday, June 11, 2014 at 6:00PM

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 6:00pm. Present were board members B. Piper, K. Marinoni, L. Newberry, S. Weiss, and K. Cohen.
2. AGENDA ADDITIONS AND DELETIONS - None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) – See *below*.
4. APPROVAL OF MINUTES - None
5. OLD BUSINESS
6. NEW BUSINESS –
 - a. New board member Karen Cohen was introduced.
 - b. Photo Contest for 2015:
 - i. Categories: Open to everyone, and needs to be about Biscayne Park.
 - ii. Advertising – Biscayne Park Newsletter, Egret, Miami Herald Neighbors section, Community blogs, flyers.
 - iii. Prizes: Pursue a restaurant gift certificate donation.

Motion made by S. Weiss to move forward with the photo contest and seconded by L. Newberry. All in favor: 5-0.

- c. Village Hall Renovation: Future renovation to have adequate lighting, wall space for art displayed, and have the ability to host local art shows, etc.

Motion made by L. Newberry and seconded by K. Marinoni. All in favor: 5-0.

PUBLIC COMMENTS:

Jorge Marinoni, member of the Biscayne Park Foundation suggested the Board utilize the Foundation to hold any donated funds.



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161
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Motion made by K. Marinoni for the Public Art Advisory Board to utilize the Foundation to hold any donated funds and it is seconded by S. Weiss. All in favor 5 – 0.

7. NEXT MEETING DATE –The next regular meeting of the Public Art Advisory Board is on Wednesday, July 9th, at 6:00pm.
8. ADJOURNMENT – Meeting was adjourned at 7:00pm.

Minutes approved on _____
(Date)

By: _____
Bradley Piper, Chair



The Village of Biscayne Park

640 NE 114th 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 9th Court – Biscayne Park, FL** **Monday, July 7th, 2014 at 6:30pm**

1. CALL TO ORDER

Meeting was call to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung – Chair – present
Andrew Olis – Vice Chair – present
Elizabeth Hornbuckle – Board Member – present
Carl Bickel – Board Member – absent
Doug Tannehill – Board Member – absent
Staff attendance – Maria Camara, Sal Annese

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

None

4. APPROVAL OF MINUTES

June 16th, 2014

Motion by A. Olis, seconded by Elizabeth Hornbuckle and approved 3-0

5. PAINT PERMITS

None

6. BUILDING PERMITS

- a. Perez – 801 NE 118th St – Fence replacement & window
*Fence replacement – tabled. Owner to redesign according to code
* Window replacement – Motion by A. Olis, seconded by E.Hornbuckle and approved 3-0
- b. Barchan - 971 NE 111th St – Install fence
* No diagram to explain type of fence – Denied 3-0
- c. Church of Resurrection – 690 NE 113th St – Remodel parking lot
Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0
- d. Mecthich – 11770 Griffing Blvd – Re-roof
Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0
- e. Edwards – 11600 NE 6th Ave – Re- roof
Motion by A. Olis, seconded by E. Hornbuckle and denied 3-0
* 3 tab shingle not allowed
- g. Ramirez – 11015 NE 8th CT – Replace windows
Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0
- h. Feuer – 717 NE 119th St – Replace windows
Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0
- i. Torano – 11328 NE 7th Ave – Re-roof
Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0
- j. Tiomeny LLC – 12055 NE 9th Ave – Install windows
Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0
- k. Barros – 1070 NE 120th St – Cement pavers
Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0



The Village of Biscayne Park

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I. Miller – 11802 Ne 8th Ave – Fence

Motion by A. Olis, seconded by E. Hornbuckle, and approved 3-0

*scan survey prior to issue permit

m. Castillo – 11389 NE 8th Ave – window replacement

Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0

7. Administrative Variance

a. Simpson – 1004 NE 116th St – Boat Variance

Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0

b. Speer – 810 NE 118th St – RV Variance

Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0

c. Torres – 831 NE 118th St – RV Variance

Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0

The next meetings of the Planning & Zoning Board are Monday, July 21st and Monday, August 4th, 2014.

8. ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Approved on: _____

Approved by: _____

Chairman, Gage Hartung

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the 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 Board 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.

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 (4) days prior to the proceeding for assistance.



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 9th Court – Biscayne Park, FL

Monday, July 21st, 2014 at 6:30pm

1. CALL TO ORDER

Meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung – Chair – Present
Andrew Olis – Vice Chair – Present
Carl Bickel – Board Member – Present
Elizabeth Hornbuckle – Board Member – Present
Doug Tannehill – Board Member – Present
Staff attendance – Shanesa Mykoo, Sal Annese

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

None

4. APPROVAL OF MINUTES

July 7th, 2014

Motion by A. Olis, seconded by E. Hornbuckle and approved 3-0

5. PAINT PERMITS

a. Latta – 922 NE 109th ST

Motion by D. Tannehill, seconded by C.Bickel and approved 3-2

* opposed by A.Olis and E .Hornbuckle

6. BUILDING PERMITS

a. Ofir – 650 NE 118th St – Reroof (white)

Motion by A. Olis, seconded by C.Bickel and approved 5-0

b. Dow – 655 NE 116th St – Reroof (gray)

Motion by A. Olis, seconded by C. Bickel and approved 5-0

c. Rubinfeld – 1108 NE 119th St – Reroof (white)

Motion by A. Olis, seconded by E. Hornbuckle and approved 5-0

d. Anderson – 11905 NE 11 Pl –Replace front door and paint door white

Motion by A. Olis, seconded by E. Hornbuckle and approved 5-0

e. O'Halpin – 675 NE 113 St – New pool and spa

Motion by A. Olis, seconded by C. Bickel and approved 5-0

f. Hart – 11001 NE 9 Ct – Addition

Motion by a. Olis, seconded by c. Bickel and approved 5-0

g. Frankenberg -11205 NE 8 Ct – Addition

Motion by D. Tannehill, seconded by A. Olis and approved 5-0

*provide sign and seal plans and shift setback from 5 to 10inch to meet code requirements



The Village of Biscayne Park

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7. Administrative Variance

- a. Newberry – 676 NE 115th St – Boat Variance
Motion by D. Tannehill, and seconded by A. Olis and approved 5-0
- b. Levinson – 810 NE 117th St – RV Variance
Motion by C. Bickel, seconded by D. Tannehill and approved 5-0
- c. Agustin – 515 NE 119th St – Boat Variance
Motion by D. Tannehill, seconded by A. Olis and approved 5-0
- d. Marken – 730 NE 120th St – Boat Variance
*Tabled, registration not in property owner's name.
- e. Wettergren – 11700 NE 9th Ave – Boat Variance
Motion by A. Olis, seconded by C. Bickel and denied 5-0
*Enough room on survey and registration not in property owner's name.
- f. Diaz – 10910 NE 8th Ct – RV Variance
Motion by C. Bickel, seconded by A. Olis and denied 5-0
*Registration not in property owner's name

The next meetings of the Planning & Zoning Board are Monday, August 4th and Monday, August 18th, 2014.

8. ADJOURNMENT

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

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the 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 Board 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.

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 (4) days prior to the proceeding for assistance.



**CODE
COMPLIANCE
BOARD**

Chairman
Gary Kuhl

Vice Chairman
Harvey Bilt

Michael Beltran
Dale Blanton
Linda Dillon

Alternate
Jenny Johnson-
Sardella

**MINUTES
CODE COMPLIANCE BOARD
Ed Burke Recreation Center 11400 NE 9th Court
Tuesday- July 8th, 2014 at 7:00 p.m.**

1. CALL TO ORDER

Meeting was called to order at 7:08 p.m.

2. ROLL CALL

Gary Kuhl – Chair-absent
Harvey Bilt – Vice Chair-present
Michael Beltran-present
Dale Blanton-present
Linda Dillon-present
Jenny Johnson-Sardella-absent
Staff Attendance - Code Officer Reginald White and Wendy Hernandez.

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

--Adding to old business item 6a

4. APPROVAL OF MINUTES

a. June 10th 2014 - approved

5. NEW BUSINESS

- a. Matthew Carlisle – 675 NE 115th St – Exterior walls and chimney have discolored and chipping paint: Case# 14-0067
- Motion to dismiss by D. Blanton and seconded by L. Dillon, Vote count 4-0
 - In compliance, house was painted, trees and vegetation was cut
- Citation and Administrative fees waved.
- b. Joy M Spence – 11610 Griffing Blvd – Electrical Violations not corrected:
Case#14-0126
- Motion to comply immediately, pool is to be grounded, proper permits pulled for outstanding violations and correct all electrical/building violations noted on permit PE #14-0007 by D. Blanton and seconded by M. Beltran,
Vote count 4-0
 - Not in compliance, Fine of \$100, Admin Fee of \$35 and a daily fine of \$100 to commence on July 9th, 2014
- c. Mario J Nunez – 11990 NE 7th Ave – Carport/Canopy constructed without a permit:
Case: Case#14-0124
- Motion finding property not in compliance, structure to be removed by July 28th, 2014 by L. Dillon and seconded by M. Beltran, Vote count 4-0
 - Not in compliance, Fine of \$100 for construction without a permit, \$35 Admin Fee and a daily fine of \$50 to commence on July 29th, 2014
- d. NATIONDOM INC – 11790 NE 12th Ct – Storm Shutters covering windows:
Case#14-0100
- Motion to dismiss by M. Beltran and seconded by D. Blanton, Vote count 4-0
 - In compliance, shutters were removed, Citation and Administrative fees waved.



The Village of Biscayne Park

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

- e. Horacio Duhour LE – 12085 West Dixie Hwy – wood deck/stairway and shed constructed without a permit: Case#14-0119
 - Motion to pull permit within (2) weeks by D. Blanton and seconded by M. Blanton, Vote count 4-0
 - Not in compliance, Fine of \$100, Admin Fee of \$35 and a daily fine of \$50 to commence on July 23rd, 2014
- f. James Alexander Cohen – 1100 NE 121th St – Carport constructed without a permit: Case#14-0092
 - Motion to remove structure within (7) days by M. Beltran and seconded by L. Dillon, Vote count 4-0
 - Not in compliance, Fine of \$100 for construction without a permit (Fine will only be assessed if carport is not removed within the (7) days, Admin Fee of \$35 and a daily fine of \$50 to commence on July 16th, 2014
- g. Harold E Lewis – 12035 NE 5th Ave – Trailer with unused/unsightly objects stored on the property: Case#14-0136
 - Motion to dismiss by M. Beltran and seconded by D. Blanton, Vote count 4-0
 - In compliance, trailer was removed, No Citation, \$35 Administrative fee.
- h. Luis B & Ana L Guemes – 1065 NE 119th St – Trailer parked in front of house with no administrative variance: Case#14-0137
 - Motion to dismiss by L. Dillon and seconded by M. Beltran, Vote count 4-0
 - In compliance, trailer removed from property. Citation and Administrative fees waved.
- i. Luis B & Ana L Guemes – 1065 NE 119th St – Junked Red vehicle and unsightly commercial vehicle: Case#14-0138
 - Motion to dismiss pending Code Compliance Officer inspection by L. Dillon and seconded by M. Beltran, Vote count 4-0
 - In compliance-pending inspection of unsightly commercial vehicle removal, Citation and Administrative fees waved.
- j. Eva M Areias & Carlos A Lima – 741 NE 114th St – Awnings/shutters are dirty. Trees and bushes overgrown: Case#14-0115
 - Motion to dismiss by L. Dillon and seconded by D. Blanton, Vote count 4-0
 - In compliance, shutters were cleaned/removed, trees trimmed and grass cut, No Citation, \$35 Administrative fee.

6. OLD BUSINESS:

- Janice Marie Huhta Bonzi – 811 NE 119th Street – Dirty and discolored exterior walls and awnings: Case #14-0093
- Motion to dismiss pending Code Compliance Officer inspection by L. Dillon and seconded by D. Blanton, Vote count 4-0
 - In compliance-exterior walls and awnings were painted, Administrative Fee of \$35, Citation Fee waived

7. FINE REDUCTION:

8. ANNOUNCEMENTS / SCHEDULE OF NEXT MEETING

The next meeting of the Code Compliance Board is Tuesday, August 12th, 2014, at 7:00PM.



The Village of Biscayne Park

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

9. ADJOURNMENT

Meeting adjourned at 8:25 p.m.

Minutes approved on _____

By: _____
Gary Kuhl, Chair



PUBLIC ART
ADVISORY BOARD

Bradley Piper
Chair

Karen Cohen
Karen Marinoni
Larry Newberry
Susan Weiss

MINUTES
PUBLIC ART ADVISORY BOARD
Village Hall Median, 640 NE 114th St., Biscayne Park, FL
Wednesday, July 9, 2014 at 6:00PM

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at 6:10pm. Present were board members B. Piper, L. Newberry, and S. Weiss. K. Marinoni and K. Cohen absent. Also present was Village Clerk Maria Camara.
2. AGENDA ADDITIONS AND DELETIONS - None
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM) - None
4. APPROVAL OF MINUTES - Susan Weiss made a motion to approve the minutes of May 14th, May 20th and June 11th, and it was seconded by L. Newberry. All in favor 3-0.
5. OLD BUSINESS
 - a. Timeline for construction of bases for sculptures. Motion made by L. Newberry that if bases are not done by August 2nd, that the Board will proceed with doing. It is seconded by B. Piper. All in favor 3-0.
 - b. Photo Contest 2015. Consensus to secure space in the October 2014 newsletter and discuss further at next meeting, including securing prizes for the winners.
 - c. Basic funding for projects. Will continue to discuss with Foundation.
6. NEW BUSINESS - None
7. NEXT MEETING DATE – Wednesday, August 6, 2014 at 6:00pm.
8. ADJOURNMENT – Meeting was adjourned at 6:20pm.

Minutes approved on _____
(Date)

By: _____
Bradley Piper, Chair



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Resolution 2014-47

Prepared By: Maria Camara

Sponsored By: Staff

Background

All Aboard Florida is proposing to construct and operate a privately owned and operated intercity passenger railroad system that will connect Orlando and Miami, with intermediate stops in Fort Lauderdale and West Palm Beach, Florida. AAF is a wholly-owned subsidiary of Florida East Coast Industries, Inc. (FECI), one of Florida's oldest and largest transportation, infrastructure, and commercial real estate companies. AAF proposes to construct a new 40-mile dedicated rail corridor parallel to Florida State Road 528 connecting to the existing Florida East Coast (FEC) Railway, which has supported freight and/or passenger service on a continuous basis for more than 100 years. The Project also includes infrastructure improvements to the existing rail corridor between Cocoa and West Palm Beach.

This new proposed construction is part of a larger AAF passenger rail project designed to provide safe, convenient travel to and from Florida's most highly trafficked commercial, entertainment, and recreational destinations. The initial phase of the Project consists of a new passenger rail service with independent utility along the 66.5

August 5, 2014

Commission Agenda Report

Resolution 2014-47

miles of the FEC Corridor connecting West Palm Beach, Fort Lauderdale and Miami, and including three stations and associated infrastructure improvements. AAF is currently proposing to extend that service to Orlando. The total Project will consist of a 235 mile intercity passenger rail service with an anticipated three-hour travel time. AAF would be responsible for financing the development, construction, operation, and maintenance of the passenger rail system.

Roly Marante from Strategic Access Group will be providing a presentation on All Aboard Florida at the August 5th Commission meeting and available to answer any questions.

Recommendation

Approval of Resolution 2014-47

Attachments

- Resolution 2014-47

1
2
3 **RESOLUTION NO. 2014-47**
4

5 **A RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF**
7 **BISCAYNE PARK, FLORIDA; STRONGLY**
8 **SUPPORTING FLORIDA EAST COAST**
9 **INDUSTRIES' CONSTRUCTION OF A 235**
10 **MILE PASSENGER RAILROAD FROM MIAMI**
11 **TO ORLANDO; PROVIDING FOR AN**
12 **EFFECTIVE DATE**
13

14
15 WHEREAS, the construction of a 235-mile passenger railroad train will create 10,000
16 construction jobs per year during its construction and 5,000 permanent jobs once completed;
17 and

18 WHEREAS, it is estimated that the Florida economy will grow by more than \$6 billion
19 dollars over the next eight years as a result of this project; and
20

21 WHEREAS, the economic benefits enjoyed by Miami-Dade County alone are estimated
22 to be \$1.6 billion dollars; and
23

24 WHEREAS, the proposed construction of the 235-mile passenger train connecting
25 Miami and Orlando in under three hours will bestow substantial economic benefits directly to
26 Greater Miami through increased business revenues, new construction jobs, increased tourism
27 and increased roadway safety.

28
29 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
30 COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:
31

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

35 **Section 2.** The Village Commission of the Village of Biscayne Park strongly
36 supports the construction of the 235-mile passenger railroad.
37

38 **Section 3.** This resolution shall be effective immediately upon its adoption.

1
2
3 PASSED AND ADOPTED this _____ day of _____, 2014.

4
5
6 The foregoing resolution upon being
7 put to a vote, the vote was as follows:

8
9
10 Mayor Coviello: ____
11 Vice Mayor Ross: ____
12 Commissioner Anderson: ____
13 Commissioner Jonas: ____
14 Commissioner Watts: ____

15
16 Attest:

17
18
19
20 _____
21 Maria C. Camara, Village Clerk

22
23
24 Approved as to form:

25
26
27
28 _____
29 John J. Hearn, Village Attorney



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Resolution 2014-48

Prepared By: Heidi Shafran, Village Manager

Sponsored By: Staff

Background

On May 21, 2014 the Village of Biscayne Park entered into a Franchise Agreement with Waste Pro of Florida for solid waste and recycling collection services. The Agreement specified that the Village would transition to a single-stream recycling cart. Through a series of mailers and email notifications residents were given the option to choose a 35-gallon or 65-gallon recycling cart. Sixty-two percent (62%) of property owners responded. As stated in the mailers and email notifications, the default recycling cart for non-responders is the 65-gallon cart. The Village is ordering 100 extra of each size for replacements and the purchase price includes assembly and delivery to each individual property. Due to partial truckloads, the Village is required to pay an additional \$4,450.00 in freight. The total cost, including freight, is \$84,206.84.

August 5, 2014

Commission Agenda Report

Resolution 2014-48

Resolution 2014-48 authorizes staff to purchase the recycling carts from Rehrig Pacific Company based on the City of Deerfield Beach's existing contract. The following cities also have "piggybacked" on the Deerfield Beach contract: City of Key West, City of Miami, Naples, Oakland Park, and Sarasota among others.

Fiscal / Budget Impact

The purchase will be paid by the FY 2014-2015 sanitation assessment.

Recommendation

Approval of Resolution 2014-48

Attachments

- Resolution 2014-48
- City of Deerfield Beach's contract (RFP 2011-12/18)
- Sanitation Mailer Response Summary
- Rehrig Pacific Company Quote
- Outer markings
- Sanitation Mailer sent to all property owners

1
2
3 **RESOLUTION NO. 2014-48**
4

5 **A RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF**
7 **BISCAYNE PARK, FLORIDA APPROVING THE**
8 **PURCHASE OF RECYCLING CARTS FROM**
9 **REHRIG PACIFIC COMPANY; PROVIDING**
10 **FOR AN EFFECTIVE DATE**
11

12
13
14 WHEREAS, on May 27, 2014, the annual sanitation fee assessment based on Fiscal
15 Year 2014-15 Sanitation Budget was approved by the Village Commission; and,
16

17 WHEREAS, the Sanitation Budget provided for the purchase of Recycling Carts to be
18 utilized for the collection of recyclable materials as part of the outsourced solid waste
19 collection services that will go into effect on October 1, 2014; and,
20

21 WHEREAS, during the month of July, each property owner in the Village of Biscayne
22 Park was mailed a postcard asking them to select between the 65-gallon container and 35-
23 gallon container; and,
24

25 WHEREAS, a total of 669 respondents out of 1,074 provided their preference which
26 was used to determine the total quantity of recycling carts of each size to order; and,
27

28 WHEREAS, based on the responses from Village property owners, the Village will
29 purchase one thousand seventy eight (1,078) 65-gallon carts and four hundred sixteen (416)
30 35-gallon carts, which includes a percentage for excess inventory to be used for replacements;
31 and,
32

33 WHEREAS, Rehrig Pacific Company was selected as the lowest and most responsive
34 bidder for the City of Deerfield Beach, RFP 2011-12/18, and the Village seeks to piggy-back
35 off of the City of Deerfield Beach's contract and place an order with Rehrig Pacific Company
36 for recycling carts; and,
37

38 WHEREAS, the total cost of the carts is eight four thousand two hundred and six
39 dollars and eight four cents (\$84,206.84) which includes freight and delivery, and set up of
40 each cart; and
41

42 WHEREAS, pursuant to Sec. 2-139, of the Village's Code of Ordinances, the
43 competitive bidding procedures may be waived upon the recommendation of the Village
44 Manager, in that it is in the best interest to do so utilizing the City of Deerfield Beach's
45 contract; and
46

47 WHEREAS, the total cost of the purchase is eighty-four thousand two hundred and six
48 dollars and eighty-four cents (\$84,206.84) which includes freight and delivery, and set up of
49 each cart.

1
2
3 **NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION**
4 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:**
5

6 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby
7 ratified and confirmed by the Village Commission.
8

9 **Section 2.** That the Village Commission of the Village of Biscayne Park approves
10 the purchase of one thousand seventy eight (1,078) 65-gallon carts and four hundred sixteen
11 (416) 35-gallon carts from Rehrig Pacific Company at a total cost of eighty-four thousand two
12 hundred and six dollars and eighty-four cents (\$84,206.84) which includes freight and delivery,
13 and is based on the City of Deerfield Beach's contract with Rehrig Pacific Company for
14 recycling carts. The City of Deerfield Beach's contract (RFP 2011-12/18), and the Village's
15 summary of carts that need to be ordered, in substantial form, are attached and incorporated by
16 reference into this resolution as exhibit 1.
17

18 **Section 3.** This Resolution shall become effective upon adoption.
19

20 PASSED AND ADOPTED this ____ day of _____, 2014.

21
22 **The foregoing resolution upon being**
23 **put to a vote, the vote was as follows:**
24

25 _____
26 David Coviello, Mayor

27
28 Attest:

Mayor Coviello: ____
Vice Mayor Ross: ____
Commissioner Anderson: ____
Commissioner Jonas: ____
Commissioner Watts: ____

29
30
31
32 _____
33 Maria C. Camara, Village Clerk
34
35

36 Approved as to form:
37
38
39

40 _____
41 John J. Hearn, Village Attorney
42



June 6th, 2013

City of Deerfield Beach, FL
 401 SW 4th Street
 Deerfield Beach, FL 33441
 Attn: Chad Grecsek

RE: Quarterly Pricing Adjustment – Rehrig Pacific Recycling Roll Carts (35, 65, and 95 Gallon) – RFP #2011-12/18

Chad,

Rehrig Pacific appreciates the continued business and partnership with the City of Deerfield Beach. Due to the rising costs of raw materials, Rehrig Pacific is requesting the quarterly price adjustment detailed in the bid specifications for roll out carts, RFP #2011-12/18 section 3.14 Cost Adjustments - 3.14.1 Cart. This section states that the original bid pricing, after held firm for 90 days, can be adjusted quarterly comparing original resin pricing to current resin pricing. At the time of bid, Rehrig submitted base pricing for our raw material, HDPE resin, at \$0.635/lb as published in the Chem Data Index (CDI) for June 2012. The current pricing of HDPE resin is \$0.865/lb as published in the most recent CDI for May, 2014 which represents a \$0.23/lb increase in raw material costs for TL order quantities.

Back in August of 2013, we modified the contract via an amendment to allow for LTL order quantities. Resin at that time was \$0.775/lb. Therefore the change in price for that part of the contract is \$0.09/lb and its impact is outlined below as well. I have attached the CDI documents for reference. The new pricing structure will go into effect on July 1st to allow 20 days per the contract and will be held firm for at least the next three months. At that time both the city and Rehrig can review the current resin market and adjust pricing accordingly as detailed in the RFP.

TL quantities, delivered pricing, includes tag.

Product Description	Bid Pricing	HDPE Resin \$/lb June '12	HDPE Resin \$/lb (Current)	Resin \$/lb Increase	Resin Weight Per Container	Total \$ Increase	New Cart Price
95 Gallon Roll Out Cart	\$45.40	\$0.635	\$0.865	\$0.23	34 lbs	\$7.82	\$53.22
65 Gallon Roll Out Cart	\$39.43	\$0.635	\$0.865	\$0.23	27.5 lbs	\$6.32	\$45.75
35 Gallon Roll Out Cart	\$36.48	\$0.635	\$0.865	\$0.23	17.9 lbs	\$4.11	\$40.59

7452 Presidents Drive – Orlando, FL 32809
 407-857-3888

www.rehrigpacific.com

A FAMILY TRADITION OF GROWTH, SERVICE AND INNOVATION

Rehrig Pacific Company

LTL quantities, plus freight, includes tag.

Product Description/minimum order quantity	Bid Pricing	HDPE Resin \$/lb Aug '13	HDPE Resin \$/lb (Current)	Resin \$/lb Increase	Resin Weight Per Container	Total \$ Increase	New Cart Price
95 Gallon Roll Out Cart (150 units)	\$45.98	\$0.775	\$0.865	\$0.09	34 lbs	\$3.06	\$49.04
65 Gallon Roll Out Cart (150 units)	\$39.23	\$0.775	\$0.865	\$0.09	27.5 lbs	\$2.47	\$41.70
35 Gallon Roll Out Cart (500 units)	\$35.13	\$0.775	\$0.865	\$0.09	17.9 lbs	\$1.61	\$36.74

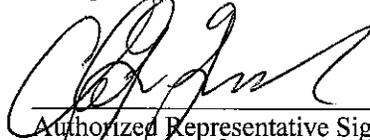
Thank you for your time and consideration of Rehrig Pacific Company. If you have any questions or would like additional information, please contact me at 954-415-0539 or via email at dafonso@rehrigpacific.com.

Respectfully submitted,

Dave Afonso

 Dave Afonso
 Sales Representative
dafonso@rehrigpacific.com
 954-415-0539

Accepted by:



 Authorized Representative Signature

Eric Voss
 Authorized Name and Title

Eric Voss + *SW Mount* 6/24/17
 Date

cc: Lisa Perkins, Eric Voss, Donna McGowan

7452 Presidents Drive – Orlando, FL 32809
 407-857-3888

www.rehrigpacific.com

A FAMILY TRADITION OF GROWTH, SERVICE AND INNOVATION



Village of Biscayne Park
Sanitation Mailer Response
July 24, 2014

Total No. of Properties: 1,074
Total No. of Units: 1,298

RESPONDANTS

669 62.3%

NON-RESPONDANTS

405 37.7%

COLLECTION LOCATION

	<i>Properties</i>	<i>Type</i>
Curb	327	Single
	68	Multi
	395	59.0%
Side	234	Single
	40	Multi
	274	41.0%

COLLECTION LOCATION

	<i>Properties</i>	<i>Type</i>
DEFAULT: Curb	298	Single
	107	Multi
	405	100.0%

RECYCLING CART

	<i>Properties</i>	<i>Units</i>	<i>Total</i>
65-Gallon	326	1	326
	62	2	124
	1	3	3
	1	4	4
	1	5	5
	391	58.4%	462
35-Gallon	234	1	234
	41	2	82
	0	3	0
	0	4	0
	0	5	0
	275	41.1%	316
Do Not Want	3	1	3
	3	0.4%	3

RECYCLING CART

	<i>Properties</i>	<i>Units</i>	<i>Total</i>
DEFAULT: 65-Gallon	298	1	298
	104	2	208
	2	3	6
	1	4	4
	0	5	0
	405	100.0%	516

65-Gallon

Respondants	462
Non Respondants	516
Sub-Total	978
Extra	100
TOTAL ORDER	1,078

35-Gallon

Respondants	316
Non Respondants	0
Sub-Total	316
Extra	100
TOTAL ORDER	416

OUTER MARKINGS – RECYCLING CARTS

REHRIG 1:1 D162834 (5.3) 1:1 Art:6.5" w X 6 "h Trim:8.5" w x 8.5" h sl on lbrn 2 05-14-14



(E.2) #E82810

ROMO PRODUCTION DRAWING

COMP: Rehrig Pacific Company	PK: 65447	PIN: Lauderhill	REF:	APPROVED BY:	DATE:
SIZE: 12.00" x 8.00"		DRAWING REVISION RECORD OR NOTES:		COLORS: 4/C Process, Red PMS 1797, Green PMS 356	
SPECIAL REQUIREMENTS:					

RECYCLING ONLY
Deposit Only These Clean Items:

Clear paper, NA Contents, Java Boxes, Cardboard (incl. 18" x 24")
Junk Mail, Paper Egg Cartons, Carded Boxes

Plastic Bottles and Jugs (No caps)

Aluminum Cans, Steel or Tin Cans

Glass Bottles and Jugs

www.lauderhill.fl.gov

NO

No Pizza Boxes

No Aerosol Cans

No Flares

No Plants

No Toys

No Sticks/
Paper Plates

No Juice Containers
(Capri/Santitas)

No Tires

No Crates/
Sealed Carpet

No Batteries

No Plastic Bags

No Electronics

12.00"

8.00"

Red PMS 1797



Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161

Presorted First Class
US Postage
PAID
Biscayne Park, FL
Permit #5101



**YOUR NEW
RECYCLING CART IS
ON ITS WAY!**

*We need your help!
Please return detachable card,
respond online
by July 15, 2014
to ensure timely delivery!*

COLLECTION SERVICE LOCATION and RECYCLING CART SELECTION

Beginning **October 1, 2014**, the Village of Biscayne Park will utilize Waste Pro of Florida, Inc., for the collection of garbage, trash, yard waste and recycling. Between now and then, we will be communicating with all residents through our newsletter, flyers and the Village website in order to make the transition as smooth as possible. The first step in the process is to obtain your preferred method of collection service location and your preferred size Recycling Cart. Please complete the detachable card below and drop it in the mail (no postage necessary), drop it off at Village Hall, or you can respond online on our website at www.biscayneparkfl.gov. **We need to receive your reply by July 15, 2014.** Thank you!

Name (First/Last): _____
 Address: _____, Biscayne Park, FL 33161
 Telephone: (_____) _____
 E-Mail: _____

COLLECTION SERVICE LOCATION

Residents have a choice of placing their **GARBAGE** out on the curb for collection, or to have it picked up from the side or back yard. *(Trash/yard waste and recycling will continue to be placed on the curb.)*

- I would like curb side collection of garbage.
- I would like side/back yard collection of garbage. *(By selecting this option and signing below, the property owner waives Waste Pro of Florida from any liability from employees entering the property for the sole purpose of garbage collection.)*

Signature – Property Owner _____ PRINT NAME – Property Owner _____

RECYCLING CART SELECTION



I would like to receive a 65-gallon rollout cart. *(Measures approximately 41" tall and 27" wide.)*



I would like to receive a 35-gallon rollout cart. *(Measures approximately 39" tall and 20" wide.)*

*Sample carts are on display at the Ed Burke Recreation Center for inspection. **Color selection not final.***

If we do not receive your preferred selection by July 15th, you will automatically receive curb side collection.

If we do not receive your preferred selection by July 15th, you will automatically receive a 65-gallon rollout cart.

Effective October 1, 2014

The Village of Biscayne Park has contracted with Waste Pro to collect all residential and commercial garbage, trash and recycling.



- Curbside or side/back yard **GARBAGE** collection service will be Village wide on Tuesday and Friday. Residents will continue using their existing garbage containers.
- Bulk **TRASH and YARD DEBRIS** collection will be Village wide on Tuesdays. Residents will continue to place it out on the curb the same way.
- Curbside **RECYCLING** collection will be Village wide on Fridays. Residents will receive a brand new recycling cart with an informative label on the lid detailing allowable recycling items. *Carts are on display at the Ed Burke Recreation Center. Color selection not final.*

The transition process involves having each resident/property inform us on the collection service location for garbage, and the recycling cart size desired. Please complete the card on the opposite side of this document and provide your reply by no later than **July 15, 2014**.

Additional information on the transition to Waste Pro will continue to be provided to Village residents through our website, newsletters, flyers, and all means available to make this a smooth transition for everyone and to assure the quality of service is not impacted.

For more information, or if you have any questions, please contact Public Services Director Candido Sosa-Cruz at csosacruz@biscayneparkfl.gov, or at 305 899 8000 (Mon-Fri 9:00am to 5:00pm)

Para asistencia en español, por favor llame a 305 899 8000 (Lunes-Viernes 9:00am to 5:00pm); Pou asistans an kreyòl, tanpri rele 305 899 8000 (Lendi – Vandredi 9:00am to 5:00pm)



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 25115 MIAMI, FL

POSTAGE WILL BE PAID BY ADDRESSEE

VILLAGE OF BISCAYNE PARK
640 NE 114TH ST
BISCAYNE PARK FL 33161-9965



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RESOLUTION NO. 2014-49

**A RESOLUTION OF THE VILLAGE
COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA, THANKING
GOVERNOR RICK SCOTT AND THE FLORIDA
LEGISLATURE FOR THEIR SUPPORT OF THE
APPROPRIATION FOR RENOVATION OF THE
HISTORIC VILLAGE HALL LOG CABIN AND
NEW MUNICIPAL ANNEX; PROVIDING FOR
AN EFFECTIVE DATE**

WHEREAS, during the 2014 Florida Legislative session, the Village of Biscayne Park again made a request for funding from the State for the much needed repairs and renovation to the Village's historic Village Hall log cabin, and for the construction of a municipal annex building; and

WHEREAS, members from both the Florida Senate and Florida House of Representatives lobbied for our request for several months leading up to when the 2014-2015 State Budget was presented to the Governor; and

WHEREAS, on June 14th, 2014, Governor Rick Scott signed Florida's Fiscal Year 2014-2015 General Appropriations Act into law, coined by Governor Scott as "*It's Your Money Tax Cut Budget*"; and

WHEREAS, Florida's 2014-2015 budget allocates one million dollars (\$1,000,000) to the Village of Biscayne Park for the renovation of the historic Village Hall log cabin and the construction of a new municipal annex; and

WHEREAS, this appropriation invests State tax dollars back into Miami-Dade County communities; and

WHEREAS, this project will create jobs, similar to the jobs created under the Works Progress Administration created by President Franklin Delano Roosevelt in 1933 that provided the labor for the original construction of the Village's historic log cabin.

1 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
2 COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

3
4 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
5 being true and correct, and are hereby made a specific part of this Resolution upon adoption
6 hereof.

7 **Section 2.** The Village Commission of the Village of Biscayne Park thanks
8 Governor Scott and the Florida Legislature for their support of the appropriation to the Village
9 of Biscayne Park for the renovation of the historic Village Hall Log Cabin and new municipal
10 annex.

11 **Section 3.** That the Village Clerk is directed to forward a certified copy of this
12 Resolution to the Miami-Dade County State legislative delegation and to the Office of the
13 Governor.
14

15 **Section 4.** This resolution shall be effective immediately upon its adoption.

16
17
18 PASSED AND ADOPTED this _____ day of _____, 2014.
19
20

21 The foregoing resolution upon being
22 put to a vote, the vote was as follows:
23
24

25 _____
26 David Coviello, Mayor

27 Mayor Coviello: ____
28 Vice Mayor Ross: ____
29 Commissioner Anderson: ____
30 Commissioner Jonas: ____
31 Commissioner Watts: ____

32 Attest:

33
34 _____
35 Maria C. Camara, Village Clerk

36
37 Approved as to form:

38
39 _____
40 John J. Hearn, Village Attorney
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Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Ordinance 2014-06

Prepared By: Maria C. Camara

Sponsored By: Staff

Background

On May 21, 2014, the SANITATION FUND budget was presented and Resolution 2014-41 was passed establishing the waste assessment fee for the Village of Biscayne Park at \$467.00 per residential unit.

A provision of the Resolution states that, *"Prior to October 1, 2014, the Mayor and Village Commission shall update Section 17-4 of the Village's Code of Ordinances entitled "Imposition of Solid Waste Management Fee Assessment", to update the annual solid waste management fee to the fees identified herein."*

Ordinance 2014-06 presented here at first reading provides for that requirement.

Fiscal/Budget Impact

Advertising for second reading and codification.

August 5, 2014

Commission Agenda Report

Ordinance 2014-06

Recommendation

Approval at first reading.

Attachments

- Ordinance 2014-06
- Resolution 2014-41

1 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE
2 VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

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

6 **Section 2.** Authority. This Ordinance is adopted pursuant to provisions of Section
7 17.4 of the Land Development Code and Sections 166.021 and 166.041, Florida Statutes, and
8 other applicable provisions of law.

9 **Section 3.** Imposition of Solid Waste Management Fee Assessment.

10 (A) Residential units include all residential properties within the Village except for
11 building containing six (6) or more contiguous dwelling units are to receive solid waste services
12 from the Village. Six or more contiguous dwelling units are to contract with a County approved
13 contractor.

14 (B) The assessed properties are hereby found to be specially benefitted by the
15 provision of the solid waste collection services in the amount of the solid waste management fee
16 assessment of \$467.00 per residential unit and are determined to be fairly and reasonably
17 apportioned.

18 (C) For the fiscal year beginning October 1, 2014, the total solid waste management
19 fee assessment throughout the Village is estimated to be \$605,655.00.

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

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

4 **Section 4.** Effect and Adoption of Ordinance. The adoption of this Ordinance shall
5 be the final adjudication of the issues presented unless proper steps shall be initiated in a court of
6 competent jurisdiction to secure relief within twenty calendar days from the date of this
7 assessment.

8 **Section 5.** **Severability.** The provisions of this Ordinance are declared to be
9 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
10 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
11 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
12 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
13 part.

14 **Section 6.** **Repeal of Conflicting Provisions.** To the extent any provisions of the
15 Code conflict with this Chapter, those provisions are repealed in its entirety.

16 **Section 7.** **Effective Date.** This Ordinance shall be effective upon adoption at
17 second reading.

18
19 The foregoing Ordinance was offered by _____, who moved its
20 adoption. The motion was seconded by _____ and upon being put to a
21 vote, the vote was as follows:

22
23 PASSED AND ADOPTED upon first reading this ___ day of _____, 2014.

24 PASSED AND ADOPTED upon second reading this ___ day of _____, 2014.

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

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David Coviello, Mayor

Mayor Coviello: _____
Vice Mayor Ross: _____
Commissioner Anderson: _____
Commissioner Jonas: _____
Commissioner Watts: _____

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

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RESOLUTION NO. 2014-41

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE ANNUAL WASTE FEE ASSESSMENT FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Biscayne Park utilizes Miami-Dade County Office of the Property Appraiser, Administrative Division, (hereinafter referred to as "the County") to collect the Village's annual waste fee assessment on the TRIM Notices and Tax Bills; and,

WHEREAS, the goal of this administration is to continue providing top level services to the residents of the Village Biscayne Park, and,

WHEREAS, the Village Administration has met several times and have completed a thorough assessment of the Sanitation budget and have determined the necessary dollars needed to provide our residents with the services as they relate to sanitation and waste management; and,

WHEREAS, the County's Property Appraiser Office requires that the Village submit its rate by June 1, 2014, in order to appear on the TRIM notices; and,

WHEREAS, the assessed properties are hereby found to be specially benefitted by the provision of solid waste collection services, and the solid waste management fee assessment is estimated to be \$467.00 per residential unit, based on the approved annual Sanitation budget of \$605,655.00; and,

NOW THEREFORE IT IS HEREBY RESOLVED BY THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

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

Section 2. The Finance Director is authorized to submit to Miami-Dade County, by June 01, 2014, the Village of Biscayne Park's annual waste fee assessment which is estimated to be \$467.00 per residential unit, based on the approved annual Sanitation budget of \$605,655.00.

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Section 3. The Finance Director is to also provide the County with the data file containing folio numbers with district information, which will be placed on the TRIM Notices and Tax Bills of the Village's residents.

Section 4. Prior to October 1, 2014, the Mayor and Village Commission shall update Section 17-4, of the Village's Code of Ordinances entitled "Imposition of Solid Waste Management Fee Assessment", to update the annual solid waste management fee to the fees identified herein.

Section 5. This Resolution shall become effective upon adoption.

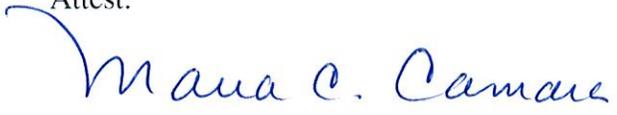
PASSED AND ADOPTED this 21st day of May, 2014.

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



David Coviello, Mayor

Mayor Coviello: Yes
Vice Mayor Watts: Not present during vote
Commissioner Anderson: No
Commissioner Jonas: Yes
Commissioner Ross: Yes

Attest:


Maria C. Camara, Village Clerk

Approved as to form:


John J. Hearn, Village Attorney

Fiscal Year 2014-15 Budget - Village of Biscayne Park

402 SANITATION		Adopted Budget 2013-14	Actual 2013-14 Thru 3/31	Projected 2013-14 Thru 9/30	Variance Budget to Proj 2013-14	Manager Recomm. 2014-15	Variance 2013-14 to 2014-15
Revenues	Explanation of Line Item						
Sanitation Assessment		742,664	683,000	742,664	0	605,655	(137,009)
Disc. for Early Payment	2% of sanitation assessment	-14,486	-7,243	-14,486	0	-12,110	2,376
Special Trash Pick Up	Waste Pro handling all special pick ups	5,000	3,599	5,000	0	0	(5,000)
Total Revenues Sanitation		733,178	679,356	733,178	0	593,545	(139,633)
Salaries & Benefits	Explanation of Line Item						
Regular Salaries		176,368	84,089	176,368	0	0	(176,368)
Bonus		3,500	3,500	3,500	0	0	(3,500)
Overtime		2,150	2,048	2,500	(350)	0	(2,150)
Total Salaries & Wages		182,018	89,637	182,368	(350)	0	(182,018)
FICA Taxes		13,492	6,820	13,492	0	0	(13,492)
Retirement (FRS)		15,306	6,407	15,306	0	0	(15,306)
Life & Health Benefits		37,042	18,964	39,000	(1,958)	0	(37,042)
Workers Comp		19,814	10,172	19,814	0	0	(19,814)
Total Benefits		85,654	42,362	87,612	(1,958)	0	(85,654)
TOTAL SALARIES & BENEFITS		267,672	131,999	269,980	(2,308)	0	(267,672)
Operating Expenses	Explanation of Line Item						
Contractual Services - Solid Waste Collection	Waste Pro	0	0	0	0	388,933	388,933
Professional Services - Audit		3,000	1,000	3,000	0	0	(3,000)
Contractual Services - Alarm/Pest Control		1,680	0	1,680	0	0	(1,680)
Landfill Tipping Fees		183,340	84,425	180,000	3,340	0	(183,340)
Recycling Fees		35,000	26,250	35,000	0	0	(35,000)
Recycling Containers	One-time purchase of 1,430 carts (1,298 properties plus 10% surplus stock, including assembly and distribution)	0		0	0	81,000	81,000
Communications-Telephone & Internet		2,500	168	1,800	700	0	(2,500)
Electric		2,500	423	2,500	0	0	(2,500)
Water & Sewer		1,500	0	1,500	0	0	(1,500)
Insurance Liability		7,500	4,145	7,500	0	0	(7,500)
Insurance Vehicles		4,000	1,842	4,000	0	0	(4,000)
R&M Vehicles		20,000	14,831	20,000	0	0	(20,000)
R&M Buildings		1,500	0	1,500	0	0	(1,500)
Advertising Special Pick-Up		1,000	0	500	500	1,000	0
Misc Operating Supplies		3,200	2,253	3,200	0	0	(3,200)
Uniforms & Cleaning		2,700	2,217	3,000	(300)	0	(2,700)
Diesel		16,620	8,153	16,620	0	0	(16,620)
Education & Training		1,000	0	500	500	0	(1,000)
Equipment Depreciation		16,972	7,072	16,972	0	0	(16,972)
Debt Service Principal		4,358	3,054	4,358	0	0	(4,358)
Debt Service Interest		760	659	760	0	0	(760)
Direct Departmental Overhead Fees	See detail page.	56,259	38,375	56,259	0	44,958	(11,301)
Road Fund Overhead Fees	See detail page.	20,491	10,120	20,491	0	22,609	2,118
Administrative Fees General Fund	See detail page.	68,772	34,386	68,772	0	40,188	(28,584)
Administrative Fees Miami Dade County	Estimated 1% of total sanitation assessment for billing on Property Bill	7,254	0	7,254	0	6,057	(1,197)
General Contingency	Unforeseen expenses	3,600	0	0	3,600	0	(3,600)
Transition Contingency	For Florida Reemployment Assistance Program	0	0	0	0	8,800	8,800
TOTAL OPERATING EXPENSES		465,506	239,373	457,166	8,340	593,545	128,039
TOTAL DEPT 402 SANITATION BUDGET		733,178	371,372	727,146	6,032	593,545	(139,633)



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Ordinance 2014-07

Prepared By: Maria Camara

Sponsored By: Staff

Background

At the July 1, 2014 commission meeting, an item was brought forward for discussion on behalf of the Code Review Board requesting an amendment to Chapter 7 of the Land Development Code regarding watercraft registrations. In order to properly enforce the provisions of our code, it was requested that "where required by State Statute" be removed.

It was the consensus of the commission to direct the Village attorney to clarify what the legislative intent is and to draft an ordinance for first reading with the correct language.

Fiscal / Budget Impact

Advertising and codification requirements for an ordinance.

August 5, 2014

Commission Agenda Report

Ordinance 2014-07

Recommendation

Approval at first reading.

Attachments

- Ordinance 2014-07

1
2 **ORDINANCE 2014-07**
3

4 **AN ORDINANCE OF THE VILLAGE**
5 **COMMISSION OF THE VILLAGE OF**
6 **BISCAYNE PARK, FLORIDA AMENDING**
7 **CHAPTER 7 OF THE VILLAGE’S LAND**
8 **DEVELOPMENT CODE, ENTITLED**
9 **“RECREATION AND OPEN SPACE”, TO**
10 **PROVIDE REQUIREMENTS FOR**
11 **WATERCRAFTS TO BE REGISTERED WITH**
12 **THE STATE AND TO PROVIDE OTHER**
13 **CLARIFICATIONS; PROVIDING FOR**
14 **SEVERABILITY; PROVIDING FOR**
15 **CODIFICATION; PROVIDING FOR**
16 **EFFECTIVE DATE**
17

18 WHEREAS, on July 9, 2013, the Village Commission approved ordinance 2013-06
19 providing conditions for the storage of watercraft, recreational vehicles, commercial vehicles and
20 trailers; and

21 WHEREAS, at the public hearings discussing the passage of Ordinance 2013-06, the
22 Village Commission articulated a desire to accommodate watercraft being placed on residential
23 lots to provide an opportunity for residents to recreate in the surrounding waterways; and

24 WHEREAS, the intention of the Commission was not to allow for the long term storage
25 of non-operating watercraft; and

26 WHEREAS, on January 15, 2014, the Code Review Board discussed this matter and
27 requested the Village Commission require all watercraft to be registered with the state; and

28 WHEREAS, the Village Commission finds it to be in the best interests of its citizenry to
29 amend the Village’s Land Development Code to require watercraft to be registered with the
30 state; now, therefore

31 BE IT ORDAINED BY THE MAYOR AND THE VILLAGE COMMISSION OF THE
32 VILLAGE OF BISCAYNE PARK, FLORIDA:

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

4 **Section 2.** Chapter 7 of the Village of Biscayne Park Land Development Code,
5 entitled “Recreation and open space”, is hereby amended to read as follows:
6

7 **CHAPTER 7. RECREATION AND OPEN SPACE.**

8 **7.1 Generally.**

9
10 7.1.1 *Purpose of chapter.* The purpose of this chapter is to describe the conditions for the
11 storage of watercraft, recreational vehicles, commercial vehicles and trailers in the village.
12

13 **7.2 Watercraft.**

14
15 7.2.1 *Conditions for the storage of watercraft.* Watercraft not more than twenty-six (26) feet in
16 length, not more than eight (8) feet six (6) inches in beam, and not more than thirteen (13) feet,
17 six (6) inches in height, may be stored subject to the following conditions:
18

19 (a) No watercraft shall be kept, stored or parked so that any part shall extend into the
20 front yard beyond the front building line. Watercraft shall be obscured from the public right-of-
21 way with a fence or hedge, except in the following conditions:
22

- 23 (1) Where a watercraft which ~~is~~ was owned on or before July 9, 2013, ~~at the time of~~
24 ~~the effective date of compliance of this ordinance (Section 7.7)~~, cannot be placed
25 behind the front building line without the removal of mature landscaping, a large
26 tree(s), an existing wall, or insufficient space exists (i.e., because of a septic tank
27 or other necessary obstruction) to the side of the building, the property owner may
28 apply for an administrative variance to the Planning and Zoning Board, without
29 charge or fee for storage of a boat in the front yard. Anyone acquiring a
30 watercraft ~~within 365 days from the passage of this Ordinance~~ on or before July 9,
31 2014 may also apply for an administrative variance to the Planning and Zoning
32 Board, without charge or fee for storage of a boat in the front yard. Upon proof of
33 any of the above conditions, the administrative variance will be granted and shall
34 remain in place until the Village registration form is not renewed (for that boat or
35 any subsequent replacement boat ~~pur~~hechased for that administrative variance
36 location) or such time as the house is sold or the occupant-lessee relocates. After
37 the ~~365 day~~ period identified herein above, an applicant may file for a variance
38 pursuant to Chapter 18 of the Land Development Code.
39
40

1 * * * *

- 2
3 (i) Watercraft shall be owned by the occupant-owner or occupant-lessee of the
4 property. In order to ensure that watercraft is being used and not stored on
5 property for long term storage, aAll state registrations for watercraft and trailers
6 registrations where required by state statute shall be kept current and a copy of the
7 registration must be provided to the Village within thirty (30) days of enactment
8 of this Code if currently stored or parked or prior to storing a watercraft on an
9 occupant-owner or occupant-lessee's premises.

10 * * *

11
12
13 **7.3 Recreational vehicles and trailers.**

14
15 7.3.1 *Conditions for the storage of recreational vehicles and trailers.* Recreational vehicles
16 and trailers in the form of travel and camping trailers, transport trailers and motor travel homes,
17 designed and used as temporary living quarters for recreation or travel use may be parked in the
18 open on sites containing a single-family or duplex residence, subject to the following conditions:
19

20 (a) No recreational vehicle or trailer shall be kept, stored or parked so that any part
21 shall extend into the front yard beyond the front building line. Recreational vehicles and trailers
22 shall be obscured from the public right-of-way with a fence or hedge, except in the following
23 conditions:
24

- 25 (1) Where a recreational vehicle or trailer which is was owned on or before July 9,
26 2013, at the time of the effective date of compliance of this ordinance (Section
27 7.7), this ordinance is enacted cannot be placed behind the front building line
28 without the removal of mature landscaping, a large tree(s) an existing wall, or
29 insufficient space exists (i.e., because of a septic tank or other necessary
30 obstruction) to the side of the building, an owner may apply for an administrative
31 variance to the Planning and Zoning Board, without charge or fee for storage of a
32 recreational vehicle or trailer in the front yard. Anyone acquiring a recreational
33 vehicle or trailer on or before July 9, 2014 may also apply for an administrative
34 variance to the Planning and Zoning Board, without charge or fee for storage of a
35 recreational vehicle or trailer in the front yard. Upon proof of any of the above
36 conditions, the variance will be granted and shall remain in place until the Village
37 registration form is not renewed (for that recreational vehicle or any subsequent
38 replacement recreational vehicle purchased for that administrative variance
39 location) or such time as the house is sold or the occupant-lessee relocates. After
40 the ~~365 day~~ period identified herein above, an applicant may file for a variance
41 pursuant to Chapter 18 of the Land Development Code.

42 * * *

43
44
45 **Section 3. Severability.** Should any section, provision, paragraph, sentence, clause of
46 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction

1 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
2 not affect the validity of the remaining portions or applications of this Ordinance.

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

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

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

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

15
16 PASSED AND ADOPTED upon first reading this ____ day of _____, 2014.

17 PASSED AND ADOPTED upon second reading this ____ day of _____, 2014.

18
19 The foregoing ordinance upon being
20 put to a vote, the vote was as follows:

21
22
23 _____
24 David Coviello, Mayor

25
26 Attest:

27 Mayor Coviello: ____
28 Vice Mayor Ross: ____
29 Commissioner Anderson: ____
Commissioner Jonas: ____
Commissioner Watts: ____

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Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Ordinance 2014-05

Prepared By: Maria C. Camara

Sponsored By: Staff

Background

At the June 3rd commission meeting, Gage Hartung, Chair of the Code Review Board, presented the Commission with the board's recommendation to update the Village Code as it relates to roofing material. Based on the presentation and the Commission's review of the proposed language, direction was given to draft an Ordinance for first reading.

At the July 1st commission meeting, Ordinance 2014-05 was presented for first reading. During discussion, direction given to clarify the language as it relates repair or replacement of existing asphalt roofs if an engineer's report shows that the structure cannot support tile; and to add language to allow replacement of wood shingles on the Village Hall log cabin.

Fiscal/Budget Impact

Cost for advertising requirements for second reading and codification.

August 5, 2014

Commission Agenda Report

Ordinance 2014-05

Recommendation

Approval at second reading.

Attachments

- Ordinance 2014-05

1
2 **ORDINANCE NO. 2014-05**
3

4 **AN ORDINANCE OF THE VILLAGE**
5 **COMMISSION OF THE VILLAGE OF BISCAYNE**
6 **PARK, FLORIDA AMENDING CHAPTER 10, OF**
7 **THE LAND DEVELOPMENT CODE ENTITLED**
8 **“DESIGN AND IMPROVEMENT STANDARDS”,**
9 **RELATIVE TO ROOFING; PROVIDING FOR**
10 **CONFLICTS; PROVIDING FOR CODIFICATION;**
11 **PROVIDING FOR SEVERABILITY; PROVIDING**
12 **FOR AN EFFECTIVE DATE**
13

14 WHEREAS, Chapter 10 of the Village Land Development Code provides design and
15 improvement standards for property located in the Village; and
16

17 WHEREAS, the Code Review Board has reviewed the Code relative to roofing materials
18 and has recommended including metal roofing within the Village’s Code; and
19

20 WHEREAS, the Village Commission deems it to be in the best interests of the Village to
21 revise the Code to permit metal roofing material on homes within the Village;
22

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

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

29 **Section 2.** Section 10.4 of the Land Development Code of the Village of Biscayne
30 Park, entitled, “Building construction”, is hereby amended to read as follows:

31 **10.4. - Building construction.**
32

33 10.4.1 *Building code.* The ~~South~~ Florida Building Code, and as same may be amended
34 from time to time, as published by the Board of County Commissioners, Miami-Dade County,
35 Florida, is hereby adopted as and for the building code of the village. A copy of the code is on
36 file in the village clerk’s office.
37

38 10.4.2 *Applicable codes.* All construction in the public rights-of-way shall conform to
39 the uniform standards established by the official Public Works Manual of ~~Metro~~ Miami-Dade
40 County.
41



1 10.4.3 *Minimum construction dimensions.* The establishment of minimum construction
2 dimensions by this code shall not be deemed as permitting any deviation from the requirements
3 of the Florida Building Code. All buildings, including accessory buildings regardless of size
4 and cost must comply with the provisions of the Florida Building Code and must be so
5 constructed as to be safe from all storm hazard.

6
7 10.4.4 *Material used in construction.* No material shall be used in the construction of
8 buildings except stone, concrete blocks, tile, brick or brick veneer, frame, steel or any standard
9 fabricated material. All buildings shall be constructed on concrete or tile foundations under all
10 portions of main buildings.

11
12 ~~10.4.6~~ 10.4.5 *Tile or metal required on pitched roof.* Any building constructed in the
13 village that has a pitched roof, shall have a roof finished with clay or cement tile or metal.

14
15 ~~10.4.5~~ 10.4.6 *Roof material.*

16
17 (a) Roof material shall be of tile or metal for roofs with ~~an incline~~ a pitch of more
18 than two and one-half (2 ½) inches per foot. Roofing materials shall be of engineered built-up
19 ~~tar and gravel roofing material~~ for roofs with ~~an incline~~ a pitch less than ~~two and one half (2~~
20 ~~½)three (3)~~ inches per foot. ~~unless the roof structure will not support the weight in which case~~
21 ~~wood or composition shingles may be used~~

22
23 (b) — ~~No plain felt mopped on roof shall be permitted on any pitched roof.~~

24
25 ~~(e)(b)~~ All dwellings erected shall comply with the Florida Building Code. ~~be~~
26 ~~consistently stormproof, according to the latest approved code and building methods.~~

27
28 ~~(d)(c)~~ No three-tab shingles shall be permitted.

29
30 (d) Wood shingles shall not be permitted except at the historic Village Hall log cabin.

31
32 ~~(d)(e)~~ Metal with a factory finish that has received a “notice of acceptance” from
33 Miami-Dade County and that is labeled “Miami-Dade County Product Control Approved” may
34 be used as roofing material for ~~residences—buildings~~ subject to review and approval of the
35 planning board in accordance with the following:

36
37 (1) The subject ~~residence—building~~ is constructed in the high modern, post-war
38 modern, ranch or Key West architectural style, or a variation thereof.

39
40 (2) The type of roof shall be limited to standing seam metal and shall specifically
41 exclude metal roofing intended to replicate barrel tile or Spanish-S tile.

42
43 (3) The color of the roof shall be limited to colors silver, grey, brown, copper and
44 white and shall not be bright or highly reflective and must be harmonious with the
45 exterior color of existing buildings on the plot and the neighborhood in general.

1 (4) The details, color and manner of installation shall be consistent with the
2 architectural design, style and composition of the residential or commercial structure.

3
4 (5) Roofs with a pitch less than three (3) inches per foot will be prohibited
5 from installing metal roofing material.

6
7 (6) Roofs with a pitch above three (3) inches per foot and up to four (4) inches
8 per foot shall have an overhang of no less than eighteen (18) inches around the
9 entire perimeter and a fascia board with a nominal dimension no less than six (6)
10 inches.

11
12 (7) Roofs with a pitch above four (4) inches per foot shall have an overhang
13 of no less than twelve (12) inches around the entire perimeter and a fascia board
14 with a nominal dimension no less than six (6) inches.

15
16 ~~(e)(f)~~ Asphalt shingles ~~or wood or metal~~ may be used in reroofing to replace an existing
17 asphalt shingle roof ~~or wood roof respectively~~ if an engineer's evaluation is provided to the
18 village certifying that the roof is not structurally adequate to utilize ~~any of the other approved tile~~
19 roofing materials.

20
21 ~~(f)(g)~~ No variances from any of these provisions shall be granted.

22
23 10.4.7 *Roof repair or reroofing requirement and exception.* All buildings in the village
24 which have roofs which are concrete tile, ~~or~~ clay tile or metal ~~roofs~~ must be repaired or reroofed
25 only with clay tile, ~~or~~ concrete tile or metal. Repair of tile or metal roofs shall be of a consistent
26 style and color with the existing roof. ~~Shingles in reroofing shall be permitted only on existing~~
27 roofs that had shingles on the effective date of this code. In all cases work shall conform with all
28 requirements of the Florida Building Code adopted herein for tile roofs.

29
30 * * *

31
32
33 **Section 3. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
34 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

35 **Section 4. Severability.** The provisions of this Ordinance are declared to be
36 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
37 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
38 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
39 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
40 part.



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Resident Decal Safety

Prepared By: Chief Cornelius F. McKenna

Sponsored By: Staff

Background

On July 1, 2014, the Commission discussed efforts to begin branding and marketing the Village of Biscayne Park. The Police Department was asked to determine if there might be any safety issue for residents if “Euro” magnets or any such type of decal or magnet were issued.

My research consisted of contacting the below police departments and municipality. Two of the three issued resident decals. The car sticker/magnet is not perceived as a problem by them.

City of Parkland: I spoke with Administrative Assistant to the City Manager Hollie Ria Moale. Ms. Moale said her jurisdiction issues a resident sticker for a fee of \$5.00. It is required that you show identification with residency indicated on it (e.g., driver license). Ms. Moale said they have had no safety issues whatsoever to her knowledge. Ms. Moale added that the only problem at all they have had is that some residents

August 5, 2014

Commission Agenda Report

Resident Decal Safety

had an expectation that if they put the sticker on their car, the police would not stop them.

Lighthouse Point Police Department: I spoke with Lighthouse Point PD Duty Sergeant Curt Lai. Sgt. Lai stated they have never had a problem with any resident becoming a crime victim because he or she had a decal on their vehicle. Sgt. Lai states that the decal has served as a community pride tool. Additionally, it was been useful to residents engaged in community watch practices and has been helpful at time to the Police Department in their mission. Sgt. Lai stated they do not charge a fee, but request a voluntary donation which offsets the costs of the stickers. Sgt. Lai stated any overages are moved into the police budget.

Key Biscayne Police Department: I spoke with Deputy Chief Jose Monteagudo. He advised me that his agency does not issues resident decals to residents.

Fiscal/Budget Impact

N/A

Recommendation

I believe it extremely unlikely a resident decal or magnet presents a safety issue or other potential victimization issue to our residents. Additionally, under certain conditions and circumstances, a resident decal or magnet could be a useful tool for the Police Department.

Attachments

N/A



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Ygrene - Clean Energy Coastal
Corridor Update

Prepared By: Vice Mayor Roxanna Ross

Sponsored By: Commission

Background and Update:

We last reported that the order approving the bond issue for the Clean Energy Coastal Corridor ("CECC") was challenged by appeal, and the program could not proceed until those issues are resolved.

In the interim, the CECC has applied to participate as a non-voting member of the already existing Clean Energy Green Corridor ("Green Corridor") for a period of one year, subject to renewal. The two programs are nearly identical, both administered through Ygrene, facilitating financing for approved clean energy and hardening improvements within participating cities.

The Green Corridor meets on Friday, August 29 at 10 am to consider the CECC application. An affirmative vote at that meeting will be effective immediately, opening access to the Green Corridor program for property owners within the geographic

August 5, 2014

Commission Agenda Report

Ygrene - Clean Energy Coastal Corridor Update

boundaries of the CECC (Biscayne Park, Bay Harbor Islands, Surfside, and newest member North Bay Village).

Details on the Green Corridor are available at https://ygrene.us/fl/green_corridor or by calling Joseph Spector, VP of Operations, Ygrene Energy Funds Florida LLC at 305-569.0015.

Fiscal / Budget Impact

None, except for minimal expense in providing residents contact information to Ygrene



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Board Appointments

Prepared By: Maria C. Camara

Sponsored By: Staff

Background

Parks & Parkway Advisory Board:

At the July 17th Special Commission meeting, it was brought up that the Parks & Parkway Advisory Board has had board member absences and there was a concern of not getting quorum for their monthly meetings. The Board suggested getting an alternate for the Board.

A board member application was received from former board member Lynn Fischer to be appointed as an alternate for the Parks & Parkway Advisory Board.

Recreation Advisory Board:

Board member Patrick McGeehan submitted his resignation from this board due to the fact that he has relocated out of the Village.

A board member application was received from Noah Jacobs to be appointed as a board member for the Recreation Advisory Board.

August 5, 2014

Commission Agenda Report

Board Appointments

Fiscal/Budget Impact

None.

Staff Recommendation

The Village Commission to consider the attached board applications.

Attachments

- Board Application - Lynn Fischer - Alternate for the Parks & Parkway Advisory Board
- Board Application - Noah Jacobs - Board member for the Recreation Advisory Board
- Board Attendance - all boards



Village of Biscayne Park Board Member Application

Last Name Fischer		First Name Lynn		M.I. D
Home Address 11605 NE 10th Ave		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address -		City -	State -	Zip Code -
Home Telephone Number -	Cell Number 786 515 4213	Work Number -		
E-Mail Address fish009@bellsouth.net			Are you a registered voter? Yes or No yes	

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.

Parks and Parkway Advisory Board - Alternate member

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

Parks and Parkway Advisory Board (2005? - 2011?)

Educational qualification.

Masters in Instructional Technology from University of Miami

List any related professional certifications and licenses which you hold.

-

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

retired Dade County Public Schools teacher

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

I have a passionate interest in native wildlife. I have some knowledge of native and tropical plants. I would like to be involved in assisting Biscayne Park further develop their urban landscaping.

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.

Lynn Fischer Signature

July 23, 2014 Date



Village of Biscayne Park Board Member Application

Last Name JACOBS	First Name Noah	M.I. J
----------------------------	---------------------------	------------------

Home Address 1090 NE 119th St	City Biscayne Park	State FL	Zip Code 33161
---	------------------------------	--------------------	--------------------------

Principal Business Address	City	State	Zip Code

Home Telephone Number 786-385-4136	Cell Number	Work Number

E-Mail Address NEJACOBS@BELLSOUTH.NET	Are you a registered voter? Yes or No Yes
---	---

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.

RECREATION ADVISORY

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

NONE

Educational qualification.

B.A., Post Bacc.

List any related professional certifications and licenses which you hold.

Teaching Cert, 1215 license

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

MASS MUTUAL

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

**MAYOR OF BISCAYNE PARK (2011-2013)
10 years teaching experience**

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.

Noah Jacobs _____ **7/21/14** _____
Signature Date

VILLAGE OF BISCAYNE PARK BOARD/COMMITTEE ATTENDANCE LOG

Board	Meeting Date	Hartung	Bickel	Hornbuckle	Olis	Tannehill	Rumiano
Planning & Zoning	1/6/2014	☑	☑	☑	☑	☑	☑
Planning & Zoning	1/21/2014	N	☑	N	☑	☑	☑
Planning & Zoning	2/3/2014	☑	☑	N	N	☑	N
Planning & Zoning	2/18/2014	☑	☑	☑	☑	☑	N
Planning & Zoning	3/3/2014	☑	☑	N	☑	☑	N
Planning & Zoning	3/17/2014	☑	☑	☑	☑	☑	N
Planning & Zoning	4/7/2014	☑	☑	☑	N	☑	N
Planning & Zoning	4/21/2014	☑	☑	☑	☑	N	N
Planning & Zoning	5/5/2014	☑	☑	N	☑	☑	N
Planning & Zoning	5/19/2014	☑	☑	☑	☑	N	N
Planning & Zoning	6/2/2014	☑	☑	☑	☑	N	N
Planning & Zoning	6/16/2014	☑	☑	N	☑	☑	N
Planning & Zoning	7/7/2014	☑	N	☑	☑	N	N
Planning & Zoning	7/21/2014	☑	☑	☑	☑	☑	N
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							
Planning & Zoning							

Key:

☑	Present
N	Absent
[Light Pink Box]	Alternate Board Member
[Light Gray Box]	No meeting

VILLAGE OF BISCAYNE PARK BOARD/COMMITTEE ATTENDANCE LOG

Board	Meeting Date	Kuhl	Bilt	DeBernardi	Dillon	Blanton	
Code Compliance	1/14/2014	☑	☑	☑	☑	☑	
Code Compliance	1/27/2014	☑	☑	N	☑	☑	
Code Compliance	2/11/2014	☑	☑	☑	☑	☑	
Board	Meeting Date	Kuhl	Bilt	Beltran	Dillon	Blanton	
Code Compliance	3/5/2014	☑	☑	N	☑	☑	
Code Compliance	3/6/2014	☑	☑	N	☑	☑	
Code Compliance	3/11/2014	☑	☑	☑	☑	☑	
Board	Meeting Date	Kuhl	Bilt	Beltran	Dillon	Blanton	Sardella
Code Compliance	4/8/2014	☑	☑	N	☑	☑	N
Code Compliance	5/13/2014	☑	N	☑	☑	☑	N
Code Compliance	6/10/2014	☑	☑	☑	☑	☑	☑
Code Compliance	7/8/2014	N	☑	☑	☑	☑	N
Code Compliance	7/29/2014	☑	☑	☑	☑	☑	☑

Key:	
☑	Present
N	Absent
[Light Pink Box]	Alternate Board Member
[Light Gray Box]	No meeting

VILLAGE OF BISCAYNE PARK BOARD/COMMITTEE ATTENDANCE LOG

Board	Meeting Date	Samaria	Huber	McGeehan		Pettis	Gibson
Recreation Advisory	1/9/2014	☑	N	☑		☑	N
Recreation Advisory	2/27/2014	☑	N	☑		☑	N
Board	Meeting Date	Samaria	McDonald	McGeehan	Espinoza	Pettis	
Recreation Advisory	3/25/2014	☑	N	☑	☑	☑	
Recreation Advisory	4/22/2014	☑	N	☑	☑	☑	
Recreation Advisory	5/27/2014	☑	☑	☑	☑	☑	
Recreation Advisory	No June Meeting						
Recreation Advisory	7/22/2014	☑	N	☑	N	☑	

Key:

☑	Present
N	Absent
[Light Pink Box]	Alternate Board Member
[Light Gray Box]	No meeting

VILLAGE OF BISCAYNE PARK BOARD/COMMITTEE ATTENDANCE LOG

Board	Meeting Date	Davis	Gottlieb	Pliske	Smith	Strassberg	
Ecology	No Jan Meeting						
Ecology	2/18/2014	N	N	☑	☑	☑	
March 2014 Board Appointments		DeBernardi	Pliske	Smith	Strassberg		
Ecology	No March Meeting						
Ecology	4/21/2014	☑	☑	N	☑		
Ecology	No May Meeting						
March 2014 Board Appointments		DeBernardi	Pliske	Smith	Strassberg	Gottlieb	Bronzi
Ecology	6/23/2014	N	☑	☑	☑	☑	N
Ecology	7/21/2014	☑	☑	N	☑	N	☑

Key:

☑	Present
N	Absent
	Alternate Board Member
	No meeting

VILLAGE OF BISCAYNE PARK BOARD/COMMITTEE ATTENDANCE LOG

Board	Meeting Date	Keys	Silverman		Wagoner		Kuhl
Parks & Parkway	1/4/2014	☑	☑		☑		☑
Parks & Parkway	2/19/2014	☑	☑		☑		☑
Board	Meeting Date	Keys	Silverman	Kuhl	Wagoner	Moreno	
Parks & Parkway	3/26/2014						
Parks & Parkway	4/2/2014						
Parks & Parkway	4/23/2014						
Parks & Parkway	5/28/2014						
Parks & Parkway	6/18/2014						
Parks & Parkway	7/16/2014						
Parks & Parkway							
Parks & Parkway							
Parks & Parkway							

Minutes did not specify who was in attendance. Pending Chair to provide.

Key:

☑	Present
N	Absent
	Alternate Board Member
	No meeting

VILLAGE OF BISCAYNE PARK BOARD/COMMITTEE ATTENDANCE LOG

Board	Meeting Date	Hartung	Blanton	Olis	Hamelburg	Kuhl	
Code Review	1/8/2014	☑	☑		☑	☑	
Code Review	1/15/2014	☑	☑	☑	☑	N	
Code Review	2/5/2014	☑	☑	☑	☑	N	
Code Review	2/22/2014	☑	☑	☑	N	☑	
Code Review	3/5/2014						
Code Review	3/26/2014	☑	☑	☑	☑	☑	
Code Review	4/2/2014	☑	N	☑	☑	☑	
Code Review	4/16/2014						
Code Review	6/4/2014	☑	☑	☑	☑	☑	
Code Review	6/15/2014						
Code Review	7/2/2014						

Key:

☑	Present
N	Absent
[Light Pink Box]	Alternate Board Member
[Light Gray Box]	No meeting

VILLAGE OF BISCAYNE PARK BOARD/COMMITTEE ATTENDANCE LOG

Board	Meeting Date	Piper	Bertolli	Newberry	Weiss		
Public Art Advisory Board	4/9/2014	☑	☑	N	☑		
Public Art Advisory Board	4/16/2014	☑	☑	☑	☑		
Board	Meeting Date	Piper	Bertolli	Newberry	Weiss	Marinoni	
Public Art Advisory Board	5/14/2014	☑	N	☑	☑	☑	
Public Art Advisory Board	5/20/2014	☑	☑	☑	☑	☑	
Board	Meeting Date	Piper	Cohen	Newberry	Weiss	Marinoni	
Public Art Advisory Board	6/11/2014	☑	☑	☑	☑	☑	
Public Art Advisory Board	7/9/2014	☑	N	☑	☑	N	

Key:

☑	Present
N	Absent
	Alternate Board Member
	No meeting



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Update - Annexation

Prepared By: Commissioner Bob Anderson

Sponsored By: Commission

Background

On February 11, 2014 we submitted an application to the county to annex an area bordered by the FEC tracks on the west, NE 121 St on the north, Biscayne Boulevard on the east and NE 119 St. on the south, except that between NE 16 Ave. and Biscayne Blvd. the south border extends to the point where NE 16 Ave. and Biscayne Blvd. intersect near NE 116 St.

Fiscal/Budget Impact

None

Recommendation

Commission to be updated and discuss annexation so that our residents are informed.



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Voter Reprecincting

Prepared By: Maria Camara

Sponsored By: Staff

Background

In October 2013, the Miami Dade County Elections Department had begun their comprehensive countywide reprecincting project with a target date of completion before the August 2014 primary election. Numerous factors were taken into consideration when drawing precinct lines. The prime objective was to align new precinct lines with the district boundary lines that were created during the 2012 redistricting process. This largely eliminated what were known as “split” precincts whereby voters with different ballots vote at the same precinct. Additional considerations include a cap on the number of registered voters, size of the polling place and ability to accommodate voters, available parking, maximum distances for voters to travel, and compliance with the Americans with Disabilities Act (ADA). The most advanced technology and resources were made available to ensure the project’s success.

The Elections Department met their timeline and the reprecincting process was completed in advance of the August 2014 primary election. In the last of week of June, registered voters in the Village of Biscayne Park were mailed a new voters

August 5, 2014

Commission Agenda Report

Voter Reprecincting

registration cards and letter if their precinct number changed. The following is an overview of the change for the Village:

Prior to the reprecincting, the Village of Biscayne Park's precincts 151.0, 151.1, and 177.0

Following the reprecincting, the precincts are broken down as follows: 151.0 and 177.0

A total of 1,439 registered voters were affected whereby their precinct was changed from either 151.0 or 151.1 to 177.0. Only the precinct number was changed and the voting location remains the same, the Ed Burke Recreation Center.

Attachments

- E-mail notification from Miami Dade County Elections dated July 22nd
- Precincts in Municipalities as of June 3, 2014
- E-mail notification from Miami Dade County Elections dated July 23rd
- Notification mailed to voters in June if their precinct number changed

Subject: FW: Reprecincting Update and New Precincts/Polling Places
Attachments: Precincts by Municipality.pdf; 06.20.14 First Reprecincting Letter.pdf

From: Lopez, Carolina D. (Elections) [mailto:LOPEZC@miamidade.gov]

Sent: Tuesday, July 22, 2014 10:11 PM

To: Annery Gonzalez; Al Davis; Barbara Herrera; Billy Y. Urquia; Carmen J. Garcia, CMC; Carolina Montealegre; Conchita H. Alvarez, CMC; Debra E. Eastman, MMC; Dwight S. Danie, MSL; Elizabeth Sewell, CMC; Ellisa L. Horvath, MMC; Guido H. Inguanzo, CMC; Herlina Taboada; Jane A. Hines; Jennifer A. Evelyn; Joanna Flores, CMC; Lissette Perez; Marbelys Fatjo, Esq.; Maria Camara; Maria L. Joffee; Maria M. Menendez, CMC, FCRM; Marie O. "Val" Schmidt, CMC; Marilane R. Lima; Maritza Fernandez; Marjorie Tejeda-Castillo, CMC; Marlene Marante; Meighan J. Alexander, CMC; Michael A. Etienne, Esq.; Pamela L. Latimore, CMC; Rafael E. Granado; Ronetta Taylor, MMC; Sandra Novoa, CMC; Suzanne S. Hitaffer, CMC; Teresa M. Soroka, MMC; Thelisca Louis; Todd B. Hannon; Walter J. Foeman; Yvonne P. Hamilton

Cc: Townsley, Penelope (Elections); White, Christina (Elections); Reyes, Zeida (Elections); Innocent, Vanessa (Elections)

Subject: Reprecincting Update and New Precincts/Polling Places

Good evening Municipal Clerks,

As you may know, the Miami-Dade County Board of County Commissioners approved a reprecincting plan to enhance voter convenience and operational efficiencies at Election Day voting locations, with minimal voter impact.

This reprecincting plan provides a better distribution of voters among large precincts that had outgrown their capacity; adds polling facilities where needed; and allows for a more efficient allocation of equipment and personnel resources. As a result, a small number of voters were assigned a new precinct number, polling place, or both for the August 26, 2014 Primary and the November 4, 2014 General Elections. The new list of precincts by municipality as well as the list of polling places that will be used for the upcoming Primary Election are attached.

In light of the small segment of the voter population affected by reprecincting, the Elections Department has engaged in a targeted outreach approach to avoid mass voter confusion. All affected voters will receive two notifications prior to the August 26, 2014 Primary Election. The first notification issued in late June included a new Voter Information Card. The second notification will be issued in early August reminding affected voters of their new precinct and/or polling place assignments, as well as a picture of the polling place, and a Google map of its location. Both of these notifications have been included herewith as a reference.

Given the size of the files, we will be sending you a detailed list of affected voters if your municipality has been affected by reprecincting in a separate email. Additionally, all voters may call 305-499-VOTE (8683) or go to www.iamelectionready.org to check their registration status, confirm their precinct and Election Day voting location, download a copy of their customized sample ballot, and much more.

We appreciate your patience during this reprecincting process, and look forward to working with you over the next month or so as we get our voters Election Ready. In the meantime, if you have any questions, please feel free to contact me or Zeida Reyes at 305-499-8405 or via email at zeidar@miamidade.gov. Thank you

Regards,
Carolina D. Lopez
Deputy Supervisor of Elections
Government Affairs Division
Miami-Dade County Elections Department

Date: 6/3/2014
 Time: 10:38:42AM

Penelope Townsley
 Supervisor of Elections
Precincts In Municipalities
 As of June 3, 2014



Miami-Dade County, FL

Municipality:							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
102.0	103.0	109.0	111.0	112.0	113.0	184.0	
Municipality: AVENTURA							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
006.0							
Municipality: BAL HARBOUR							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
007.0	008.0						
Municipality: BAY HARBOR ISLANDS							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
151.0	177.0						
Municipality: BISCAYNE PARK							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
821.0	822.0	823.0	824.0	825.0	832.0	847.0	849.0
854.0	957.0						
Municipality: CUTLER BAY							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
562.0	601.0	602.0	604.0	605.0	607.0	608.0	609.0
610.0	611.0	612.0	613.0	614.0	615.0	617.0	618.0
626.0	633.0	634.0	635.0	636.0	639.0	640.0	644.0
645.0	646.0	850.0					
Municipality: CORAL GABLES							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
366.0	370.0	371.0	373.0	374.0	450.0	452.0	454.0
462.0	965.0						
Municipality: DORAL							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
159.0							
Municipality: EL PORTAL							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
922.0	951.0						
Municipality: FLORIDA CITY							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
001.0							
Municipality: GOLDEN BEACH							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
349.0	368.0	388.0					
Municipality: HIALEAH GARDENS							
Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct	Precinct
309.0	310.0	311.0	312.0	314.0	315.0	316.0	317.0
318.0	319.0	320.0	321.0	322.0	323.0	324.0	325.0
326.0	327.0	328.0	329.0	330.0	331.0	332.0	333.0
334.0	335.0	336.0	337.0	338.0	339.0	340.0	342.0
357.0	359.0	360.0	362.0	363.0	375.0	377.0	378.0
379.0	380.0	381.0	382.0	386.0	387.0	400.0	
Municipality: HIALEAH							

Maria Camara

From: Lopez, Carolina D. (Elections) <LOPEZC@miamidade.gov>
Sent: Wednesday, July 23, 2014 9:56 AM
To: Maria Camara
Cc: Reyes, Zeida (Elections); Innocent, Vanessa (Elections)
Subject: Reprecincting Impact in Your Municipality (Biscayne Park)
Attachments: Biscayne Park.pdf; Biscayne Park.xlsx; 06.20.14 First Reprecincting Letter.pdf; 08.04.14 Second Reprecincting Letter.pdf

Good morning,

As a follow-up to the email I sent last night regarding reprecincting, attached is the list of voters in your municipality who were impacted by reprecincting in effect for 2014 (provided in both PDF and Excel formats).

As you review the spreadsheet for your municipality, we would like to bring two things to your attention on the spreadsheet:

- The last column indicates how the voter was impacted. If it reads "Precinct Number Only," the voter continues to vote in the same location under a different number only. If it reads "Polling Place Only" or "Both Precinct Number and Polling Place Change," the voter now votes in a new location from previous elections.
- There is a summary at the bottom of the spreadsheet:

SUMMARY OF VOTERS AFFECTED BY REPRECINCTING:	
1,439	Precinct Number Only
-	Polling Place Only
-	Both Precinct Number and Polling Place
1,439	Total

These voters have already received a new Voter Information Card along with the attached letter indicating that a change has occurred. They will also receive a follow up letter in early August reminding them of this change. That letter will contain a map showing their polling location as well as a photograph of the building. Both of these letters were included in last night's email, but attached herewith for your convenience.

Please let us know if you have any questions related to this. Thank you

Regards,
Carolina D. Lopez
Deputy Supervisor of Elections
Government Affairs Division
Miami-Dade County Elections Department
2700 NW 87th Avenue
Miami, Florida 33172
305-499-8409 Office
305-495-7557 Mobile
<http://www.miamidade.gov/elections>
"Delivering Excellence Every Day"



miamidade.gov

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-8683 F 305-499-8547
TTY: 305-499-8480

June 20, 2014

Important Notice Your Precinct Number, Polling Place, or Both Have Changed

Dear Voter:

The Miami-Dade County Elections Department has completed the reprecincting process that will be in effect for the August 26, 2014 Primary Election and the November 4, 2014 General Election.

As a result, please be advised your precinct number, polling place, or both have changed. These changes were made to improve your voting experience.

Enclosed is a new Voter Information Card. Please review it carefully to ensure you know where to vote on Election Day. In addition, please verify that all of the information displayed on your new Voter Information Card is correct. If any of the information needs to be updated, or should you have any questions regarding reprecincting, please contact the Miami-Dade Elections Department at 305-499-VOTE (8683).

The only thing left is to participate in the voting process. There are three ways to vote: by Absentee Ballot, during Early Voting, or at your assigned polling place on Election Day. Go to www.iamelectionready.org or call the number above to learn more.

Sincerely

A handwritten signature in black ink, appearing to be "Penelope Townsley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Penelope Townsley
Supervisor of Elections | Miami-Dade Elections Department

Enclosure

(Véase traducción al español al dorso)
For more information, go to www.iamelectionready.org

20 de junio del 2014

Aviso Importante

El Número de su Recinto, su Centro de Votación, o Ambos Han Cambiado

Estimado Elector:

El Departamento de Elecciones del Condado de Miami-Dade ha finalizado el proceso de reorganización de recintos electorales que estará en vigor para las Elecciones Primarias del 26 de agosto del 2014 y las Elecciones Generales del 4 de noviembre del 2014.

A consecuencia de ello, tenga presente que el número de su recinto, su centro de votación, o ambos han cambiado. Estos cambios se realizaron para que usted tenga una mejor experiencia a la hora de votar.

Adjuntamos una nueva Tarjeta de Información del Elector. Sírvase leerla atentamente para cerciorarse de que sabe dónde le corresponde votar el Día de las Elecciones. Asimismo, verifique que todos los datos que se consignan en su nueva Tarjeta de Información del Elector sean correctos. Si es necesario actualizar alguno de esos datos, o si desea hacer alguna consulta acerca de la reorganización de recintos electorales, comuníquese con el Departamento de Elecciones de Miami-Dade por el 305-499-8683 (VOTE).

Ahora solo le resta participar en el proceso de votación. Puede hacerlo de tres maneras: mediante boleta para elector ausente, durante el período de votación anticipada o el Día de las Elecciones en el centro de votación que se le ha asignado. Para obtener más información, visite www.iamelectionready.org o llame al número de teléfono que se indica más arriba.

20 Jun 2014

Avi Enpòtan

Nimewo Biwo Vòt ou, Oswa Lokal Biwo Vòt ou, Oswa Toude te Chanje

Chè Votè:

Depatman Eleksyon Konte Miami Dade sot konplete pwosesis reyòganizasyon sikonskripsyon elektoral la ki pral an vigè pou Eleksyon Primè 26 dawout 2014 ak Eleksyon Jeneral 4 novanm 2014.

Pa konsekan, n'ap avize w ke swa nimewo biwo vòt ou, oswa lokal biwo vòt ou, oswa toude te chanje. Yo te fè chanjman sila yo pou kapab amelyore eksperyans vote w.

Gen yon nouvo kat Enfòmasyon Votè ki akonpave lèt sa-a. Tanpri revize li avèk anpil atansyon pou asire w ke w konnen kikote pou w vote nan Jou Eleksyon. Anplis, tanpri verifye ke tout enfòmasyon ki sou nouvo kat Enfòmasyon Vote a korek. Si gen nenpòt nan enfòmasyon yo ou bezwen mete ajou, oswa si w la gen okenn kesyon konsènan reyòganizasyon sikonskripsyon elektoral la, tanpri kontakte Depatman Eleksyon Konte Miami-Dade nan 305-499-8683 (VOTE).

Sol bagay ki fèt se pou w patisipe nan pwosesis vote a. Gen lwa asan pou votè ankabiltan Votè Pa Konspòndan e menm deyò Votè Pi Bon a, oswa nan biwo vòt ki lozisyen nou yo lakay ou, nan tout Eleksyon. Avèk www.iamelectionready.org oswa rele nan nimewo mwayan nou yo nan plis.

Atentamente /



Penelope Townsley

Supervisora de Elecciones | Departamento de Elecciones de Miami-Dade

Anexo |

(See English version on reverse side)



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: Fine Reduction

Prepared By: Maria Camara

Sponsored By: Staff

Background

On June 24, 2014, a lien search was requested for the following property:

- Folio No. 17 2232 023 0510
- Address: 1019 NE 115th Street, Biscayne Park, FL
- Owner: Antoine Verney LE; REM Marie Nicole Monereau; REM Shirley Louis; REM Melinda Theodore

The results of the lien search are as follows:

1. Municipal lien dated August 27, 1991 for \$650.15 + \$12.00 recording fees. With interest at the rate of 18% per annum, the total due is \$2,454.61
2. Unpaid waste fee balance as of January 2006 totaling \$1,126.49. With interest at the rate of 18% per annum, the total due is \$3,588.40

August 5, 2014

Commission Agenda Report

Fine Reduction

3. Three (3) Unpaid special pick up invoices totaling \$85.00

4. Three (3) Code Violations totaling \$4,005.00
 - a. Failure to pay the 2012 landlord permit - October 2013
 - b. Roof in front of house (soffit) falling apart - February 2014
 - c. High grass/weeds/shrubberies - May 2014

5. Landlord permit for 2013 and 2014 totaling \$200

Total: 10,333.01

In addition, there were two special invoices issued on this property by Public Works as a result of the required cleanup during an eviction in late April. The two invoices are:

- Invoice 14-0052 in the amount of \$1,236.64
- Invoice 14-0055 in the amount of \$760.00
- TOTAL: \$1,996.64

These two invoices were not included in the lien search, but have subsequently been provided. Therefore the grand total of all fines is \$12,329.65.

Ulysses Felder, the attorney representing the sellers has requested a fine reduction. This property has been in litigation for over six years and they look to close on the property in August.

The fines for the code violations of \$4,005.00 are being brought forward to the Code Compliance Board on Tuesday, August 12th, for the Board to consider a fine reduction.

The unpaid waste fees from 2006, the invoices for special pick-ups, the invoices resulting from the eviction, and the landlord permits for 2013 and 2014 will not be reduced and Mr. Felder has been advised that the amounts due of \$3,588.40, \$85.00, \$1,996.64 and \$200.00 stand (total is \$5,870.04).

The 1991 municipal lien only in the amount of \$2,454.61 is being brought forward to the Commission to consider a fine reduction.

August 5, 2014

Commission Agenda Report

Fine Reduction

Fiscal / Budget Impact

Total amount due: \$12,329.65

Confirmed as due: \$5,870.04

Balance considered for a fine reduction: \$4,005.00 (Code Compliance Board)

Balance considered for a fine reduction: \$2,454.61 (Village Commission)

Recommendation

Commission to consider the fine reduction request for the 1991 municipal lien totaling \$2,454.61.

Attachments

- Lien search summary dated June 24, 2014
- Municipal lien dated August 27, 1991
- Calculation of municipal lien as of June 2014 with interest
- Invoices 14-0052 and 14-0055 related to the clean up after the eviction



The Village of Biscayne Park

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

Date: June 24, 2014

ONE-STOP LIEN SEARCH
13155 SW 42ND STREET., # 202
MIAMI, FL 33175

Phone: 305-822-9979

Fax: 305-822-9987

Sent via Fax
Pages: 12

Dear Sir or Madam:

We are in receipt of your request for a lien search for:

Address: **1019 NE 115TH STREET. BISCAYNE PARK FL**
Folio No.: **17-2232-023-0510**

Please be advised of the following fees currently due on the property:

1 Municipal Liens:		\$2,454.61
	Municipal Liens Total:	\$2,454.61
2 Waste Fees (2006 and Prior):		
	Waste Fees Total:	\$3,588.40
3 Special Pick ups:	02-0657	\$25.00
	13-0004	\$30.00
	13-0136	\$30.00
	Special Pick Up Total:	\$85.00
4 Code Violations:	14-0054	\$110.00
	8-12-1665	\$2,590.00
	8/13/2028	1,305.00
	Code Violation Total:	\$4,005.00
5 Building Dept.:		\$0.00
	Open Permits Total:	\$0.00
6 Landlord Permit:	2013 and 2014	\$200.00
	Landlord Permit Total:	\$200.00
	GRAND TOTAL	\$10,333.01

Comments:

Re-Occupancy Certificate required before closing. For rental properties, landlord permit required.

All open and expired permits listed require a final inspection in order to be closed out. For inquiries regarding building permits, please call Building Clerk at 305 899 8000.

All payoffs must be accompanied with copy of settlement in order to update our records for all properties sold or refinanced. All amounts are due at time of property sale or refinance. Any delinquent balance constitutes a special assessment lien on the property. Interest continues to accrue until balance is paid in full.

IMPORTANT: Lien fee is only good for thirty (30) days after this notice. Please submit a new lien search fee if any payoffs are needed after thirty (30) days of notice.

NOTICE OF MUNICIPAL

LIEN

To: Eunice Monereau
1019 N.E. 115 Street
Biscayne Park, FL 33161

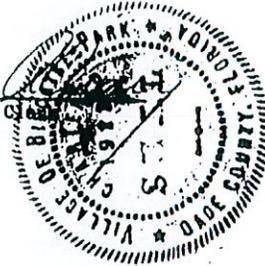
PLEASE TAKE NOTICE that the Village of Biscayne Park, a municipal corporation organized under the laws of the State of Florida, does hereby file its lien by the authority set forth in Municipal Ordinance No. 188 (Collections and disposal of debris), against the following described real property situated and lying in Dade County, Florida, to-wit:

Lot 13, Blk 4, 1st Addn Biscayne
Lawn, according to the
Plat thereof recorded in
Plat Book 39 at Page 95
of the Public Records of Dade
County, Florida, also known as
1019 N.E. 115 Street
Folio # 17 2232 23 0510 7

That the Principal amount of the Lien is \$650.16 plus \$12.00 recording fee and attorney fees as of the fiscal year 1991, together with interest at the rate of Eighteen (18%) percent per annum.

WITNESS my hand and official seal at Village of Biscayne Park, Florida, this 27th day of August, 1991.

[Signature]
Acting Village Clerk



(Corporate Seal)

Sworn and subscribed before me
this 27th day of August, 1991.

This instrument prepared by:

Patricia A. Cerny, CMC
Acting Village Clerk
Village of Biscayne Park
640 N.E. 114 Street
Biscayne Park, Florida 33161



RECORDED IN OFFICIAL RECORDS BOOK,
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
Clerk of Circuit & County
Courts



VILLAGE OF BISCAYNE PARK

640 NE 114TH STREET

BISCAYNE PARK, FL 33161

TEL: 305 899 8000 FAX: 305 891 7241

www.biscayneparkfl.gov

Municipal Lien Fees

Date:

Property Address:

Balance as of : 8/27/1991 \$ 662.15

Year	18% Annual Penalty Assesment	New Balance
1991	\$ 119.19	\$ 781.34
1992	\$ 140.64	\$ 921.98
1993	\$ 165.96	\$ 1,087.93
1994	\$ 195.83	\$ 1,283.76
1995	\$ 231.08	\$ 1,514.84
1996	\$ 272.67	\$ 1,787.51
1997	\$ 321.75	\$ 2,109.26
1998	\$ 379.67	\$ 2,488.93
1999	\$ 448.01	\$ 2,936.94
2000	\$ 528.65	\$ 3,465.58
2001	\$ 623.81	\$ 4,089.39
2002	\$ 736.09	\$ 2,738.09
2003	\$ 492.86	\$ 2,495.86
2004	\$ 449.25	\$ 2,453.25
2005	\$ 441.59	\$ 2,446.59
2006	\$ 440.39	\$ 2,446.39
2007	\$ 440.35	\$ 2,447.35
2008	\$ 440.52	\$ 2,448.52
2009	\$ 440.73	\$ 2,449.73
2010	\$ 440.95	\$ 2,450.95
2011	\$ 441.17	\$ 2,452.17
2012	\$ 441.39	\$ 2,453.39
2013	\$ 441.61	\$ 2,454.61

New Balance: \$ 2,454.61



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

Subject: GREEN DAY Participation

Prepared By: Mayor David Coviello

Sponsored By: Commission

Background

On Saturday, October 18th, North Shore Medical Center presents **2014 Green Day: Miami Shores Street Fair**. The event takes place on northeast 2nd Avenue between 94th and 99th Streets. More information can be found at miamishores.com/greenday.

One way the Village of Biscayne Park can participate is by sponsoring a booth showcasing a tree expert. The Village's name would be displayed on the booth. The Village could also be "co-sponsors" for other presenters.

Fiscal/Budget Impact

The cost of the booth sponsorship is \$55. The cost for the Village to be a "co-sponsor" would be an amount the Village would like to contribute.

Recommendation

To approve the booth sponsorship cost of \$55.00 and to consider any additional amount for "co-sponsorship".

August 5, 2014

Commission Agenda Report

GREEN DAY Participation

Attachments

- GREEN DAY flyer

EXPERIENCE THE GOODNESS OF GREEN AT MIAMI SHORES ANNUAL STREET FAIR!



GREEN DAY: MIAMI SHORES STREET FAIR brings 5,000 area residents from Miami Shores, Biscayne Park, El Portal, and surrounding communities to downtown Miami Shores each October to enjoy family fun, food, live music, shopping, and to celebrate all things green and good for the environment, including:

- **A FEAST TO EAT & DRINK** from food trucks and area restaurants plus beer, wine, and cocktails
- **A BOUNTIFUL FARMER'S MARKET** featuring fresh produce and products from local artisan food vendors
- **AN ARTISAN VILLAGE** brimming with custom crafted jewelry, products, clothing, and fair-trade items
- **NURSERIES AND LANDSCAPERS** will be displaying and selling plants, garden items, and offering advice to kick off South Florida's growing season
- **GREEN LIVING SOLUTIONS** with demonstrations on rain barrels, solar cooking, recycling tips, ways to save energy, and more
- **ELECTRIC AVENUE** showcases the latest in hybrid and energy efficient vehicles from scooters to smart cars
- **NEW THIS YEAR: A FUN BUT ENERGY-SENSITIVE "KIDS ZONE"** presented by North Shore Medical Center with a music DJ and attractions for kids ages 2-16, including rock climbing, toddler boats, bounce houses, and quiet rides — most operated by kid power, not generators!

Admission and parking are free. Interested in being a sponsor or exhibitor? Read on!

94th St.	SCHOOL ZONE	95th St.	CLASSIC CARS	96th St.	BICYCLE ALLEY	HOME IMPROVEMENT ZONE	97th St.	HEALTH & WELLNESS ZONE	98th St.	FOOD TRUCKS	99th St.
ROOTS OF RHYTHM MUSIC STAGE			NE 2nd Avenue			FARMER'S MARKET			KIDS ZONE		
FOOD TRUCKS		ELECTRIC AVENUE		LANDSCAPE & GARDEN OASIS		ARTISAN VILLAGE		FOOD TRUCKS			

MAKE PLANS TO JOIN 5,000 ATTENDEES AND OVER 125 VENDORS & ACTIVITIES!



{ PARTICIPANT REGISTRATION FORM }

YES! We want to be a sponsor/exhibitor at Green Day, being held on Saturday, October 18, 2014, from 3:30-7:30 p.m. We're putting on our thinking cap to come up with a green activity or will feature

_____ in our space!

\$2,500 Zone Sponsorship Fee

Exhibitor Fees:

- \$ 55 Chamber Member
- \$ 75 Non-profit; non-Chamber Member
- \$100 For profit; non-Chamber Member
- \$125 Food Truck
- \$ 85 Tent Rental (additional)
- \$ 75 Electric Access (additional)

\$ _____ TOTAL ENCLOSED

Company/Org Name _____

Contact Name _____

Phone _____

E-mail _____

Please send your check, made payable to "GMSCC" to: 9701 NE 2nd Avenue, Miami Shores, FL 33138, or pay and register online at miamishores.com/greenday. Questions? Please call the Chamber at 305-754-5466.

MIAMISHORES.COM/GREENDAY



9701 NE 2nd Avenue
Miami Shores, FL 33138
305.754.5466
chamber@miamishores.com



FUN FOR ALL. CELEBRATE FALL.



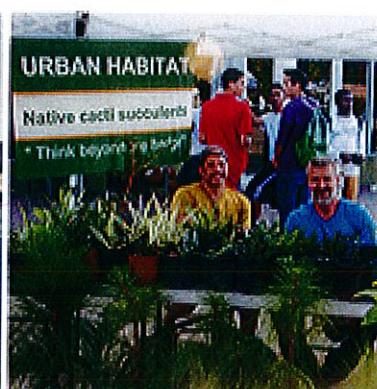
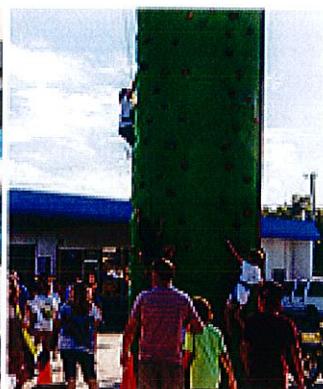
SATURDAY, OCTOBER 18, 2014
NE 2ND AVE @ 94-99TH STS
3:30-7:30 PM



Presenting Sponsor:
NORTH SHORE
Medical Center

GREEN DAY

SATURDAY, OCTOBER 18, 2014
3:30-7:30 PM
NE 2nd Ave. @ 94th - 99th Sts.



SPONSORSHIP & EXHIBITOR OPPORTUNITIES

{ PRESENTING SPONSOR: \$10,000 }

- Street Fair Naming Rights
- Logo and Name in all Print and Electronic Marketing and Collateral Materials
- Logo and Name in all Advertising, including Greater Miami Shores Egret, Biscayne Times, and The Miami Herald
- Banner Ad With Link to Your Website, Name and Logo on www.miamishores.com for 6 Months
- Free Tent, Table, and Chairs for Promotional or Entertainment Activities
- Sponsor of Kids Zone

NORTH SHORE
Medical Center

{ ZONE SPONSORS: \$2,500/EACH }

Prominently highlight your support of Green Day by hosting one of the street fair's 7 activity zones

- 1 ARTISAN VILLAGE
- 2 ELECTRIC AVENUE
- 3 HEALTH & WELLNESS ZONE
- 4 HOME IMPROVEMENT ZONE
- 5 LANDSCAPE AND GARDEN OASIS
- 6 ROOTS OF RHYTHM MUSIC STAGE
- 7 SCHOOL ZONE

- Zone Sponsorship Banner at Event
- Logo and Name in all Print and Electronic Marketing and Collateral Materials
- Logo and Name in all Advertising, including Greater Miami Shores Egret, Biscayne Times, and The Miami Herald
- Name and Logo With Link to Your Website on www.miamishores.com for 2 Months
- Free Tent, Table, and Chairs for Promotional or Entertainment Activities

{ EXHIBITOR OPTIONS }

Exhibitor fee includes a 10 x 10' exhibit space with one 6' table and 2 chairs, listing on event map, and name listing and live link to your website on www.miamishores.com Green Day event page. Participants are welcome to supply their own tent, tables, and display surfaces within their defined space.

See back panel for registration fees and additional details.



LAST YEAR'S STREET FAIR PARTICIPANTS INCLUDED:

- Barry University
- Biscayne Bay Aquatic Preserve
- Car2Go
- Casey's Corner Nursery
- Coral Reef Conservation
- Costco
- Doctors Charter School
- Exotic Floral Design
- Flamingo Road Nursery
- Florida Audubon Society
- FPL
- Fruit and Spice Park
- Gables Motor Sports
- Humana
- Humane Society
- Knoll Landscape Design
- Metro Ford
- Miami-Dade County Cooperative Extension
- Miami Shores Community Alliance
- Miami Shores Country Club
- Miami Shores Village
- Miami Theater Center
- North Shore Medical Center
- Panasonic
- Proper Sausages
- Rotary Club of Miami Shores
- South Florida Energy Savers
- Urban Habitat
- Urban Oasis Project Farmer's Market
- Verdant Planet Construction
- Wendy's Landscaping
- **PLUS ...** over 90 more food trucks, restaurants, farmers markets, local and organic food vendors, retailers, garden and landscape vendors, home improvement resources, schools, community and environmental organizations, and local businesses!

COMPLETE THE ATTACHED PARTICIPATION FORM OR REGISTER ONLINE AT MIAMISHORES.COM/GREENDAY



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 5, 2014

**Subject: Establishment of Parks & Recreation
Rules & Regulations**

Prepared By: Heidi Shafran, Village Manager

Sponsored By: Staff

Background

Village staff strives to and has successfully implemented several new recreational programs along with those that are in place at the Ed Burke Recreation Center for the enjoyment of our residents and visitors alike. With the increase in popularity comes the need to put in place rules and regulations that will insure the enjoyment and safety of all those that visit the park and take advantage of the available programs.

In reviewing those rules and polices currently in place and the few that are part of the Village's Code, this is an opportunity to update all rules and regulations, make them a part of the municipal code, and utilize it for enforcement when needed.

Rules and regulations to be considered as part of the ordinance:

Purpose and objective: For the general purpose of assuring the proper balance between (a) the use of park, cultural and recreational facilities, and (b) the preservation of such facilities and law and order. To reduce property damage and closure of the public park and facilities due to vandalism, minimize the

August 5, 2014

Commission Agenda Report

Parks & Recreation Rules & Regulations

hazards of personal injury and loss of life, and maintain the quality of outdoor and indoor cultural, recreational and other community resources by establishing rules and regulations governing the use of such parks and facilities.

Include (but not limited to):

- Parental responsibility
- Hours of use - indoor and outdoor recreational facilities
- Prohibited acts in the park and facilities
- Prohibition of glass containers in the park
- General rules of use
- Domestic animals in the park and facilities
- Picnicking
- Alcoholic Beverages
- Application and standards for permits for large group gatherings, events, etc.
- Liability insurance requirements
- Special permits
- Negotiated agreements for recurring use of indoor or outdoor facilities
- League use
- Village sponsored uses
- Use of community facilities for political activities
- Enforcement
- Penalties

Fiscal / Budget Impact

Drafting of the ordinance, advertisement and codification

August 5, 2014

Commission Agenda Report

Parks & Recreation Rules & Regulations

Recommendation

Consensus to direct Staff to work with the Village Attorney to develop and draft an ordinance for first and second reading.

Attachments

- City of Lake Wales (example)
- City of Anna Maria (example)

ORDINANCE 2006-48

(as amended by Ordinances 2007-12, 2007-46 & 2009-10)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; PROVIDING REGULATIONS FOR THE USE OF CITY PARKS AND RECREATION AREAS; PROVIDING REGULATIONS FOR THE USE OF CITY FACILITIES; ESTABLISHING FEES AND CHARGES FOR RENTAL OF CITY PARKS AND FACILITIES; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMISSIONS AND COMMITTEES TO DELETE PROVISIONS RELATING TO REGULATIONS FOR USE OF CITY FACILITIES; AMENDING CHAPTER 15, MISCELLANEOUS OFFENCES, TO DELETE PROVISIONS RELATING TO HOURS AND USES OF CITY PARKS AND RECREATION AREAS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida,

SECTION 1. Chapter 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, Lake Wales Code of Ordinances, is hereby amended to include the following:

Secs. 18-64—70. Reserved.

ARTICLE V. PARKS, RECREATION AND OTHER COMMUNITY FACILITIES.

- Division 1. Generally.
- Division 2. Rules for Use of Parks and City Facilities.
- Division 3. Use Permits —General Provisions.
- Division 4. Use Permits —Parks.
- Division 5. Use Permits —Recreation Facilities.
- Division 6. Use Permits —Community Facilities.
- Division 7. Fees for Use.

DIVISION 1. GENERALLY.

Sec. 18-71. Purpose and objectives.

(a) In order to promote public health, safety and welfare of the citizens of the city, a parks and recreation ordinance is hereby enacted for the general purpose of assuring the proper balance between (1) the use of park, cultural and recreational facilities and (2) the preservation of such facilities and law and order.

(b) The intent of this article is to reduce property damage and closure of public parks and facilities due to vandalism, minimize the hazards of personal injury and loss of life, and maintain the quality of outdoor and indoor cultural, recreational and other community resources by establishing rules and regulations governing the use of such parks and facilities.

Sec. 18-72. Applicability.

(a) Unless stated otherwise herein, this article shall apply in all city parks and recreation areas and in all cultural, recreational and other community facilities which now are or which may hereafter be under the jurisdiction and control of the City of Lake Wales, and shall include all grounds,

roadways, parks, athletic fields, buildings, school facilities when they are in use by the city as recreational facilities, and other areas used by the city for cultural, recreational or other community purposes. These provisions shall govern the use of all such areas and facilities, and the observance of these provisions shall be a condition under which they may be used by the public. Certain provisions of this article shall further be applicable outside city parks and recreation areas where the context indicates an intention that they also be applied.

(b) The provisions of this article shall not apply to any public officer, employee or peace officer who is acting in the course of and within the scope of the public business, nor to any other person conducting public business or related activities for, on behalf of, and pursuant to lawful authority of an appropriate public entity.

Sec. 18-73. Opportunities for use of public parks and facilities.

Any and all individuals using city parks and facilities pursuant to the rules and regulations of this article shall be provided equal opportunity for use of any park, facility and program offered therein without regard to physical limitation, age, race, color, national origin, religion, political beliefs or sex.

Sec. 18-74. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The pronouns "he" and "his" include the pronouns "she" and "her".

Alcoholic beverage means distilled spirits and all beverages containing one-half of one (0.5) per cent or more alcohol by volume, including beer and wine. Medicines or drugs dispensed pursuant to a physician's prescription are excluded.

Amplified sound and/or sound-emanating equipment means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including, but not limited to, public address systems, amplifiers, horns and megaphones.

Animal means any cat, dog, horse, fowl and living creature other than a human.

Applicant means any person seeking a permit to use or conduct an activity in a park or recreation area or facility.

At large. Any animal not under restraint while off the premises of the owner.

City means the City of Lake Wales.

City Commission means the governing body of the City of Lake Wales.

City Manager means the chief administrative officer of the City of Lake Wales or his designee.

Civic, educational or community service group means any not-for-profit group primarily devoted to the advancement of civic, educational or community service purposes.

Community facility means a building owned, leased or otherwise controlled by the city which is open to the public for reserved use.

Domestic animal. Any animal not deemed to be a wild or exotic animal pursuant to Florida Game

and Freshwater Fish Commission regulations.

Facility means any building or area owned, equipped and maintained by the city for public use.

Limited membership group means denominational groups, partisan political groups, labor organizations and other such groups where membership is limited or not open to the general public.

Nonrecurring use means infrequent use of a specific facility or the use of a facility on a special event basis (i.e., annual picnics, private parties or company-sponsored events).

Organized play means six persons or more engaging in a team sport athletic contest, such as, but not limited to, soccer, baseball, softball, football, basketball, or volleyball; this shall not apply for infrequent use.

Park means all real properties owned or controlled by the city and designated on a map maintained in the office of the city clerk, regardless of the extent of development or official designation, which serve as picnic grounds, recreation areas, nature areas and public fishing waters. Use of the term "park" in this article generally refers to those parks which are not used for organized scheduled activities. Park facilities include, but are not limited to, open space play areas, picnic shelters or pavilions, park benches, bike trails, fishing piers, boat ramps, restrooms, etc. The term "park" also refers to urban open spaces such as the Downtown Marketplace which are maintained for public use. In accordance with the City's comprehensive plan, city parks are classified as follows:

Mini-Park: Mini-parks are small parks or landscaped areas of generally less than 1 acre in size. Often having playground equipment, benches and picnic tables, mini-parks are usually intended to serve sub-neighborhood areas. A typical service radius is less than a 1/4 mile. Access is by foot or bicycle.

Neighborhood Park: Neighborhood parks are intended to serve an entire neighborhood. They generally range in size from 1 to 15 acres. Development often included playgrounds, ball fields, multi-purpose courts, athletic fields, tennis courts, free play areas, etc. Access is also by foot or bicycle and the service radius is between 1/4 and 1/2 mile.

Community Park: Community parks serve an entire town or community and generally range in size from 16 to 100 acres. Development includes those facilities found in neighborhood parks but may also include such facilities as athletic complexes, swimming pools, recreation buildings, and natural areas for walking, sitting, and picnicking. Access is generally by car. The service radius is two to three miles.

Linear Park: Linear parks are special parks developed along natural or man-made corridors for recreational modes of travel, such as horseback riding trails, bicycle trails, hiking trails and canoe trails. They have no size or standard service area. Some may be intended for local users, others with unique scenic or cultural features may attract users from a wide area.

Permit means any written license issued by or under the authority of the city manager or the city commission permitting a use, event or activity in a park or recreation area or facility.

Person means any individual, child, firm, association, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

Political activities means activities engaged in by candidates for public office, political groups, political parties or political committees.

Professional association means a group formed by practitioners of a specific profession or

occupation.

Recreation commission means the citizen board established by section 2-161, Lake Wales Code of Ordinances.

Recreation facility means a building, structure, field, court, or park which has organized recreational activities for teams and individuals or which provides active facility sites for non-organized leisure play. Recreation facilities include, but are not limited to, ballfields, tennis courts, shuffleboard courts, playgrounds and the Albert Kirkland Sr. Gymnasium.

Recurring use means repeated use of a specific facility on a regularly scheduled basis (i.e., leagues, organized play, monthly meetings, etc.).

Reserved use means exclusive, permitted use for one or more occasions.

Resident means a person or the minor children of the person who owns or leases real property within the city limits or who maintains either a voting residence or bona fide occupancy within the city limits. For the purpose of assessing fees for use of city facilities, the term "*resident*" also includes persons who reside outside the city limits but are customers of the city's water utility.

Service animal means any animal such as a seeing-eye dog or hearing-ear dog used to assist a person with a disability or an animal trained for law enforcement purposes and under the control of a law enforcement officer.

Special event means an event that takes place on public property which, because of its scope and impact on surrounding areas and the potential need for provision of extra services by the city, requires a permit issued by the city manager in accordance with Chapter 14, Lake Wales Code of Ordinances. Special events include, but are not limited to, circuses, carnivals, festivals, parades and filming for commercial purposes. Events requiring the closure of a public street shall require the approval of the city commission. The location of a circus, carnival or other similar special event shall require the approval of the city manager.

Vehicle means every device in, upon or by which any person or property may be transported or drawn upon a highway, excepting devices used exclusively upon station rails or tracks.

Sec. 18-75. Parental responsibility.

No parent, guardian or custodian of a minor shall permit or allow such minor to do any act or thing in any city park or facility prohibited by the provisions of this article. Parents, guardians and custodians of minors shall also be held responsible for the acts of said minors.

Sec. 18-76. Enforcement.

(a) It shall be unlawful for any person to do any act prohibited or fail to perform any act required by this article. Any person who fails to comply with any lawful and reasonable order given by law enforcement offices or authorized city official shall be in violation of F.S. §843.02.

(b) The city manager, city law enforcement officers, or any employee so designated by the city manager shall have the authority to eject from a city park or facility any person in violation of this article, the Lake Wales Code of Ordinance, or Florida Statutes.

Sec. 18-77. Penalties.

Any person violating any of the provisions of this article shall also be subject to the violation and

penalty provisions of section 1-15 of this Code.

Secs. 18-78—18-80. Reserved.

DIVISION 2. RULES FOR USE OF CITY PARKS AND FACILITIES.

Sec. 18-81. Hours of use —parks and outdoor recreation facilities.

(a) It shall be unlawful to congregate in or use any lighted city park or outdoor recreation facility after 10:00 p.m. and before 6:00 a.m., except for the following:

- (1) The city tennis courts and handball courts; provided that the use which occurs after 10:00 p.m. is only for the purpose of completing a match that was begun before 10:00 p.m.
- (2) Those organized recreational or cultural activities where the organizer has obtained a permit for use of the city park beyond 10:00 p.m. A permit for the use of a city park beyond 10:00 p.m. may be issued to the organizer of a cultural or recreational activity by the city manager or his designee.
- (3) Any park or outdoor recreation facility where a sign is posted that specifies closing hours other than those specified in paragraph (a).

(b) It shall be unlawful to congregate in or use any unlighted city park or outdoor recreation facility after 7:00 p.m. and before 7:00 a.m.

(c) It shall be unlawful to congregate on or use any unlighted trail after 11:00 p.m. and before 5:00 a.m. Lighted trails shall be open at all times.

(d) The city manager may post a sign that specifies closing hours other than those specified in paragraph (a) or (b) for any city park, trail or outdoor recreation facility subject to the following guidelines:

- (1) The amount of daylight at the time of year during which the closing hours will be in effect;
- (2) Available artificial lighting in the park or recreation facility;
- (3) The city's ability to provide and the cost of providing adequate police protection in the park or recreation facility during the hours in which it is open;
- (4) The occurrence of acts of vandalism and other crimes in the park or recreation facility;
- (5) The need to prevent deterioration of existing shrubbery and grass in the park or recreation facility or the need to protect new plantings of grass and shrubbery.

(e) Except for unusual and unforeseen emergencies, parks and outdoor recreation facilities shall be open to the public every day of the year during designated hours.

(f) The city manager may close any park or recreational facility or any section thereof, or prohibit certain uses in any park or recreational facility for the time necessary to remedy any unforeseen circumstances, effect repairs, or provide maintenance. No person in a park or recreational facility shall enter an area posted as being closed to the public without the permission of the city manager or his designee.

Sec. 18-82. Prohibited acts in city parks and facilities.

It shall be unlawful for any person using city parks and facilities to either perform or allow the performance of any of the following acts, unless such activity is authorized, permitted or supervised by the city:

(a) *Damaging property.* No person shall willfully mark, deface, damage, displace, remove or tamper with any park or facility buildings, tables, benches, fireplaces, railing, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers or other structures, equipment or parks or recreation property.

(b) *Improperly using park structures, equipment and furniture.*

(1) No person shall climb on or over any building, facility, structure, or natural feature in any city park or recreation facility unless the same is intentionally designed for climbing purposes.

(2) No person over the age of fourteen (14) years shall trespass upon or play upon or use the playground equipment at any city park other than those swings designated for adult use.

(3) No person shall recline upon any seat, table, bench, or in any location not intended for such occupancy.

(4) No person over the age of six (6) years, unless accompanied by a parent or other responsible adult, shall enter into or loiter near any park structure or section thereof reserved and designated by the city for exclusive use by the opposite sex.

(5) No person shall dive or jump into the lake from the fishing pier.

(6) The city shall post specific rules for each facility.

(c) *Polluting waters.* No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or lake or any storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of such waters.

(d) *Removing soil or plants.* No person shall dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means, except that digging shall be permitted in areas designated for such purpose. Collection of natural objects, including plant and animal life and minerals, for scientific and educational purposes may be conducted in compliance with terms of written permits granted by the city manager.

(e) *Damaging plants.* No person shall damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(f) *Harming or molesting animal life.* No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw missiles at any mammal, bird, reptile or amphibian; nor shall any person remove or in any way harm the eggs, nest or young of any mammal, bird, reptile or amphibian. City law enforcement officers shall be notified to take appropriate action for removal of poisonous snakes or alligators from parks and recreation areas. This paragraph does not apply to persons fishing in accordance with section 18-86.

(g) *Littering.* No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other litter, or place refuse or litter in any waters in or contiguous to any park or facility, or anywhere on the grounds thereof, other than in the proper receptacles, where provided.

(h) *Igniting fires.* No person shall ignite or attempt to ignite any fire against or on any vegetation or park or facility structure, except in designated fireplaces or grills when used for cooking. Persons may use a personal grill in a designated picnic area; however, they will be responsible for the proper off-site disposal of all charcoal, wood chips or other cooking materials after such use. No person shall dispose of burning matches, smoking materials or other inflammable items within any park or recreation area except in designated receptacles. Ecological burning may be conducted by the city where appropriate for the restoration, maintenance and preservation of certain plant communities.

(i) *Unauthorized operation of vehicles.* No person shall drive or otherwise operate a vehicle in a park or recreation area upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except upon temporary parking areas as may be designated from time to time by the city commission or city manager, and further excepting vehicles in the service of the city, animal control vehicles, law enforcement vehicles, and motorized wheelchairs.

(j) *Unauthorized parking.* No person shall park a vehicle in an area other than an established or designated parking area. No person shall park a vehicle overnight or park a vehicle having a gross weight exceeding three (3) tons without written approval of the city manager. Vehicles in violation of this paragraph may be towed and stored at the owner's expense.

(k) *Possessing or consuming alcoholic beverages.* No person shall possess and/or consume alcoholic beverages, including beer or wine; provided, however, that alcoholic beverages may be permitted by the city commission for special events or in specified facilities in accordance with section 18-87.

(l) *Possessing or discharging weapons, explosives, etc.*

(1) No person shall carry or discharge firearms, firecrackers, rockets, torpedoes, or other types of explosives, nor shall any person carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the park or facility. No person shall carry or discharge any gun, pistol, slingshot or similar device, or any bows and arrows, or carry or use any other object capable of propelling a projectile in any park or facility, nor shall any person carry on his person, in plain view, any knife or dagger.

(2) The provisions of paragraph (1) shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or a fireworks exhibition sponsored by the city or community organizations during the Fourth of July or similar community celebrations.

(m) *Gambling.* No person shall conduct in any city park or facility any card game for money or any other game for money or participate in any form of betting or gambling as defined in Florida Statutes. A drawing for chance conducted by a charitable or non-profit organization may be conducted only in accordance with F.S. §849.0935.

(n) *Vending, soliciting, advertising, etc.* No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any city park or facility; or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any park or facility. This paragraph shall not apply to any person acting pursuant to a contract with the city or under a special event permit granted by the city. No person shall distribute, post, place or erect any advertising, handbill, circular, bill, notice, placard, paper or other advertisement device in any city park or facility. No person shall beg or solicit contributions.

(o) *Operating sound amplification equipment.* No person shall install, use, and operate within a park a loudspeaker, horn, megaphone device, or other sound amplifying equipment for the purposes of giving instructions, directions, talks, addresses, or lectures, or of transmitting music to any persons or groups of persons in any park, or in the vicinity thereof, except when installed, used, or operated in compliance with a special event permit issued by the city and when operated in accordance with terms of the permit. Amplifiers permitted in parks shall be operated only through a power source provided or approved by the city or with a battery. This paragraph shall not apply to the use of a loudspeaker or other sound amplifying device that might be used on an athletic field during an athletic game or other competition sponsored by a school or community organization.

(p) *Launching or operating aircraft, radio-controlled model airplanes, etc.* No person shall launch or operate any aircraft, including but not limited to, hot air balloons, airplanes, ultralights, helicopters and gliders except in areas or at times specifically designated for this purpose by special permit issued by the city manager. No person shall launch or operate any radio-controlled model rockets, airplanes, gliders, boats or vehicles except in areas or at times specifically designated for this purpose by special permit issued by the city.

(q) *Camping.* No person shall camp in a city park or recreation area except at such times and places as may be designated by the city manager or his designee and except pursuant to a special permit issued by the city.

(r) *Erecting structures.* No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across a city park or recreation area except as authorized by special permit issued by the city.

(s) *Endangering the public.* No person shall endanger the safety of any person or group by any conduct or act or by any failure to observe the rules established by this article.

(t) *Interfering with use of the park by others.* No person or group shall prevent any other person or group from using any park or any of its facilities, or interfere with such use in compliance with this article and with the rules applicable to such use. Conducting activities authorized by a reserved use permit issued pursuant to this article shall not constitute a violation of this section.

(u) *Lewd and lascivious acts and sexual activity.* No person shall engage in a lewd or lascivious act or sexual activity in a city park or facility.

Sec. 18-83. Rules for use of specific recreation facilities.

(a) In addition to enforcement of general rules provided by section 18-82, the city manager or his designee may prescribe reasonable rules for enforcement in specific recreation facilities. All such rules shall supplement rules provided by this article and shall not waive or disregard rules provided by this article. All specific rules shall be posted in a conspicuous place at the facility where the rules apply.

(b) In the event any person violates the general or specific rules prescribed for a recreation facility, the city manager or his designee shall have the authority to eject the violator from the recreation facility and to deny the violator access to any recreation facility for an indefinite period of time.

Sec. 18-84. Domestic animals in parks and recreation facilities.

(a) Pets are permitted in parks if adequately restrained. Dogs must be kept at all times on leashes no longer than eight (8) feet. All animal excrement must be properly cleaned up and properly

disposed of by the owner or keeper of the animal.

(b) No person shall bring into any park any animal that constitutes a safety hazard or detriment to the enjoyment of the area by the public.

(c) No person having in charge any dog shall permit, allow or suffer such dog to enter upon or remain within any playground or park area reserved for children or to enter any sandbox or play apparatus area.

(d) Horseback riding is not permitted in city parks and recreation facilities.

(e) Domestic animals, except for service animals, are not permitted inside city facilities except in accordance with paragraph (f).

(f) Upon issuance of a special permit by the city manager, animals may be admitted into city facilities for the purpose of city-sponsored or co-sponsored animal shows, exhibits, fairs, obedience training programs and the like. The city manager may deny such a permit if, in his sole discretion, the requested admission is inappropriate for the particular facility.

Sec. 18-85. Picnicking.

(a) No picnicking shall occur in any park areas except those that are designated for that purpose.

(b) Use of the picnic area facilities, including picnic shelters, individual fireplaces, tables and benches, generally follows the rule of "first-come, first-served." However, this practice shall not preclude city personnel from assigning or reserving park facilities for the use of particular persons or groups. A fee for such reserved usage shall be assessed in accordance with section 18-182.

(c) No person shall use any portion of a picnic area or of any structures therein for an unreasonable time if the park facilities are crowded.

(d) To maintain cleanliness and to reduce fire hazards, each picnic party shall completely extinguish any fire and place all refuse, waste and trash in disposal containers where provided. If there are no such containers immediately available, then refuse shall be carried away by the user of the picnic facility and disposed of elsewhere.

Sec. 18-86. Fishing.

Fishing is permitted in city parks unless a prohibition is posted.

Sec. 18-87. Alcoholic beverages.

No person shall sell, offer for consumption, or consume any alcoholic beverage, including beer and wine, within any city park or facility except as follows:

(a) The city commission may approve the sale or consumption of alcoholic beverages in a city park or facility in conjunction with the issuance of a special event permit when possession and consumption is specifically authorized by permit or license of the state division of alcoholic beverages and tobacco.

(b) The city manager may approve the consumption of alcoholic beverages at private social functions in city facilities designated for such functions when a permit or license of the state division of alcoholic beverages and tobacco is not required. Such approval shall be subject to conditions

stipulated in section 18-167(b) of this article.

Secs. 18-88—18-100. Reserved.

DIVISION 3. USE PERMITS —GENERAL PROVISIONS.

Sec. 18-101. Permits to be issued in accordance with this division.

Any park or facility use permits required by this article shall be issued in accordance with the procedures, standards and conditions provided in this division. A permit issued by the city manager or his designee and accepted by signature of the permittee shall constitute a contract for use of the park or facility.

Sec. 18-102. Application for permits.

(a) All requests for permits required under this article shall be made in writing, upon an application form to be furnished by the city, which shall require the following information:

- (1) The name and address of the applicant proposing or sponsoring the activity involved. Photo identification may be required.
- (2) The type of permit requested and the purposes or activity proposed thereunder.
- (3) The date and hours for which the permit is desired.
- (4) The specific park area or facility for which the permit is requested.
- (5) The proposed number of persons who will attend or participate in the activity involved.
- (6) The number of youths who will attend or participate in the activity involved and the name of adults who will be present to chaperone.
- (7) Whether or not alcohol will be served.
- (8) A statement of any special circumstances which are material to the permit requested.

(9) Such other relevant information as the city manager or his designee may reasonably require in regard to the application.

(b) Applicants may be required to provide liability insurance in accordance with section 18-111 if, in the sole discretion of the city manager, the requested use of the facility represents a significant risk of loss to the city.

(c) Parks and facility use permits will be issued to adults and adult sponsors of youth groups only.

(d) The permittee listed on the park or facility use permit as “person in charge” shall be responsible for the condition of the park or facility after its use. All other conditions listed on the park or facility use permit shall apply.

Sec. 18-103. Permit fees for reserved use.

(a) The city is authorized to establish fees for reserved use of park, recreation and community facilities and to offset the cost to the public for additional services provided by the city in connection with such use. Such fees are established in section 18-182 of this article and may be amended by ordinance from time to time.

(b) A fee will not be charged for use of a facility for city sponsored or co-sponsored programs or events.

(c) A reservation fee shall be charged at the time the facility or park is reserved that will roll over into a damage deposit at the time of the event and be refunded if there is no damage and the facility or park has been satisfactorily cleaned up after its use. The balance of the fee must be paid prior to use of the park or facility in accordance with requirements of the applicable section of this ordinance.

(d) If cancellation of an approved reservation is necessary, it is the permittee's responsibility to provide immediate written notification of such intent to cancel use.

(e) Cancellations will only be accepted from the permittee (the person who signed the reservation application) and not from anyone else acting on behalf of the permittee.

(f) In the event of a cancellation, refund of the reservation fee will be handled as follows:

(1) If 30 days or more remain before the date for which the facility is reserved, 100% of the reservation will be refunded less a \$5.00 administrative fee.

(2) If fewer than 30 days but more than 14 days remain before the date for which the facility is reserved, 50% of the reservation fee will be refunded except where the amount to be refunded is less than the \$5.00 administrative fee.

(3) If less than 14 days cancellation notice is provided, the city will retain the entire reservation fee.

Sec. 18-104. Deadline for submittal of permit applications.

Deadlines for submittal of permit applications prior to the date of a particular use shall be established for each type of facility; however, any use requiring approval as a special event or which requires a temporary street closing shall require that the application be submitted no later than forty-five (45) days prior to the event in accordance with Lake Wales Code Chapter 14. The city manager may waive this deadline for extenuating circumstances, but sufficient time must remain before the event for staff review of the application and for submittal to the city commission for approval, if required.

Sec. 18-105. Standards for issuance of permits.

(a) If the park area or facility will be available for use on the date and time requested, and is not subject to a prior reservation, the city manager or his designee shall issue a permit under this article when he finds the use applied for to be in accordance with the purpose for which such park or facility property is designed or intended, and further that the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the remaining park or facility area, or interfere with or endanger public health, welfare or safety, or be reasonably calculated to incite violence, crime or disorderly conduct on the part of the participants or entail unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city. In the event of scheduling conflicts, i.e., when an application is submitted by two or more persons at the same time for the same facility, priority shall be given to city residents.

(b) Eligibility for permitted use of parks and facilities is limited to activities which are free and open to residents of the city without regard for sex, age, race, religion or national origin.

Sec. 18-106. Conditions of permits.

(a) Permits will be issued under this article subject to such special regulations and instructions as may be prescribed by the city manager including, but not limited to:

- (1) Restrictions on the number and other designations of persons who may participate in such permitted activities.
- (2) Restrictions on the days of the week and the time of day that the particular facility may be used by the permittee.
- (3) Provisions for maintenance by the permittee of the sanitation, cleanliness, and appearance of the facility. At times, portable restrooms may be required for special events.
- (4) Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety and other appropriate regulations. It is at the city's discretion to require security on the premises to enforce the policies of facility use. If security is deemed necessary, it is the responsibility of the user group or individual to reimburse the city for costs incurred in providing such security.
- (5) Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to a sports field or adjacent structures.
- (6) Requirements that all applicable fees shall be paid prior to use, unless other payment arrangements have been authorized.
- (7) Requirements that a certificate of insurance in accordance with section 18-111, naming the city as the additional insured, must be on file at the city prior to any permit being approved.

(b) Permittees shall be bound by all park and facility rules and regulations and all applicable ordinances as fully as though such rules, regulations and ordinances were inserted in the permit.

(c) Permittees agree to hold the city harmless from any claims for loss, injury or damage to any persons whatsoever caused by the negligence of permittees in the exercise of such permit.

Sec. 18-107. Approval or denial of permits.

A permit shall only be approved by the city manager or his designee in accordance with this article and any written rules and regulations specific to the facility. All such permits must be granted contingent upon the condition that rules, regulations and ordinances established by the city, or any other public entity having jurisdiction, will be observed. A decision by the city manager to deny a permit will be final.

Sec. 18-108. Revocation of permit.

The city manager shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown. Revocation of a permit shall result in the forfeiture of the damage deposit.

Sec. 18-109. Term of permit.

All permits issued under this article shall expire on the date specified therein.

Sec. 18-110. Transfer of permit.

No permit issued under this article shall be transferable.

Sec. 18-111. Liability insurance required for certain uses of city parks and facilities.

(a) The city shall require each organized activity taking place at any city facility to have insurance for said activity. Permittee shall procure and maintain for the term of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the activities described hereunder performed by the permittee, his agents, representatives, or employees. Except where otherwise specified in this ordinance, insurance shall be provided in an amount to be determined by the city manager. Insurance is to be placed with insurers authorized to do business in the state and acceptable to the city. This may not apply for infrequent use; however, a one-time special event shall be subject to this requirement. For the purpose of this ordinance, the term "organized activity" shall apply to sporting events and competitions, special events, exhibitions or shows, concerts, performances, camps, fairs, programs and other such activities involving the assembly of fifty (50) or more participants, spectators or other persons at any city park or facility for a common purpose under the direction and control of a person or group of persons. The city manager is authorized to waive the requirement for liability insurance when the applicant for a use permit is a regular user of the facility or an established not-for-profit group with no history of misuse of the facility. The city manager is also authorized to require liability insurance for an activity when not specifically required above if, in his opinion, the activity represents a significant risk to the city.

(b) The certificate of insurance, naming the city as the additional insured along with an endorsement, is to be submitted prior to permit authorization or execution of a negotiated use agreement. A 30-day written notice of cancellation clause is required.

(c) Where insurance is determined to be required for a particular use of a city facility or a one-time special event, the city is authorized to provide insurance for that use or event through the city's insurance provider as an alternative to the private purchase of such insurance. The person or organization requesting the permit will be required to reimburse the city for the cost of such insurance prior to issuance of the permit.

Secs. 18-112—18-120. Reserved.

DIVISION 4. USE PERMITS —PARKS.

Sec. 18-121. Picnic shelters.

Reservations for picnic shelters or park pavilions and the appurtenances thereto must be obtained in advance and must be for a specific time and duration for each such facility and shall be subject to the conditions and provisions contained in the use permit. Applications for reserved use of picnic shelters or park pavilions shall be made on forms provided by the city and in accordance with procedures promulgated by the recreation department. Reservations shall be made no less than forty-eight (48) hours in advance and no more than six (6) months in advance. Use permits shall be issued only after payment of a damage deposit and fees as may be required by section 18-182 of this article.

Sec. 18-122. Special photography.

(a) A permit must be first obtained from the city manager for the making of still or moving pictures that involve the use of special settings, structures or apparatus, or the performance of a cast of persons, whether amateur or professional, or the posing of professional models. Reservations shall be made no less than forty-five (45) days in advance and no more than six (6) months in advance. Filming for commercial purposes will require special event approval by the city commission if such filming will, in the opinion of the city manager, require a significant amount of city services or closure of any city street. The city manager may waive all or a portion of the advance reservation requirement if the filming will entail no unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city.

(b) A permit for special photography on city park property shall be granted only when such activities will be in full compliance with all laws and regulations of the United States, the state, the county and the city, and will in no way interfere with the normal use of park facilities by the general public. The provisions of this section do not in any way restrict the use of cameras, whether by amateur photographers or professionals who are not using such settings, scenery, casts or models.

(c) Bona fide newspaper press, association, newsreel or television news department personnel advertised by press cards or press papers and assigned by their representative editors to make photographs for use of their respective communication media will be regarded as persons performing a task involving the freedom of the press as set forth in the Constitution of the United States of America.

Sec. 18-123. Public demonstrations, meetings and other public assemblies.

(a) No band procession, military company or any company or group with flags, banners and transparencies shall be allowed upon any park or parkway or within any park without a permit issued by the city manager or his designee. Such permits shall clearly define the nature of the activity and the limit of its scope and time, and shall set forth such other restrictions and requirements as the city manager or his designee may deem necessary. Applications for permits shall be submitted no less than two (2) weeks in advance of the date of the activity and no more than six (6) months in advance.

(b) No entertainment, concert, exhibition or performance by any musical, theatrical or circus group shall be given in any park or recreation area and no electronic microphones or amplifying devices shall be used in connection therewith, except in accordance with a special event permit approved by the city manager in accordance with Lake Wales Chapter 14. Applications for special event permits shall be submitted no less than forty-five (45) days in advance of the date of the activity and no more than six (6) months in advance.

(c) No public meeting of any kind, or any public speaking by any person, representative of any political party, social group or society, official aspirant, organized church, religious sect, or other public assemblage shall be held in any park, parkway, playground or other recreational area without a permit issued by the city manager. Applications for permits shall be submitted no less than two (2) weeks in advance of the date of the activity and no more than six (6) months in advance.

(d) No person will perform any acrobatic act or feat, dance or gyrations, or make any display or exhibit or carry on any performances or do anything that will cause numbers of persons to congregate to the interference or obstruction of traffic or to other proper use of a park or recreational area under any circumstances.

(e) No person shall initiate, sponsor, organize, promote, conduct or advertise a public assembly to be gathered in a park or recreational area unless a permit has been obtained from the city manager. A separate permit shall be required for each such assembly and the period of time for which

applicable shall be clearly stated.

Secs. 18-124—18-129. Reserved.

DIVISION 5. USE PERMITS —RECREATION FACILITIES

Sec. 18-130. Recreation facility defined.

For the purpose of this article, *recreation facility* means a building, structure, field, court, or park which has organized recreational activities for teams and individuals or which provides active facility sites for non-organized leisure play. Recreation facilities include, but are not limited to, ballfields, tennis courts, shuffleboard courts, playgrounds and the Albert Kirkland Sr. Gymnasium.

Sec. 18-131. Negotiated agreements for recurring use.

Nothing in this article shall prohibit the city from entering into a negotiated agreement with any person or organization for recurring use of a city recreation facility in return for renovation or maintenance of the facility, provision of a particular recreation program, or similar consideration. Such agreements shall require the approval of the city commission.

Sec. 18-132. Permit required for reserved use.

Except as provided in section 18-131, reserved use of recreation facilities shall require obtaining a use permit in accordance with division 3 of this article. Applications for use permits shall be submitted no less than two (2) weeks in advance of the date of the activity and no more than six (6) months in advance.

Sec. 18-133. Prohibited activities.

(a) No act prohibited by section 18-82 of this article shall be permitted in city recreation facilities, including the sale or consumption of alcoholic beverages.

(b) No person shall conduct or participate in any sport or in any organized athletic activities within any recreation area other than in such areas as may be designated for such sports, games or athletic activities, or in any areas where the city has posted signs prohibiting such activities.

Sec. 18-134. Sales and commercial uses.

Authorized user groups which desire to use concession stands or other facilities for fund raising purposes shall be allowed to do so subject to policies and fee requirements contained herein. Proposed uses which are determined by the city to be solely a commercial undertaking and without educational, recreational or cultural benefit to the community shall not be allowed on the premises of public facilities.

Sec. 18-135. Closure of facilities.

The city manager may close any park, field, or other recreation area or facility when such an area or facility needs to be reconstructed, renovated, refurbished, repaired or maintained, or the area or facility needs to be closed because of a hazardous condition that poses potential danger to citizens or city employees.

Sec. 18-136. Denial of facility use.

The city shall have the authority, based on cause, to deny use of all or any portion of a facility to any group or individual who has abused the privilege of facility use, including failure to comply with the general policies and rules governing the use of city parks and recreation facilities.

Sec. 18-137. League use.

(a) *General Usage Requirements.*

- (1) Leagues shall sign a facility usage agreement on a form provided by the city incorporating the provisions of this section. Said agreement shall be valid for a single season, and a new agreement shall be executed before the start of each season.
- (2) The league shall provide a league representative and alternate representative to act as a liaison with the city. Designated representatives shall serve for a full season.
- (3) The league will submit a typed list with the names, addresses, and phone numbers of all board members before the start of the current season.
- (4) During the term of the facility usage agreement, the league, at its own expense, shall keep in force comprehensive liability insurance from an insurance company licensed in the State of Florida and acceptable to the city. Insurance shall be provided with a minimum limit of one million dollars (\$1,000,000) per occurrence combined single limit to include: Premises Operations, Independent Contractors, Products - Completed Operations, Broad Form Contractual, and Personal Injury. A certificate of insurance, naming the City of Lake Wales as an additional insured, along with an endorsement, shall be submitted to the city for approval no later than fifteen (15) calendar days prior to the initial use covered in the facility usage agreement. A 30-day written notice of cancellation is required.
- (5) The league shall remit four dollars (\$4.00) per participant per season to the City of Lake Wales. This participation fee shall be remitted with a copy of the league roster showing name and address of all participants within fifteen (15) calendar days following the close of league registration. The participation fee will be utilized to offset the cost of utilities, maintenance, improvements and other costs associated with the operation of city recreation facilities and shall be assessed in lieu of fees assessed under section 18-182 for use of the fields.
- (6) A board member representing the league shall be present at all league activities on city facilities. The representative shall maintain control of coaches, referees, participants, spectators, lights and cleanliness of facility.
- (7) The league shall provide all staff and equipment essential to the proper operation of the program.

(b) *Maintenance and repair of facilities.*

- (1) The city is responsible for the general maintenance of all electrical, plumbing, potable water and structural related repairs at each facility. The league shall not be authorized to perform any repairs without the express permission of the city.
- (2) Damaged city property or city property in need of repair shall be immediately reported to the city.
- (3) The league shall be responsible for the maintenance inspection of field safety prior to use by any individual participant or coach. Responsibilities include, but are not limited to:

- A. Maintenance and operation of scoreboards.
 - B. Placing of debris in proper containers after each event.
 - C. Keeping restrooms free of litter.
- (4) Any and all authorized improvements made to the buildings or property become the property of the City of Lake Wales.
- (c) *Concessions.*
- (1) The league shall obtain certification as required by the Department of Health and Rehabilitative Services for the operation of the concession stand. All certificates shall be posted in a conspicuous location in the concession building. A copy of certificate shall be forwarded to the city for file purposes.
 - (2) The league will provide and assure certification of a concessions manager to monitor food preparation, protection and health practices. A copy of the certificate shall be forwarded to the city for file purposes.
 - (3) The city shall inspect and approve all electrical appliances used by the league for electrical safety. Appliances discovered to be substandard or found to be violating standards or codes shall be removed to reduce liability. Repaired appliances may be used upon inspection and approval of the city.
 - (4) The league shall be responsible for the overall cleaning and operation of concession stands.

Secs. 18-138—18-160. Reserved.

DIVISION 6. USE PERMITS —COMMUNITY FACILITIES

Sec. 18-160. Community facility defined.

For the purpose of this article, *community facility* means a building owned, leased or otherwise controlled by the city which is open to the public for reserved use.

Sec. 18-161. Negotiated agreements for recurring use.

Nothing in this article shall prohibit the city from entering into a negotiated agreement with any person or organization for recurring use of a community building facility in return for renovation or maintenance of the facility, provision of a particular program, or similar consideration. Such agreements shall require the approval of the city commission and shall constitute a permit for use of the facility.

Sec. 18-162. Permit and rental fees required for reserved use.

Reserved use of community facilities shall require obtaining a use permit in accordance with division 3 of this article and payment of fees in accordance with section 18-103 and section 18-182.

Sec. 18-163. City sponsored uses.

Any use of city facilities scheduled for city sponsored or co-sponsored uses shall be deemed a use for city purposes, and shall be exempt from fees, deposits and permit requirements listed herein. Such determination shall be made by the city manager.

Sec. 18-164. Uses for which community facilities may be reserved.

(a) The following facilities may be reserved for the following uses on a space-available basis

- (1) James P. Austin Community Center
- (2) Tourist Club
- (3) Lake Wales Public Library Schoenoff Meeting Room

(b) The facilities listed in paragraph (a) may be reserved for the following purposes:

- (1) Meetings or other non-profit activities of civic, educational or community service groups.
- (2) Governmental groups.
- (3) Meetings of professional associations.
- (4) Political activities as provided in section 18-167.
- (5) Limited membership groups, such as denominational groups, partisan political groups and labor organizations will not normally be permitted to use community facilities on a regular basis, but may apply in writing to the city manager for permission to use a facility for special occasions.

(c) In addition to uses permitted in paragraph (b), the meeting room in the Lake Wales Public Library and the Tourist Club may be reserved for small private social gatherings.

(d) In addition to uses permitted in paragraph (b), the James P. Austin Community Center may be reserved for small or large social gatherings such as weddings, dances, etc.

Sec. 18-165. Use of community facilities for commercial purposes prohibited.

(a) No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any community building; or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any community building. This prohibition does not apply to a non-profit organization charging a fee to attend an annual banquet, fund-raising event, or similar activity.

(b) All programs must be open to the public at no charge. Requests by non-profit educational groups or institutions desiring to use community facilities for short-term classes, institutes, discussion groups and forums which involve small fees will be examined on an individual basis. Nothing may be sold to the public in a community building.

(c) No person shall distribute, post, place or erect any advertising, handbill, circular, bill, notice, placard, paper, business card, or other advertisement device of a commercial nature in any community building. Publicity posters or flyers for community events sponsored by non-profit civic, educational or community service groups may be displayed on a bulletin board or other surface designated for such posters or flyers.

(d) This section shall not apply to any person acting pursuant to a contract with the city for conducting a city-sponsored program or class for which a fee may be charged or pursuant to a special event permit granted by the city manager or city commission.

Sec. 18-166. Use of community facilities for political activities.

Political activities shall be permitted within community facilities as set forth in this section.

(1) Political activities which are open forum activities where all candidates for a particular office or group of offices are invited to participate on equal terms and where the public is invited to attend.

(2) Organizational and business meetings of political activity committees, political committees and similar organizations which have not been formed to elect a single public officer or a group of public officers.

(3) With respect to political activities which involve all the candidates for a particular office or group of offices, equal time will be given to each candidate attending such activity.

Sec. 18-167. General rules and regulations for reserved use of community facilities.

(a) *Reservations/Application.*

(1) Facilities may be reserved for use between the hours of 8 a.m. and 12:00 midnight.

(2) Community facilities may be reserved and used on a specific date for a specific period of time upon submittal of an application on a form provided by the city in accordance with section 18-102 of this article. Such application shall be filed with the city employee responsible for coordinating use of the facility as follows:

D. Applications for use of the library meeting room shall be filed with the library director in accordance with procedures provided by the library director.

E. Applications for use of community facilities other than the library shall be filed with such designee as may be provided from time to time and recorded in written procedures for reservation of the facility.

(3) All fees must be paid prior to use of the facility. If paid by check, all fees are payable in full no later than fourteen days prior to the event. Cash payment will be required if fees are paid less than fourteen days prior to the event.

(3) A reservation fee shall be charged at the time the facility is reserved that will roll over into a damage deposit at the time of the event and be refunded if there is no damage and the facility has been satisfactorily cleaned up after its use. The balance of the fee must be paid no later than fourteen days prior to use of the facility. Fees will be paid for reservation of community facilities in accordance with section 18-182 and section 18-103 of this article. A use permit shall not be issued if all required fees have not been paid.

(4) Reservations shall be made no less than forty-eight (48) hours in advance and no more than six (6) months in advance for a community facility that will be reserved for use during normal operating hours of the facility except that any group requesting use of the library meeting room shall make a reservation in accordance with procedures provided by the library director.

(5) Reservations shall be made no less than one (1) week in advance and no more than six (6) months in advance for a community facility that will be reserved for use outside of normal operating hours of the facility except as follows:

A. Any group requiring use of the James P. Austin Community Center where such use will involve the consumption of alcoholic beverages shall submit an application no less than

two (2) weeks in advance of the date for which it will be reserved.

- B. Any group requiring use of any community facility for an activity that requires the provision of liability insurance shall submit an application no less than two (2) weeks in advance of the date for which it will be reserved.
 - C. Any group requesting use of the library meeting room shall make a reservation in accordance with procedures provided by the library director.
- (6) At the discretion of the City Manager or his designee, use of the James P. Austin Community Center and the Tourist Club outside of normal operating hours for each facility may require the presence of at least one (1) city employee to supervise the use of building.
 - (7) Reservations shall be made by written application except for reservations of the library meeting room which may be made by phone.
 - (8) All applicants must be 21 years of age or older and must be present throughout the entire use of the facility.
 - (9) Reservation of the facility is normally limited to one reservation per month by any one group. Exceptions may be approved by the city employee responsible for coordinating use of the facility on a space available basis.
 - (10) Rental hours must include time needed for delivery of supplies, set-up of tables and chairs and cleanup.
 - (11) The city reserves the right to deny any facility use request in accordance with standards for issuance of permits as provided in section 18-104 of this article.

(b) *Alcoholic beverages.* Alcoholic beverages are prohibited in all community facilities except the James P. Austin Community Center. Consumption of alcoholic beverages in the community center will be permitted only with the following conditions:

- (1) Fees shall be paid to the city for provision of a minimum of two (2) law enforcement officers for the duration of the event except as follows:
 - A. The following uses are exempt from the requirement for law enforcement officers when alcoholic beverages are consumed during an event:
 - i. Dinners, lunches, brunches, etc.
 - ii. Repasts following a funeral or memorial service
 - B. The following uses are required to provide one (1) law enforcement officer when alcoholic beverages are consumed during an event:
 - i. Wedding receptions
 - ii. School reunions
 - iii. Family reunions
 - iv. Annual barbeques, get-togethers, etc

The city manager is authorized to waive the requirement for a law enforcement officer when the applicant for a use permit is a regular user of the facility or an established not-for-profit group with no history of misuse of the facility.

- C. For uses not included in paragraph A. and B. of this section, the city manager may require more than two (2) law enforcement officers when alcohol will be consumed if, in his sole discretion, the event warrants additional security measures.
 - D. In lieu of paying fees to the city for the provision of law enforcement officers, the sponsor of the event may, with the prior approval of the city manager and the police chief, provide private security for the event.
- (2) Consumption of alcoholic beverages shall not be permitted in parking lots or other outside areas.
 - (3) If a permit is issued for a non-alcoholic event and alcohol is found on the premises, the police will shut down the event and no deposit will be refunded. The term *on the premises* shall include parking lots and all surrounding exterior public property.
 - (4) If an event is shut down by the police for any reason, the clean-up/damage deposit will be forfeited.
- (c) *Smoking.* Smoking is prohibited inside any community facility or outdoors near the entrance to any community facility.
 - (d) *Food and drink.* Food and drink are permitted only in areas designated for that purpose in any community facility, and such areas shall be identified in written policies promulgated for use of the facility.
 - (e) *Supervision of minors.* Adults must supervise groups composed of minors in a ratio of one adult to every five minors. Adult supervisors shall be named on the permit application.
 - (f) *Use of facility equipment.*
 - (1) The city may charge a fee for the rental of equipment including tables and chairs.
 - (2) The permittee is responsible for arranging tables and chairs for their specific purpose and returning the tables and chairs to their stored or original location/configuration. Tables and chairs are to be used indoors only and only for the specific use for which they are intended. At no time should anyone stand on tables or chairs or sit on tables. Any need for tables and chairs in excess of what is available at a particular facility shall be provided by the permittee.
 - (3) Use of equipment that is available for reservation in a specific facility shall be reserved when the application is filed. A list of equipment available for reservation will be provided with written procedures for the reservation of that facility. The city may charge a fee for the rental of equipment.
 - (4) All equipment and materials not belonging to the city must be removed at the end of each scheduled use. There are no facilities available for storage of equipment or materials used for meetings.
 - (g) *Use of decorations.*
 - (1) In facilities where reservations for social events are permitted, any decorating, or covering of, or changes to the facilities shall be discussed at the time of application. The permittee shall be responsible for putting up any decorations and all other special preparations necessary for the function. All decorations shall be removed at the conclusion of the function. Permittee shall be responsible for the removal of all decorations, special preparations, and permittee's personal property, owned or rented.

- (2) All decorations must be flameproof or fire retardant.
 - (3) All decorations must be applied with masking tape. The use of cellophane adhesive tape, nails, staples, screws, etc. is not allowed on walls or ceilings. Staples and pushpins are allowed only on tackstrips and bulletin boards. All tape and string must be removed from all surfaces and equipment at the conclusion of the event.
 - (4) Decorations may not be hung from light fixtures, ceiling, heat detectors, emergency lights, or acoustical wall/ceiling tiles. Decorations may not be applied to wood floors.
 - (5) All plants, trees and shrubs must be in waterproof containers and must be carefully placed so as not to damage floors or tables or block exits.
 - (6) No open flames, such as lighted candles, are allowed.
 - (7) No foreign substance may be applied to the floor.
 - (8) No rice, birdseed, confetti, etc. is permitted in the facilities or on surrounding sidewalks and parking lots.
- (h) *Liability for damage to facility/Requirement for insurance.*
- (1) The permittee shall be responsible for any all damage to the facility premises and property therein and shall be responsible for all actions, behavior and damages caused by their guests or attendees.
 - (2) The city is not responsible for accidents, injury, illness or loss of group or individual property.
 - (3) Prior to issuance of the permit, all approved applicants shall execute a Hold Harmless/Indemnification Agreement releasing the City of Lake Wales of all liability from activities conducted in community facilities.
 - (4) If, in the sole discretion of the city manager, the use of a community facility involves significant risk of loss to the city, the permittee shall be required to provide satisfactory evidence of liability insurance naming the City of Lake Wales as additional insured in accordance with section 18-111 of this article.
- (i) *Cancellations/Refunds.* In the event that cancellation of an approved reservation is necessary, the cancellation and refund of any fees already paid will be handled in accordance with section 18-103 of this article.
- (j) *Clean-up/Damage deposits.* All reserved use of a community facility shall require a clean-up/damage deposit. An inspection of the facility shall be conducted with the permittee prior to the reserved use. Any costs incurred by the city to restore the facility to its condition prior to the use, including the cost of labor to clean or repair the facility, shall be deducted from the deposit. The permittee shall be required to reimburse the city for repair and clean-up costs in excess of the deposit. Clean-up/Damage deposits will be fully reimbursed within 30 days of the use if cleanup is acceptable and no damage is noted to the facility, equipment or furnishings.

Sec. 18-168. Closure of community facilities.

- (a) The city manager may close any community facility when such facility needs to be reconstructed, renovated, refurbished, repaired or maintained, or when the facility needs to be closed because of a hazardous condition that poses potential danger to citizens or city employees.

(b) Community facilities will be closed for private rentals on the following holidays:

- (1) New Year's Day
- (2) Martin Luther King Birthday
- (3) Easter
- (4) Mother's Day
- (5) Father's Day
- (6) Independence Day
- (7) Labor Day
- (8) Thanksgiving Day
- (9) Christmas Day

(c) Community facilities will be closed during the following special events:

- (1) Mardi Gras
- (2) Pioneer Days weekend

Sec. 18-169. Rules for use of specific community facilities.

In addition to enforcement of general rules provided by sections 18-82 and 18-167, the city manager or his designee may prescribe reasonable rules for enforcement in specific community facilities. All such rules shall supplement and be consistent with rules provided by this article. All specific rules shall be posted in a conspicuous place at the facility where the rules apply.

Sec. 18-170. Endorsement not implied.

The fact that a group is permitted to meet in a community facility does not constitute an endorsement of the group's policies or beliefs by the City of Lake Wales.

Secs. 18-171—18-180. Reserved.

DIVISION 7. FEES FOR RESERVED USE OF CITY PARKS AND FACILITIES

Sec. 18-181. Fees for reserved use of city parks and facilities authorized.

(a) In accordance with section 7.02 of the Lake Wales City Charter, the city commission hereby establishes fees and charges for reserved use of city parks and facilities. Such fees may be amended from time to time by adoption of an ordinance of the city commission.

(b) The city manager is authorized to require reimbursement of actual costs incurred by the city for cleanup of the premises, damage repair and provision of insurance coverage under the city's insurance policy.

Sec. 18-182. Schedule of fees for reserved use.

The schedule of fees established by this section shall be automatically adjusted annually beginning on October 1, 2008 to reflect an increase based on June's annual CPI or two and one-half (2.5) percent, whichever is greater, without further need for Commission action.

LW Library Schoenoff Meeting Room	Residents	Non-residents
Non-profit organizations in possession of a valid proof of non-profit status	No Charge	Same
Library sponsored programs	No Charge	Same
Other organizations or events	\$57.50 for 1 st hr \$17.50 each add'l hr	Same
Deposit	none required	Same
Lost key charge	\$5.75	Same
Clean-up charge	\$57.50	Same

For the purpose of assessing fees for use of the following facilities, customers of the city's water utility shall be included as residents.

James P. Austin Community Center	Residents	Other
City or other government sponsored programs	No Charge	Same
Civic, educational or community service groups (meetings, programs, etc)	No Charge	Same
Non-profit organizations in possession of a valid proof of non-profit status (meetings, programs, etc)	No Charge	Same
Other organizations (meetings, programs, etc)	\$115.50	\$250
Social events (all groups)	\$115.50	\$500
Weekend and after-hours staff charge	No Charge	\$25/hr
Staff Requirement if alcohol will be consumed on premises	2 police officers @ \$35 per hr per officer	Same
Kitchen rental	\$57.75	\$150
Clean-up/Damage Deposit	\$144.50	\$500

Tourist Club	Residents	Other
City or other government sponsored programs	No Charge	Same
Civic, educational or community service groups (meetings, programs, etc)	No Charge	Same
Non-profit organizations in possession of a valid proof of non-profit status (meetings, programs, etc)	No Charge	Same
Other organizations (meetings, programs, etc)	\$57.75	\$250
Social events (all groups)	\$57.75	\$500
Weekend and after-hours staff charge	No Charge	\$25/hr
Lost key deposit	\$5.75	Same
Clean-up/Damage Deposit	\$87.00	\$300

Parks & Recreation Facilities	Residents	Other
Picnic Shelters/Park Pavilions	\$5.75 per hr	\$20.00/hr
Albert Kirkland Sr. Gymnasium	not available for private reservation	Same
Sports fields (per field)	\$17.50 per hr or \$57.75 per day	\$30 per hr or \$150 per day
Basketball courts (per court)	not available for private reservation	Same
Tennis courts	not available for private reservation	Same
Shuffleboard courts	not available for private reservation	Same
Concession stand rental	\$57.75	\$150
Clean-up/Damage Deposit - Park	\$26.25	\$100
Clean-up/Damage Deposit - Field	\$57.75	\$100
Clean-up/Damage Deposit - Concession Stand	\$57.75	\$100

Secs. 18-183—18-300. Reserved.

[note: hereafter, deletions are ~~struck through~~ and additions are underlined]

SECTION 2. Chapter 2, ADMINISTRATION, ARTICLE II. BOARDS, COMMITTEES, COMMISSIONS, DIVISION 10. RECREATION COMMISSION, Lake Wales Code of Ordinances, is hereby amended as follows:

Sec. 2-163. Rules and regulations. Reserved.

~~(a) — *Generally.* The following rules shall be enforceable at all city recreational facilities:~~

~~(1) — No profane language;~~

~~(2) — No littering;~~

~~(3) — Turn out lights when play is completed;~~

~~(4) — Conduct of players and spectators shall be courteous and in accordance with the rules of good sportsmanship;~~

~~(5) — No abuse of facility, equipment or shrubbery.~~

~~In the event a person damages a recreational facility, equipment or shrubbery, the city manager is authorized to pursue a civil judgment for damages in addition to any other penalties authorized by this section.~~

~~(b) — *Specific rules.* The city manager or his authorized representative shall prescribe specific rules for specific recreation facilities. These rules shall be presented to the recreation committee for its review and approval. All specific rules approved by the recreation commission shall be posted in a conspicuous place at the recreation facility where the rules apply.~~

~~(c) — *Penalty.* In the event any person violates the general or specific rules prescribed for a recreational facility, the city manager or his authorized representative shall have the authority to eject the violator from the recreational facility and to deny the violator access to any recreation facility for an indefinite period of time. In the event a person is denied access to a recreational facility for a period in excess of seven (7) days, that person shall have the right to immediately appeal the decision to the city manager. Any appeal to the city manager must be in writing and must be filed within forty-eight (48) hours after the designated representative denied access. The appeal must set forth clearly the time and facts surrounding the denied access, and it shall contain a brief statement as to why the person feels the designated representative's decision should be overturned. The city manager shall deliver the appeal to the recreation commission chairman who shall appoint three (3) commission members to make the final decision. The final decision must be rendered within seven (7) days after the appeal is filed with the city manager.~~

SECTION 3. Chapter 15, MISCELLANEOUS OFFENCES, Lake Wales Code of Ordinances, is hereby amended as follows:

Sec. 15-3. Hours and use of city parks and recreation areas. Reserved.

~~(a) — It shall be unlawful for any person over the age of fourteen (14) years to trespass upon or play upon or use the playground equipment at any municipal park other than those swings designated for adult use.~~

~~(b) — It shall be unlawful to congregate or use any city park facilities after 10:30 p.m. and before 6:00 a.m., except for the following:~~

- (1) ~~The city tennis courts and handball courts provided that the use which occurs after 10:30 p.m. is only for the purpose of completing a match that was begun before 10:30 p.m.~~
- (2) ~~Those organized recreational or cultural activities where the organizer has obtained a permit for use of the city park beyond 10:30 p.m. A permit for the use of a city park beyond 10:30 p.m. may be issued to the organizer of a cultural or recreational activity by the city recreation director with the advice of the recreation committee.~~

SECTION 4. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 5. This ordinance shall become effective immediately upon its passage by the City Commission.

CERTIFIED AS TO PASSAGE this 19th day of December, 2006.

/s/ Kathy Manry

Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:

/s/ Clara VanBlargan

City Clerk

Rules and Regulations City of Anna Maria

Intent

It is the intent of the City of Anna Maria and goal to provide citizens with a safe environment in which recreational opportunity can be maximized. Due to the wide variety of patron needs and use of City property, it is necessary to establish the following rules and regulations at area beaches and parks. Local authorities can enact more stringent regulations under Florida State Statute 316.008. Please refer to the current code and laws within the city of Anna Maria. The City of Anna Maria lists its city codes and ordinances at: <http://www.cityofannamaria.com> 321655.html and <http://library8.municode.com>

1.0 HOURS OF OPERATION

1.1 Parks and recreation facilities will be open as posted on buildings or entrance areas. Bayfront Park closes at 10:00 PM . City of Anna Maria Ordinances Sections 38-30--38-50. Reserved.

Article III. Bayfront Park

1.2 No person shall remain in any park or facility after the park or facility is closed, except in an area specifically designated by the City as an area where persons may remain after the park or facility is closed to the public.

1.3 Any section or part of any park or facility may be declared closed to the public at any time or limited to certain users or times as public interest demands or safety and security indicates.

2.0 PARK PROPERTY

2.1 Buildings and Other Property. All park property, facilities and equipment shall be used for the purpose for which it was designed.

2.2 Social Services. Parks shall be used for recreation and relaxation, ornament, light and air for the general public. Parks shall not be used for business or social service purposes unless authorized pursuant to a written agreement with City.

As used herein, social services shall include, but not be limited to, the provision of food, clothing, shelter or medical care to persons in order to meet their physical needs.

2.3 Trees, Shrubbery, Lawns, etc. No person shall cut, carve or injure the bark or break off the limbs or branches, or mutilate in any way or pick the flowers or seeds of any tree or plant existing on City property. Nor shall any person dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area. Removal of any plant material from City property, City parks or park facilities, without the Parks and Recreation Department's prior approval, is strictly prohibited.

2.4 Wild Animals, Birds, Fish, etc. No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw any object which may harm any mammal, bird, reptile or amphibian.

Fishing is permitted in designated areas as long as it is in accordance with state law provisions and regulations.

2.5 Dogs and domesticated animals. Dogs, cats and domesticated animals of any kind are not allowed on the beach or at Bay Front Park, the Anna Maria City Pier or the Rod and Reel Pier. Assistance, service, police K-9, rescue, and fire dogs are allowed with handlers.

3.0 FIREWORKS

3.1 No person shall discharge any fireworks in any City Park , beach or within any part or portion of the City limits of Anna Maria unless done as part of a special event authorized by the City Commission. Fireworks shall mean any combustible or explosive composition or substance or combination of substance or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation as defined by Manatee County Ordinance Number 04-27. Under that ordinance it is illegal to discharge fireworks at the beach, in your yard, in a field, on a street, or any public or private location within Manatee County unless and until you have obtained a public display permit. Information the fireworks ordinance can be obtained by a link at [www.mymanatee.org /fireworks .html](http://www.mymanatee.org/fireworks.html). Any possession is subject to a \$500.00 fine and by confiscation by city deputies and fire officials. You are allowed to have sparklers. A “sparkler” means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand held or ground based, cannot propel itself into the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning.

4.0 NUISANCES

4.1 Pets. No person shall bring into, permit, have, or keep in any park or City facility any dog, cat, pet of any kind or other animal. This includes Anna Maria Beach and any beach area. Dogs are permitted throughout the city on city right of way and roadways. City deputies will respond to violations of any city ordinance regarding pets on the beach or in the park. Citations can be written and the animal can be impounded by the deputy and transported to an animal control facility by a Manatee County Animal Control Officer. Deputies will also respond to animals in distress, any animal cruelty allegation, dog bite ,or any other complaint other than barking dogs. www.mymanatee.com has information on animal control cases, vicious dogs, and the complaint forms, laws, and county ordinances. The city of Anna Maria is just like all other cities in the county; animal control cases are referred to the Manatee County Public Safety Animal Services Section.

Other animal nuisance complaints are handled by the Manatee County Animal Services Department. Their website lists the proper forms that need to be notarized and filed out before any allegation is made. City deputies do not pickup, transport, house, or feed any animals. There is no impound area within the city to house animals. City Deputies are not trained animal control officers and will not pick up strays. The city does not have pens and traps for rats, raccoons, coyotes, dogs, or cats. City deputies do not carry control equipment and tranquilizer guns. **City Deputies do not respond to barking dog complaints. Allegations of continuous barking and noise are made through Manatee County Animal Services and by statute and ordinance require two complainants.** City of Anna Maria City Code Sec. 14-62. Nuisance dogs and cats. By state statute and county ordinance you are not allowed to leave your dog or cat unattended in any vehicle for any length of time. Deputies are allowed by state statute to rescue your dog or cat if it is in a vehicle. Deputies can use any safe means to facilitate this including the removal of your vehicle or your car’s windows.

City Deputies do not respond to wildlife violations unless there is a personal safety issue. Deputies do not trap, transport, kill, euthanize, or tranquilize wild animals. They are not trained or equipped to do so. Call Manatee County Animal Services at 742-5933. They can also be reached at www.mymanatee.com under the Public Safety Department's venue and web site. They do not handle wild animal complaints, but they will refer you to a company that can assist you.

4.2 Trash Disposal. Park patrons are responsible at all times for proper disposal of their trash. Any trash generated outside park and recreation facilities may not be disposed of inside the park.

4.3 **Soliciting and Vending.** No person shall expose or offer for sale any article or thing nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or merchandise within the limits or adjacent roadways of any park. Exception is made to regularly licensed concessionaires acting by and under the authority of the City of Fort Lauderdale. Any publicity, posted signs or announcement placed in or on park property must have the prior approval of the Parks and Recreation Department.

4.4 **Interference with Authorized Activities.** No person or group shall interfere with any recreational activities or event authorized by the City's Public Works Department.

4.5 **Loud Noise.** No person or group shall play or operate any sound amplification device including radios, television sets, turn tables, tape decks, public address systems, amplified musical instruments or any other loud noise generating device which disturbs other persons. Commercial and construction activities are strictly controlled and monitored. This information is listed in the Code of Ordinances for the City of Anna Maria Florida. Workers cannot start before 10:00 AM on Sunday and Holidays. Workers can start work at 7:00 AM on all other days. They must discontinue the noise at 10:00 PM. Noise from the roadway with any sound amplification system is illegal and constitutes an automatic stop by City Deputies if it is heard and disturbs the neighborhood. All other noise complaints require a complainant and a signed affidavit.

In all of the enforcement of noise ordinance violations deputies are required to obtain two affidavits from two separate complainants. Deputies will respond and advise, warn, and counsel the offender if there is no complainant.

ARTICLE IV. NOISE*

***Cross references:** Jurisdiction of the code enforcement board, § 2-58; animals, ch. 14; peddlers and solicitors, ch. 42; streets, sidewalks and other public places, ch. 50; traffic and vehicles, ch. 58.

State law references: Motor vehicle noise, F.S. §§ 316.293, 403.415.

Sec. 26-86. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial area: Land used primarily for the sale of merchandise or goods, or for the

performances of a service, or for office or clerical work.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.

Demolition means any dismantling, intentional destruction or removal of structures from the utilities, public or private right-of-way surfaces, or similar property surfaces, and shall also include site clearing or land clearing.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which immediate action.

Emergency work means work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger or damage.

Motor vehicle means any vehicle which is, or is designed to be, self-propelled or is designed or used for transporting persons or property, including off-road vehicles being operated for recreational purposes.

Motorboat means any boat or vessel propelled or powered by machinery, whether or not such machinery is the principal source of propulsion, including but not limited to boats, barges, amphibious craft, water ski towing devices and hovercraft.

Motorcycle means every motor vehicle having a seat or saddle for the use of a rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters, mopeds or any other motorized bicycle or three-wheeled vehicle. This definition expressly excludes tractors and other farm equipment.

Multifamily dwelling means a building or other shelter which has been divided into separate units to house more than one family, including but not limited to apartments, duplexes and triplexes.

Noise: means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. "Noise" includes low frequency vibrations, such as caused by amplification of bass instrumental sounds.

Noise disturbance: Sound which (a) is or may be harmful or injurious to the health or welfare of a reasonable person with normal sensitivities, or (b) unreasonably interferes with the enjoyment or normal conduct of life, property or outdoor recreation, or (c) causes noise pollution, defined as follows:

"Noise pollution" shall mean the presence of noise in excessive or unnecessary amount or of such duration, wave frequency or intensity as to be injurious to human or animal life or property; or which unreasonably interferes with the comfortable enjoyment or normal activities of life or property, or other conduct of business.

Parkland: Land that is used primarily for public recreational activities.

Person: Any individual, natural person, public or private corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally.

Powered model vehicle means any self-propelled airborne, water-borne, or land-borne plane, vessel, or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

Public right-of-way means any street, avenue, boulevard, highway or sidewalk or alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space means any real property or structure thereon which is normally accessible to the public.

Real property line

- (1) The imaginary line including its vertical extension that separates one parcel of real property from another; or
- (2) The vertical and horizontal boundaries of a dwelling unit that is one unit in a multi-dwelling - unit building.

Receiving land: Land area neighboring or in the vicinity of a sound source and on or at which the sound emanating from the sound source is audible to the normal human ear.

Residential: Land use that is primarily for living and sleeping or parkland or schools or nursing homes or any land use that is not commercial or industrial.

Short durations: Any sound with a duration of less than one minute.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Weekday means any day, Monday through Friday, which is not a legal holiday.

Zoning and land use definitions. All terms used in this article which refer to zoning or land use categories, including but not limited to commercial area, residential area, etc., shall be defined as set out in the various zoning ordinances and comprehensive plans or other resolutions duly adopted by the city commission.

(Ord. No. 427, art. 4, 12-16-81; Ord. No. 04-616, § I, 1-22-04)

Cross references: Definitions generally, § 1-2.

Sec. 26-87. Reserved.

Editor's note: Ord. No. 04-616, § II, adopted Jan. 22, 2004, deleted § 26-87 in its entirety. Former § 26-87 pertained to findings of fact and derived from Ord. No. 427, art. 2, 2-16-81.

Sec. 26-88. Declaration of policy.

It is declared the policy of the city to prevent, prohibit and provide for the regulation and abatement of the production of unusually loud, raucous excessive or unreasonable **noise** which may injure the physical and emotional health or welfare of any of its citizens or degrade the quality of life.

(Ord. No. 427, art. 2, 12-16-81; Ord. No. 04-616, § III, 1-22-04)

Sec. 26-89. Scope.

This article shall apply to the control of all sound originating within the geographical limits of the city.

(Ord. No. 427, art. 3, 12-16-81)

Sec. 26-90. Prohibited acts.

Noise disturbance. Notwithstanding any other provision of this article, and in addition thereto, it shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any **noise** disturbance, as defined in section 26-86.

Standards. The standards to be considered in determining whether a violation of subsection (I) of this section exists may include but shall not be limited to the following:

- (1) The volume of the **noise**.
- (2) The intensity of the **noise**.
- (3) Whether the nature of the **noise** is usual or unusual.

- (4) The volume and intensity of the background noise, if any.
 - (5) The proximity of the noise to residential sleeping facilities.
 - (6) The nature and zoning of the area from which the noise emanates.
 - (7) The nature and zoning of the receiving land.
 - (8) The time of the day or night the noise occurs.
 - (9) The duration of the noise.
 - (10) Whether the noise is produced by a commercial or noncommercial activity.
 - (11) The day of the week the noise occurs.
- (Ord. No. 427, art. 5, 12-16-81; Ord. No. 04-616, § IV, 1-22-04)

Sec. 26-91. Exceptions.

The following activities or sources are exempt from the requirements of this article:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.
- (2) Between the hours of 7:00 a.m. and 10:00 p.m., ceremonial or traditional activities or events, such as the sounding of church bells and the normal sounds of organized sporting and cultural events, but specifically not including amplified sounds played at volumes or vibrations that violate standards of this article.
- (3) Operation of equipment or conduct of activities normal to residential communities as set forth herein:

TABLE INSET:

	Description	Hours of operation
a.	Lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, gardens, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping and other normal community operations	7:00 a.m., to 7:00 p.m.
b.	Operation of equipment for solid waste and recycling collection in or adjacent to residential uses	7:00 a.m. to 7:00 p.m.
c.	Operation of equipment for solid waste collection in nonresidential locations	7:00 a.m. to 7:00 p.m.
d.	Usual noises of commercial construction and operation of construction equipment	7:00 a.m. to 7:00 p.m., Monday through Saturday; and 10 a.m. to 6:00 p.m. Sundays and holidays.

(Ord. No. 427, art. 6, 12-16-81; Ord. No. 04-616, § V, 1-22-04)

Sec. 26-92. Exceptions by permit.

Any person desiring to seek relief from any provision of this article shall apply for a special event permit pursuant to section 114-428, to cause or create noise which would otherwise be in violation of this article.

(Ord. No. 427, art. 7, 12-16-81; Ord. No. 04-616, § VI, 1-22-04)

Sec. 26-93. Enforcement of article; remedies nonexclusive.

This article may be enforced by any of the following remedies. Each remedy is independent of the other.

(1) This article may be enforced pursuant to the code enforcement provisions in section 2-46 et seq.

(2) No provisions of this article shall be construed to impair the city or any other person from bringing any common law, equitable or statutory cause of action, or other legal remedy for injury or damage arising from any violation of this article. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this article shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by proceedings in a court of competent jurisdiction for injunction, both temporary and permanent, and for such other relief as is proper under the circumstances. The city is hereby authorized to bring any such action authorized in this section on its behalf or on behalf of the general public.

(3) a. Violations of this article are hereby deemed equivalent to a non-criminal infraction and may be enforced through issuance of a citation by a certified law enforcement officer of the city requiring the violator to appear before a judge of the county court or to pay a civil fine set by this section.

b. Any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The law enforcement officer may indicate on the citation the time and location of the scheduled hearing, if known at the time of citation, and must indicate the applicable civil penalty established herein.

c. Any person who willfully refuses to accept and sign said citation is guilty of a misdemeanor of the second degree.

d. Except as provided in subsection e., any person charged with a non-criminal infraction under this section who does not elect to appear in county court shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days after the date of issuance of the citation. If the person cited elects to pay a civil penalty pursuant to the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings except for determining the cumulative number of violations on the premises as set forth in subsection g., below.

e. Any person electing to appear in county court or who is required so to appear shall be deemed to have waived his or her right to pay the civil penalty established herein. The county court judge, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the county court judge may impose a civil penalty not to exceed \$500, and costs of the proceedings. If the county court judge determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties that have been paid shall be returned.

f. Civil penalties required by this subsection are hereby established as follows:

TABLE INSET:

First offense:	\$ 35.00

Second offense within twelve months of the first offense:	75.00
Third offense within twelve months of the first offense:	200.00
Each additional offense within twelve months of the first offense:	500.00

g. Three or more violations occurring at the same premises within a twelve month period shall be deemed prima facie evidence that the premises is a public nuisance and subject to being temporarily and/or permanently enjoined pursuant to subsection (2) above.

(4) This article may be enforced against any violator, which may include the owner of the premises from which any noise disturbance originates, the manager or person in charge, if not the owner, of the premises from which the noise disturbance originates, or the person or persons generating the noise disturbance.

(Ord. No. 427, art. 8, 12-16-81; Ord. No. 04-616, § VII, 1-2-04)
 Secs. 26-94--26-115. Reserved.

IF YOU ARE A COMPLAINANT BE PREPARED TO GO TO COURT, GIVE YOUR NAME TO THE DISPATCHER, GIVE YOUR ADDRESS, AND ADVISE THE DISPATCHER THAT YOU WILL COMPLETE AN AFFIDAVIT. The court requires two complainants complete an affidavit. This is especially true with the enforcement of Florida State Statutes regarding Disturbing the Peace (Florida State Statute 877.03).

Best Advice for a Safe and Successful Party

1. Ask your neighbors' permission before throwing a party.
2. Agree to clean up after the party.
3. Leave a telephone number where your neighbors can call you to complain (and answer the phone if they call).
4. Keep party attendance to a reasonable number.
5. If unruly, uninvited guests show up, call 911 to have them removed.
6. Do not disturb your neighbors. Disturbing the peace is illegal. (Breach of Peace, Florida Statute 877.03). You live in a community where late night noise and parties are not tolerated. **The Police Department has a ZERO TOLERANCE policy when handling; loud noise complaints.** (City Deputies no longer give 3 warnings; if the party is out of control, an arrest may occur on the first visit.)
7. **DO NOT allow underage drinking.** Just one underage drinker can result in the party's host being arrested (Open House Party, Florida Statute 856.012). Underage drinking is illegal and those who do so can go to jail (Florida Statute, 562.111)
8. Do not let drunken partygoers drive home. (DUI, Florida Statute 316.193)
9. Illegal parking, late night visitors, outdoor loitering (smoking cigarettes or playing games),

underage drinking, trash, unkempt yards, and loud noise are actions that demand police attention.

10. **There are consequences for party hosts who do not follow the rules** such as arrests, nuisance abatement action (after 3 police visits to a residence in 6 months, the city attorney can file a civil action). This action can and will be filed against the owner of the home even if the house is rented.

4.6 Sleeping and camping in any park, beach, or pavilion is prohibited. Sleeping or reclining in a horizontal position is specifically prohibited in the following: building, pavilion, rest room, trash receptacle, bench, picnic table, as well as recreational activity areas (such as athletic courts and fields, dug outs, and playgrounds), pedestrian or vehicular traffic ways (such as roads, sidewalks, bike paths, and jogging paths), and landscaped areas (such as flower gardens, hedges, and planters).

4.7 Intoxicants. Consumption, possession or sale of alcoholic beverages is prohibited within City parks except during and within the specified area of a Special Event authorized by the City or premises licensed for sale and consumption of alcoholic beverages. Park and beach patrons may bring coolers to the beach and the park area. The coolers a subject to search by City Deputies.

4.8 Disorderly Intoxication. No person shall be intoxicated in a City park or upon a City beach and endanger the safety of another person or property, and no person shall be intoxicated or drink any alcoholic beverage in a City park or upon a City beach and cause a public disturbance.

4.9 Personal Property. Personal property shall not be stored in any park or facility , on any beach access area, under any bridge or within any area owned by the city. The exception to this in a facility or area specifically designated by the City for such storage.

4.10 You are not allowed to **peddle or solicit in** the City of Anna Maria. Solicitation of contributions, F.S. chapter . 496.; more stringent local provisions not preempted, F.S. § 496.421; peddling at camp meeting, F.S. § 871.03. Anna Maria City Code Sec. 42-1.

4.11 Live aboard vessels are prohibited in the city of Anna Maria.

5.0 VEHICLES AND TRAFFIC

5.1 Existing Laws. All vehicle and traffic control laws and regulations shall be complied with in the City of Anna Maria. Use of city roadways should be done in safe manner. Most roadways are owned by city residents and by the City of Anna Maria. City deputies have several options. In some cases vehicles can and will be towed with impound, towing and confiscation fees being paid by the owner of the vehicle. Deputies can also write Uniform Traffic Citations that are at least \$116.00 per violation. City Deputies can write County Parking Tickets that are \$110.00 per violation. City Deputies can also issue \$30.00 parking tickets. **WARNINGS ARE NOT GIVEN OUT. THE PRIOR ISSUANCE OF WARNING TICKETS SIMPLY CREATE MULTIPLE OFFENDERS AND ROADWAY LITTER.**

5.2 Parking. All motor vehicles shall be parked only in established and indicated parking areas or in such other areas and at such times as city officials may designate. No person shall park or station

any vehicle in any zone designated and marked "No Parking" or otherwise marked for restricted use except briefly for emergency purposes. Parking is a controlled endeavor in the city. Stopping, standing, or parking violations are prohibited by Florida State Statute 316.1945 and by City Ordinance 05-630 and by other city codes.

5.3 Directions of Traffic. No person shall fail to comply with any order, signal or direction given or posted by any city deputy for the direction of traffic.

5.4 **Bicycles.** All bicyclists shall comply with state and municipal laws and regulations pertaining to bicycles. These laws are listed under Florida State Statute 316.2065.

5.5 **SEGWAYS** and electronic personal assistance mobility devices are controlled by Florida State Statute Number 316.2068. Under Florida state statute they may be operated on a road or street where the posted speed limit is less than 25 miles per hour. They may be operated on any marked bicycle path. They may be operated on any street or roadway where bicycles are permitted. They may be operated on a side walk. The SEGWAY rider is required to yield to the right-of- way of pedestrians and give an audible signal before overtaking and passing a pedestrian. The rider or operator is not required to have a driver's license and the EPAMD does not need to be registered. Any person under 16 years of age must wear an approved bicycle helmet with a strap. The helmet must be attached, properly fitted, and meet ANSI standards. The city of Anna Maria can and will adopt more stringent control ordinances if the operators do not drive safely. If it is required the city can and will outlaw the use of SEGWAYS.

5.6 Skates. Skates, skateboards, roller skates, incline skates, off road bicycles and similar equipment may be restricted to certain times and locations by City Deputies. These regulations are found under Florida State Statute 316.0085. In no way is the city of Anna Maria liable for any injuries sustained as a result of these activities.

5.7 Boats. All boat operators shall comply with all existing state laws, municipal ordinances, and Coast Guard regulations. All boats are to be launched and docked in designated areas only. Bay Front Park has no launching facilities. All water calls are handled by the Manatee County Sheriff's Office Marine Unit Anna Maria City Ordinance 66-40.

5.7 Mopeds, All Terrain Vehicles, and Golf Carts. No motorized vehicle, including mopeds and ATVs, is allowed to be operated off any road or upon any designated bike path within the interior of any city park or on any beach area. They are subject to seizure and confiscation by City Deputies. Non registered Golf Carts are not allowed to use the city streets unless they have valid tags and meet all vehicular safety restrictions. Florida State Statutes 316.208 regarding motorcycles and mopeds. Florida State Statute 316.2074 regarding all- terrain vehicles. Florida State Statute 316.212 governs golf carts. The Anna Maria City code is more stringent.

5.8 Unauthorized Vehicles. Mini bikes, go-carts and other non-licensed motorized vehicles are prohibited in parks, beaches, pavilions or beach access areas.

5.9 Vehicle Maintenance. Motor vehicle maintenance is prohibited in parks, except repairs or maintenance of an emergency nature.

5.10 All traffic crashes must be reported on scene. City Deputies cannot conduct off scene traffic

crash investigations. It is a violation of the law to leave the scene of an accident or crash.

5.11 City deputies are not allowed to transport, taxi, or transfer citizens without proper supervisory approval. All Driving While Intoxicated cases will be handled in compliance with existing laws and regulations. City deputies are not taxi cab drivers. The county liability insurance does not allow simple transport in most cases.

6.0 PICNICKING AND OVERNIGHT CAMPING

6.1 Designated Areas and Uses. All visitors shall comply with the directions of park officials pertaining to proper locations for picnicking in order to safeguard park property and to ensure the maximum use for the comfort and convenience of all. There is no reservation policy. If you are reserving, posting or separating an area for picnicking you may be asked to leave by City Deputies.

6.2 Use of picnic tables for other than picnic purposes is prohibited. Proper use of tables for picnicking is on a first come, first serve basis. Holding tables for patrons who have not arrived is prohibited.

6.3 Pavilions. Pavilions are available for exclusive use by permit only. Individuals and groups using pavilions shall comply with written pavilion regulations.

6.4 Fires

6.4(a) Ground Fires - Ground fires are prohibited in all park and beach areas.

6.4(b) Safety - Visitors are responsible for insuring that their grill is properly monitored and extinguished at the end of their outing.

6.5 There is no overnight camping on any beach, pavilion or park area.

7.0 BEACH REGULATIONS

7.1 **Swimming at public beach** areas is prohibited under the following conditions:

7.1(a) If the beach is closed due to lightning or other dangerous conditions.

7.1(b) If swimmers are nude or indecently clothed.

7.1(c) Beyond 100 yards from shore.

7.1(d) If children are not properly supervised by adults (proper supervision is one adult minimum per ten children).

7.1(e) The Manatee County **Marine Rescue Department** holds the primary responsibility for the rescue of any swimmers or beach patrons found to be in hazardous conditions or waters within the city. City deputies are not life guards. No lifeguards stations are manned at any facility within the city. Swimmer are advised to swim at their own risk. Special attentions should be given to any of the inlets and waterways on Bean Point and the northern most side of the island. These waterways are very unsafe due to the high currents and under tow.

7.2 **Skin and scuba diving** shall be permitted only in authorized areas. Divers must use the appropriate "divers down flag" :

7.2(a) All divers must be accompanied by at least one other diver.

7.2(b) Each diver is equipped with a buoyancy compensator.

7.2(c) Divers must have an approved diver's down flag displayed in accordance with Statutes of the State of Florida.

7.2(d) Scuba divers must remain a minimum of 100 yards offshore, except when entering or leaving the water. There is no diving around fishing piers and no jumping off bridges.

7.2(e) Divers using mask, snorkel, and fins within 50 yards are permitted and are considered bathers. If skin divers desire to go beyond 50 yards, then all other requirements of Rule 7.2 applicable to scuba divers must be met.

7.2(f) The use or possession of spear guns or similar weapons is prohibited on the beach. Such weapons must be transported a minimum distance of 150 yards offshore. During such transportation, weapons must be handled safely in an unarmed condition.

7.2(g) Scuba instruction by private enterprise is prohibited in most beach areas.

7.3 Use of boats and watercraft are subject to the following regulations:

7.3(a) **Motorized and non-motorized watercraft** must remain a minimum of 100 yards offshore, unless being launched or returned to a designated boat launching area of the beach. There are no launching areas on the Gulf of Mexico side of Anna Maria.

7.3(b) Motorized and non-motorized watercraft are allowed to launch or return pursuant to the conditions of City Ordinances.

7.3(c) The launching area and channel are for launching and returning watercraft only. Watercraft may not anchor or interfere with the use of the channel area. Kayaks may be launched from the kayak launching area at the Bay Front Park.

7.3(d) No watercraft may be kept on the beach overnight, except those properly registered with the City to stay in designated areas.

7.4 The following **beach regulations** are intended to reduce safety hazards which may cause injury to beach patrons:

7.4(a) Playing ball, Frisbee, flying kites, or any other game that may endanger patrons on the beach or in the water, is limited to designated times and areas as posted or as determined by City officials.

7.4(b) Fishing or netting of fish is limited to the hours of 6:00 p.m. until 6:00 a.m. when on the beach and must be conducted in a safe manner. All debris, bait, fish line and hooks, and other fishing equipment or tackle must be removed from the beach after fishing has been conducted. Fishing permits at the City Pier are not required.

7.4(c) Dogs and pets are prohibited on the beach and pier except for service animals.

7.4(d) Surfing is allowed in designated surfing area only.

7.4(e) Alcoholic beverages are prohibited on the beach. Coolers are subject to search.

7.4(f) Glass bottles and glass containers are prohibited on the beach.

7.4(g) Digging holes or erecting tents, canopies and fencing is prohibited. Small beach sun tents can be used. They must be removed prior to sundown and cannot be placed permanently on the beach or in the park.

7.4(h) Unauthorized use of any lifeguard towers is prohibited.

7.4(i) Anyone requested to do so must move out of the way of Police, Beach Patrol, Park Ranger, or other Government Service vehicles.

7.4(j) No person shall interfere with Police, Lifeguards, Marine Rescue, or City Deputies, Park Rangers or Park Personnel in the performance of their lawful duties.

7.4(k) Directives given by the lifeguards must be adhered to.

7.4(l) There is no overnight camping, fires or other activities associated with camping.

7.5 The following regulations are intended to eliminate nuisance activity on the beach and provide patrons with a pleasant environment in which to recreate:

7.5(a) Loud Noise. No person or group shall play or operate any sound amplification device including radios, television sets, turn tables, tape decks, public address systems, amplified musical instruments or any other loud noise generation device which disturbs other persons.

7.5(b) All commercial photography and filming is prohibited unless prior written permission has been obtained from the City Manager's Office.

7.5(c) Soliciting, begging or panhandling is prohibited.

7.5(d) Removing trash and debris from waste receptacles requires a written permit from the Parks and Recreation Department. Such a permit shall be issued under specific criteria determined by that Department.

7.5(e) Use of picnic tables for other than picnic purposes is prohibited. Proper use of tables for picnicking is on a first come, first serve basis. Holding tables for patrons who have not arrived is prohibited.

7.5(f) Drying clothes by hanging them on trees, bushes, tables or in or around rest rooms is prohibited.

7.5(g) Attaching hammocks to trees, showers or structures is prohibited.

7.5(h) Beach sea oat and dune plantings are protected, and no person shall cut, damage, or remove such plants from the beach.

7.5(i) No person shall discharge any fireworks on any portion of the City Beach unless done as part of a special event authorized by the City or by Special Permit through the city. Fireworks shall mean any combustible or explosive composition or substance or combination of substance or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including sparklers.

7.5(j) All wildlife, birds, fish, and turtles are protected by City, County, State, and Federal Mandates and laws. City of Anna Maria Sections . 14-2--14-25. Reserved.

Article II. Sea Turtles Game and freshwater fish, F.S. ch. 372; cruelty to animals, F.S. ch. 828; local animal control ordinances, F.S. § 828.27. Florida State Statute 372.072 (Endangered or Threatened Species Act); 372.0725 and other associated federal and state statutes. Endangered Species Act of 1973 ([7 U.S.C. § 136](#), [16 U.S.C. § 1531](#) et seq.)

7.5(k) Sea Oats, Sea Grapes and other plants, dune areas, and costal vegetation are protected by local, state, and federal laws. **Florida State Statue 370.041**

8.0 COLLECTION FEES

It is prohibited for any person to use any facility, land or area for which a fee or charge has been established by the City of Anna Maria without payment of such fee or charge.

9.0 GENERAL LAWS - ADDITIONAL OPERATING PROCEDURES

9.1 Federal, State, County and Municipal Laws. All federal, state, county and municipal laws are hereby adopted and are to be enforced within all City of Fort Lauderdale parks, beaches and recreational facilities.

9.2 Compliance with Additional Posted Rules. Specific facilities which require additional operational procedures for orderly use shall be posted with rules in a conspicuous place. Patrons utilizing all facilities shall comply with posted regulations

10.0 PERMITS FOR SPECIAL EVENTS

10.1. Special Event Permits are required for most events and strictly regulated by City Ordinance 114-428.

(a) *Special events permitted.* Special Events may be permitted within the City of Anna Maria, Florida, subject to the standards established herein.

(b) *Definition.*

(1) Special events are defined as a land use or activity, of a specifically limited time and purpose, having higher impacts on adjacent areas and public services than would be reasonably expected from a permitted land use or activity, and not otherwise governed by the general zoning district regulations of this section.

(2) Special events may include, but are not limited to, indoor and outdoor arts and crafts shows; bazaars; carnivals; sports events; commercial and sales activities; sidewalk sales; flea markets; rummage sales; holiday events; Christmas tree sales; plant sales; grand openings; festivals; fairs; auctions; breakfasts; beach **wedding** receptions and similar events; charitable and other fundraising events; and parades. Garage sales shall not be deemed as a special event in residential districts unless they involve three or more contiguous dwelling units or if they are held more often than four days within any 14-day period at any one dwelling unit. After the fourth day, no less than 90 days must pass before further garage sales may be held at a site without a special event permit.

(c) *Procedure.* Special events may be specifically permitted in any zoning district, upon approval of a required application. Prior to a special event permit being issued, an application must be completed and submitted to the city under the following procedure:

(1) A pre-application conference with the director of public works is encouraged, but not required.

(2) The applicant must complete and submit an application on forms provided by the city. The city commission may set a reasonable application fee schedule by resolution from time to time.

(3) The application shall include, at a minimum, the following information:

a. *Name of the applicant and location of site.* If the applicant is not the owner of the property upon which the special event will take place, an authorization form appointing the applicant as the landowner's representative, signed and notarized by the landowner, shall be submitted. If the special event is to take place upon property owned or controlled by the city, permission to use city property may be sought in conjunction with the city approval of the permit pursuant to paragraph (d)(4), below.

b. *Site plan or other graphic representation of special event.* The site plan need not be professionally drawn, but shall instead be required to show with reasonable accuracy the layout of the property where the special event will be located, or if a parade or other similar use, the parade route. This site plan shall include a traffic flow plan, parking, location of major components of the use, such as bandstands, food booths, restroom facilities, dumpster locations, and any other information reasonably necessary for the reviewing agencies to assess the special event or activity.

c. *[Description of the special event.]* A description of the special event, including purpose, size of expected crowds, hours of operation, required governmental services and dates of the special event or activity. If alcohol is to be served, the provisions of subsection (f) shall apply to the event.

(4) The director shall review the application for completeness and advise the applicant of any

further information needed to complete the application. After the director has received any requested additional information, or if no additional information is necessary, the application shall be deemed complete.

(5) The completed application must be received by the department of public works at least three weeks prior to the date of the special event for which the application is being submitted and two weeks prior to a regularly scheduled city commission meeting where official action can be taken. If the event requires city or other governmental services, the completed application must be submitted at least six weeks prior to the date of the event.

(d) *Review.*

(1) The director of public works shall forward the application to the fire district, chief administrative police officer, and other affected agencies.

(2) a. The reviewing agencies shall review the application and may recommend any reasonable contingencies or conditions designed to lessen the impact the special event on the general public. The reviewing agencies shall use their own best professional judgment in reviewing the application in making any recommendations. The following may be used as general guidelines for planning purposes:

1. *Security services.* The city's police staff will review the permit application and assess the need for security services based upon the size of the crowd, location, traffic flow, whether alcohol will be served, and other information shown on the application. If security services are required, the applicant must provide for the security services before the permit can be approved and provide the city reasonable assurances that security services will be provided. The chief administrative police officer for the city, or his designee, shall be the city commission's primary advisor on the need for security services, including the number of security officers required and the hours assigned.

2. *Fire protection/rescue.* The Westside Anna Maria Fire District staff will review the permit application and assess the need for fire district services based upon its criteria and the information provided in the application. The fire chief of the district, or his designee, is the final authority on the need for fire district services. The applicant shall be responsible for contracting with the district and paying any required fee for its services.

b. The comments and recommendations of the reviewing agencies shall be returned to the director of public works at least five working days prior to the city commission meeting where the application is scheduled for review.

(3) After receipt of comments by all reviewing agencies, the director of public works shall review the finalized application and submit it to the mayor, with the recommended contingencies and conditions from the reviewing agencies.

(4) The application and recommendations shall be scheduled for final review by the city commission. The city commission shall review the submitted application and any comments, contingencies or conditions recommended by the reviewing agencies. The city commission is authorized to add its own reasonable contingencies and conditions to the application during its final review.

(5) Upon approval, the applicant will be notified by the department of public works and advised of any conditions and fees required. The director of public works shall be responsible for forwarding copies of the approved special event permit to the mayor, city commission, police department and all other agencies or departments affected thereby. Once the applicant has provided assurances that the conditions will be met, the director shall issue the permit.

(6) A special event permit may be approved for no more than three days. The applicant may choose to designate a rain date in the application which may be approved in conjunction with the

preferred date of the special event.

(7) The special event permit shall be specifically contingent on the conditions required by the city commission. If the conditions are not met, the permit may be withdrawn by the director of public works.

(e) *Insurance and fees.*

(1) All persons requesting city property for the location of the special event or requesting city services shall be required to have appropriate insurance as a condition for approval of the permit. Proof of insurance showing the city as an also-named insured and with a minimum of \$1,000,000.00 general liability coverage, shall be provided to the city at least 48 hours prior to the start of the special event. The applicant shall also agree to indemnify, defend and hold the city, its officials, employees, agents and assigns harmless from any liability or damage or claims that may occur during or arising out of the permitted special event. The applicant may be required to post an appropriate performance bond to ensure that the proper cleanup, damage and fees are paid after completion of the use.

(2) Should the special event require city or governmental services, the applicant shall pay a reasonable fee for these services. This fee shall be based on the scope of services provided to the special event and no greater than the actual cost to the governmental agency supplying the service.

(3) Issuance of a special event permit does not excuse the applicant from applying for other required permits. These may include building permits, electrical permits or health department permits. The applicant has the responsibility to have all necessary permits issued for the special event. Review of applications for other required city permits may proceed simultaneously with the review of the application.

(f) *Temporary sales and service of alcoholic beverages.* Notwithstanding the provisions of the City of Anna Maria Code, Sections 114.501 114.506, to the contrary, alcoholic beverages may be dispensed or sold in conjunction with a special event permit issued pursuant to this section. Approval of temporary sales and service of alcoholic beverages shall be pursuant to the following conditions:

(1) Any application for temporary sales and service of alcoholic beverages in conjunction with a special event permit must be properly filed with the city no less than six weeks prior to the special event.

(2) The applicant must not only provide the insurance as required in paragraph (e), above, but also an alcohol liability rider with the city as an also-named insured in an amount of no less than \$1,000,000.00.

(3) The boundaries of the site where the special event is located must be clearly marked and informing the attendees that alcoholic beverages must be kept within the perimeter of the site designated for the event and that persons with alcoholic beverages outside the boundaries of the special event are subject to prosecution if other applicable laws are violated.

(4) The city commission reserves the right to attach additional conditions pertaining specifically to alcoholic beverage consumption to any special event permit, such as limiting the hours alcoholic beverages will be available or limiting the type of alcoholic beverages dispensed at the special event.

(Ord. No. 2000-580, § 1, 6-8-00)

See also City Ordinance 114.503 that exempts Island Players, the Municipal Pier and the Anna Maria Island Community Center from serving or selling alcohol. The exemption does not exempt security regulations regarding the hiring of off duty deputies to provide security at events.

11.0 ENFORCEMENT

11.1 **Hindering Enforcement.** No person shall impersonate in any way a park official nor hinder park officials or personnel in the performance of their lawful duties.

11.2 Trespass. Any person or group found in violation of the above rules and regulations shall be ordered to leave all City of Anna Maria parks, beaches and recreation facilities. Any person who fails to leave all facilities, parks or beach at the time requested may be arrested and prosecuted for trespassing or prosecuted under other existing ordinances.

11.3 Beach, sea wall, dock, and pier trespassing complaints. Most beach areas in the area of Anna Maria Beach are owned by homeowners. Homeowners must comply with the provisions of Florida State Statute Number 810.09 and 810.011(5)(a)(1). . Homeowners should call 911 if they see a trespassing offense. Homeowner should not approach the trespasser.

Beach, park, business, and pier patrons please respect the homeowners, residents, and tenants in the city. Any trespass on a sea wall is considered a criminal offense. You are not allowed to use outside water or toilet facilities that are privately owned. **You cannot trespass** and City Deputies can arrest you if they see you trespassing. If you are trespassing on any property or sea wall the homeowner is not responsible for your safety. If you are trespassing you can be subject to arrest and fines of up to \$1,000.00. Do not trespass.

12.0 REGULATION EXCEPTIONS

12.1 All government activities carried out in the ordinary course of park and beach operations shall be exempt from the provisions of City sponsored, co-sponsored, or City approved special events are exempt.