



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: June 2, 2015

Subject: Approval of Minutes

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

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

Fiscal/Budget Impact

None.

Staff Recommendation

Approval

Attachments

- May 5, 2015 Regular Commission Meeting
- May 12, 2015 Special Commission Meeting
- May 19, 2015 Special Commission Meeting



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, May 5, 2015 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:03pm.

2 Roll Call

Mayor David Coviello - present

Vice Mayor Fred Jonas - present (*via telephone*)

Commissioner Bob Anderson - present

Commissioner Roxanna Ross - present

Commissioner Barbara Watts - present

Attorney Hearn explained that Vice Mayor Jonas was attending the meeting via telephone. There was consensus from the Commission to accept.

Present from staff were:

Village Manager Heidi Siegel

Village Clerk Maria C. Camara

Village Attorney John Hearn

Public Services Manager Krishan Manners

Police Chief Cornelius McKenna

Parks & Recreation Manager Shelecia Bartley

Assistant Public Works Manager Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

- 4.a Graeme Pentland from EBS Advisors provided information on the renewals for employee health benefits. Resolution 2015-25 will be considered later in the agenda which confirms our selection of Aetna Life Insurance for the policy period of June 1, 2015 - May 31, 2016.

- 4.b Community Signage: Manager Siegel provided the background on the funding received, and the bid process where the firm of Savino Miller Design was selected. Adriana Savino and Barry Miller provided a mock up of the sign design that was selected which will be placed throughout several entry points in the Village.

4.c Members of the Biscayne Park Foundation requested Commission approval to sell beer and wine at Village sponsored events, providing that the required licensing and insurance were obtained. A resolution to be drafted confirming same.

4.d Chief Cornelius McKenna provided a brief video presentation on 911 calls, and information on utilizing the Miami Dade County Non-Emergency dispatch system (305 4-POLICE).

4.e Storm Water and Road Repair/Improvements Assessments: Public Services Manager Krishan Manners provided a presentation.

5 Additions, Deletions or Withdrawals to the Agenda

< None >

6 Public Comments Related to Agenda Items / Good & Welfare

Judi Hamelburg: On signage, concerned with sharp corners. On assessments, can we use Kimley Horn studies instead? Can we tap into assistance from universities? Can we get reimbursed on what monies we put out? Have no problem with putting money into improvements for the Village.

Mike Kopcsik: On signage, it is sitting on a narrow piece and could be knocked over. Why doesn't the city pursue a cell tower in the Village. Have heard many with dropped calls. On the master plan issue, we are getting big city in our thoughts. You dig a new drain, it will also fill. Put more black top, and draining worsens. On many of the bills I pay, a percentage goes to utility tax. Don't understand the assessment. Is it monthly? Annually? Economy getting better, but there have been issues in the past. Be responsible and make sure the Village does not get into a slump.

Kate Emerson: How long will these assessments go on for? Am health conscious. Look out for all human beings. Don't like roads with roots. If you are injured or a senior, you feel worse. The roads are not smooth. On emergency services, that is the most important thing. We need to get through to emergency services right away.

Janey Anderson: Would like to acknowledge Recreation Center employee Philomene Pierre. Handled a situation at the park very professionally.

Milton Hunter: On Resolutions 2015 23-24, do not support them as written. Do appreciate the commission's ambition. I see the want of moving our Village forward. Received the notice on the public hearing on the tax assessments. But disillusioned if staff/commission feels this was well evaluated and scrutinized, and properly brought forward in an open manner. Disappointed that your first consideration was for more taxes, instead of studying the government model that has produced a deficit in 9 of the last 11 years. Proposal is similar to what was brought forward for the \$350,000 loan for the construction of the Annex building and log cabin restoration. By similar, I mean they were both done rushed and without more information to our residents. Concerned as to why this was not presented in a workshop type fashion to inform the residents of the impact. To spend such a large amount for a plan for the size of our Village, and to tell us what we already know is beyond comprehension. Better to get some ball park costs on what the repair costs would be before pursuing the plans. The cost of the plans as presented are exorbitant and need to look for alternatives.

Chester Morris: On cell towers, was in favor in past years, but many residents did not agree. Not opposed to paying assessment for repair, but against paying for a plan. Use common sense. This is not a big city with unlimited money. Just because you have a plan does not guarantee you will get grants. You have fiduciary responsibility not to put us into debt. You are spending money on annexation and many residents were opposed. Think of this money as it was your own. Go back to the way we did it before. When I was commissioner and we had storm water issues, we asked for grants and got them. We did not have fancy master plans. We didn't spend money that we didn't have. What we did have we spent wisely. Stop before you leap. Start thinking.

Tracy Truppmann: On the resolutions, there has been zero documentation provided to the residents on the road and storm water issues prior to this. Standing water does not make it a storm water issue. Also have an issue that we did not have a workshop to discuss this issue. I don't care about the \$200 assessment. I do care about a \$200,000 plan. It should have been put out to bid. The cost quotes is extremely high. Better to just spend the money on fixing the roads. We are not Sweetwater that has real issues. We just have bumps in the road and a few areas that take about 15 minutes for the water to drain. The community has not been involved. My biggest objection is the way it has been done without having gone through all the processes. I would like to see a visioning where the entire community's concerns are brought forward and then decide how our money should be spent. Do it on a Saturday where everyone can attend and not at the Mayor's office.

Dan Samaria: To honor the police officer that died in New York, would like to get a Biscayne Park police officer to fly to New York to represent us at his funeral.

David Raymond: Recently moved in. Discovered we have a serious drainage issue in my area. Realize getting a study and need to wait 2-3 years before it is fixed. Need to have a plan B and look at specific areas and target those even if it's just curbing around the drains. I support the assessment, but you need to have a backup plan.

Barbara Kuhl: Krishan did a good job laying out the process. When first considering using Waste Pro, the master plan was brought up and the cost was \$280,000 for roads and storm water. In regards to the records retention, a very bad idea to destroy records. On code issues, it is common for items to come up that happened in the last 20 years. In December, four resolutions were passed regarding the assessments and that the cost would be decided in the Spring and the cost of the plan would be based on solicited proposals. There were comments at that time asking what would be the cost. At April commission meeting, I objected when the ordinance was being considered because there was no information on the scope. Attorney explained that the ordinance sets the intent, and at the next meeting the assessments will be discussed. Mayor assured me not to worry. Eight days later there is a letter in the mail on the assessment. People I spoke to felt that it was a done deal, and that it was for actual work and not just a plan. The letter is poorly worded.

Gary Kuhl: On records retention, just had a case in code compliance where violations occurred over 10 years ago. Had the records been destroyed, we never would have been able to resolve that issue and collect any money. Unless there is a compelling reason to destroy, feels it will be a big mistake. What is most annoying on the issue of the assessments is that tonight we get the presentation at the 11th hour that should have been done a long time ago. The CAS proposal is word for word the same as a year ago. Only a few things were eliminated that reduced the cost. This has been orchestrated as a sneak attack. Why wasn't this discussed. More than one person requested more education and better explanation to the community. The wording in the notice is that it is for both repairs and the plan leading them to believe that it was for both.

Rosemary Wais: Live near a lake when it rains. Need 8 volunteers for August 15th event, the first annual bike race in the Village. Looking for judges. Calls upon the commissioners and staff to assist.

Linda Dillon: Everyone in the Village should be thanking the Village staff. Have spent time working in Village Hall for several weeks and have come away with a totally new respect for what they have to deal with. The amount of work that goes on in our Village is amazing. On top of this they have had to move to a location where they have limited space and storage. They continue to work and take care of Village business. Have been volunteering with the records to meet the state statutes. The records being destroyed have nothing to do with Code Enforcement. Only building permits are being pulled out that have met retention. Most may have a historic component, but no other serious benefit to retain.

Mayor Coviello thanks Linda Dillon for her services in volunteering at Village Hall. Also recognizes the Staff and the hours put in on their own time to move Village Hall operations out of the cabin and into Public Works without having to spend any costs in hiring movers.

Art Emerson: Confirms that the assessment for a duplex would only be one assessment based on the land parcel.

Jorge Marinoni: On sign, really like it. Protect the pedestrians from the edges with landscaping. On cell tower, a good idea to reconsider. A good source of possible revenue. On assessment, I am for it. We need to repair our roads. An engineer will tell us what is more important. Our roads are coming apart. If we can get money from the State that would be great.

Chuck Ross: Thanks Krishan for the presentation and the process that has taken place over a period of time. Agree with Jorge. Need to have a master plan to obtain State funding. Several properties with terrible flooding issues all over the Village. This deteriorates the roads.

Lauren Caban: Am busy, but pay attention to what is happening. Surprised at the notice. Sounded like a done deal. This is just for a piece of paper and not for repairs. Reviewed proposals. Live in front of a 30' median and percolates quickly. Some areas are bad, but spending just for a piece of paper is not worth it. Surprised that this is a final reading.

Mayor Coviello takes the agenda out of order and moves up section 8 Consent Agenda, followed by item 9.a.

8 Consent Agenda

Item 8.f Resolution 2015-28 is pulled to be heard at the end. Left on the consent agenda:

8.a Approval of Minutes

April 7, 2015 Regular Commission Meeting

8.b Acceptance of Board Minutes

Ecology Board - March 16, 2015

Biscayne Park Foundation - March 11, 2015

Planning & Zoning - April 6, 2015

Planning & Zoning - April 20, 2015

Joint Parks & Parkway and Public Art Advisory Board - April 2, 2015

Code Compliance - April 13, 2015

Public Art Advisory Board - April 8, 2015

Code Compliance Special Meeting - April 27, 2015

Recreation Advisory Board - March 24, 2015

Recreation Advisory Board - April 28, 2015

8.c Resolution 2015-25

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE TO PROVIDE EMPLOYEE HEALTH BENEFITS FOR THE PERIOD OF JUNE 1, 2015, THROUGH MAY 31, 2016;** AND PROVIDING FOR AN EFFECTIVE DATE.

8.d **Resolution 2015-26**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE LAW ENFORCEMENT MUTUAL AID AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF BISCAYNE PARK**; PROVIDING FOR AN EFFECTIVE DATE

8.e **Resolution 2015-27**

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

8.g **Resolution 2015-29**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ATHORIZING THE VILLAGE MANAGER TO EXECUTE THE SUBMITTER LICENSE AGREEMENT WITH SIMPLIFILE L.C., FOR E-RECORDING SERVICES**; PROVIDING FOR AN EFFECTIVE DATE.

8.h **Resolution 2015-30**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE AMENDED LEGAL DESCRIPTION OF THE PROPOSED ANNEXATION AREA** TO BE INCORPORATED IN THE ANNEXATION APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

8.i **Resolution 2015-33**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE CHANGE ORDER TO THE CONTRACT BETWEEN BEJAR CONSTRUCTION, INC., AND THE VILLAGE OF BISCAYNE PARK IN THE AMOUNT OF \$41,120.64**; PROVIDING FOR AN EFFECTIVE DATE

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

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

Opposed: None

Motion carries: 5/0

9 **Ordinances**

Second Reading

9.a **Ordinance 2015-02**

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

Mayor Coviello recognizes the public comments made earlier regarding this ordinance and the presentation by Public Services Manager Krishan Manners. Will hear Resolutions 2015-23 and 2015-24 along with the Ordinance.

10.b **Resolution 2015-23**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE STORMWATER REPAIR ASSESSMENT FOR THE VILLAGE OF BISCAYNE PARK**, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

10.c **Resolution 2015-24**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE ROAD REPAIR ASSESSMENT FOR THE VILLAGE OF BISCAYNE PARK**, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of Ordinance 2015-02, and Resolutions 2015-23 and 2015-24.

Mayor Coviello opened the meeting for public comment.

Barbara Kuhl: A little disheartening to look at Commissioners when speaking and see dismissive feedback. Do not appreciate it. You are dealing with all the residents in the Park. The way handled from the beginning is wrong. We were told not to worry about the cost when concerns were brought up. And now at the 11th hour, the notice is sent, and have been told all along we were going to discuss it. This proposal from Craig Smith is the exact same one presented a year ago. Plenty of time to have had a workshop. Some Commissioners told me that they were shocked when they got it. Stated in back up memo that legislature would rather fund a shovel ready project and not a plan. Isn't it better to a study a smaller project, get an RFP and do a three year plan. The proposal from Craig Smith is boiler plate material. You are probably going to pass this because you look to be unresponsive and you feel I am picking on this Village when I say there is no transparency. Yet I had to ask the Village to put this one the website so other people could see this. I think you are diluting yourself if you think you are being fair.

Tracy Truppman: On the storm water issue, standing water for 15 minutes is not a problem. There are some specific areas in the Village where you do have a problem and it can be corrected in a less expensive manner than digging up the roads and running pipes through. Excited to hear that North Miami would work with us in regards to water pipes, but should not be the reason to tear up the roads. Have an issue with the scope of the project. Before you decide to spend \$200,000, put it out for an RFP and see if there are alternative ways. We only have a \$2 million dollar budget. At some point you have to close your finances and become more fiscally responsible. Not opposed to getting the plan. But am opposed to the cost of the plan. On the road issue and bumps due to trees, you can only prune so much until the tree becomes unstable. Reality is you cannot root your way out of having bumpy roads when there is a large tree canopy without removing trees. Have to be realistic about the roads you can and cannot really help. On streets like 114th where you have severe root issues, welcome to natural traffic calming unless you want to remove the trees.

Janey Anderson: Against the ordinance and resolution as presented. You have spent more time on the swale ordinance, newsletter and other matters than this brand new proposed tax increase. If you are rushing to meet deadlines, better to hold off. If you send out a notice that gives the impression that it is a done deal and that it would also include actual repairs, you don't do it ahead of commission discussion and vote. It's tough enough to get resident participation and if they think it is a done deal, they are discouraged. If the attitude is that you saved significantly on outsourcing sanitation for which I appreciate, you don't take it back to gamble on a survey. What is not a gamble is that we have drains that need to be cleaned and roads to be repaired. Surely there are companies that will come in and give us a real cost to repair. You will get immediate results as opposed to waiting down the road. You don't need a survey to tell you this. We may have 17 miles of roads, but we are still a small town. Don't need to make it complex. Glad you are the Commission to get things done, but you can't suffer the consequences of not doing your due diligence and gamble this amount of money. Wondering how many other cities, that when you combine their assessments with their millage, that it goes over 11%.

Dan Samaria: To spend money on a survey, not for it. Will we have to do another survey next year? We are smart enough to know what roads need to be fixed.

Chester Morris: Agree with last person that spoke and Barbara Kuhl. Spend the money on the actual repairs. How many drains do we have? Approximately 70-75. Fix the ones that we have. Clean them out. You haven't done it and they will work better when you do.

Gary Kuhl: On drains that have been ignored, some have plants growing in them. Clean them out. Then you will know if you have a problem. Understand that in a study there is a lot of boiler plate jargon and what the State wants. Nevertheless, in really looking at it, it makes no sense. Who on the Commission or Staff has the expertise to gauge a civil engineering proposal. We have no water runoff. Why do we need a storm water infrastructure with pumping stations. What is not realized is in looking at the roads, what is excluded is what the Village is required to provide. Maps, signs, surveys. Probably a \$75,000 additional cost and more. You will won't even raise enough money and you can't use outdated information. What happens after you get the survey and you annex, or regulations change? What happens if we get nothing back at all. We have minor problems. This is a small Village. We've driven through it and don't see a problem. Swales are intended for drainage which is common in most cities. You are not getting a shovel ready project out of this. This gets you nothing, except to get some background information in front of the State. Take \$300,000 and use that to solve the problems we have. If down the road there are major problems that need to be addressed, we will deal with it then. But to gamble \$200-\$300,000 would be highly irresponsible of the Commission.

Mike Kopcsik: On the ordinance itself, have a problem with an assessment without representation. Obvious from comments that Commission is not representing us. State is not guaranteeing that they would give us money. Before you spend our money, put it to a vote and let us decide. Don't think you know what you are doing. When first moved here, 30mph. The roots on the road, slowed people down. I don't mind it and it keeps people driving slow. Let our trees go and it will give us traffic calming.

Manager Siegel provided a follow up to some of the comments made, as well as Attorney Hearn and Gene Shriener from Craig A Smith.

After further discussion from the Commission, Commissioner Ross makes a motion to approve Ordinance 2015-02 and it is seconded by Vice Mayor Jonas.

The motion is called to a vote:

Vice Mayor Jonas: Yes

Commissioner Anderson: No

Commissioner Watts: No

Commissioner Ross: Yes

Mayor Coviello: Yes

Motion carries: 3/2

Commissioner Ross makes a motion to approve Resolution 2015-23 to establish a storm water repair/improvement assessment. The motion is seconded by Vice Mayor Jonas.

All in favor: Vice Mayor Jonas and Commissioner Ross

Opposed: Mayor Coviello, Commissioner Anderson and Commissioner Watts

Motion fails: 2/3

Commissioner Ross makes a motion to approve Resolution 2015-24 to establish a road repair/improvement assessment. The motion is seconded by Vice Mayor Jonas.

All in favor: Vice Mayor Jonas and Commissioner Ross

Opposed: Mayor Coviello, Commissioner Anderson and Commissioner Watts

Motion fails: 2/3

9.b Ordinance 2015-03

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

Attorney read the title and provided the background.

Mayor Coviello opened it to public comment and there were none.

Commissioner Anderson makes a motion to approve Ordinance 2015-03 and it is seconded by Commissioner Ross.

The motion is called to a vote:

Commissioner Anderson: Yes

Vice Mayor Jonas: No

Commissioner Ross: Yes

Mayor Coviello: Yes

Commissioner Watts: Not present during the vote.

Motion carries: 4/0

10 Resolutions

10.a **Resolution 2015-22**

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, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Manager Siegel provided the background and that the annual waste fee assessment beginning October 1, 2015, is \$394.92.

Commissioner Ross makes a motion to approve Resolution 2015-22 and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Vice Mayor Jonas, Commissioner Anderson and Commissioner Ross. *Commissioner Watts not present during the vote.*

Opposed: None

Motion carries: 4/0

Mayor Coviello calls a recess at 10:10pm

Meeting resumes at 10:25pm

Resume hearing Resolution 2015-28 which was pulled from consent.

8.f Resolution 2015-28

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **TERMINATING THE PROFESSIONAL SERVICES AGREEMENT WITH THE NON-PROFIT ASSISTANCE CENTER, INC.**, DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE NON-PROFIT ASSISTANCE CENTER, INC. AS NOTICE OF TERMINATION OF THE PROFESSIONAL SERVICES AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Commissioner Ross pulled the item due to concerns that we have the proper processes in place and assurances for the transition.

Commissioner Ross makes a motion to postpone the item to the June meeting and it is seconded by Commissioner Anderson.

Vice Mayor Jonas no longer participating in the meeting via telephone at 10:45pm.

After discussion, Commissioner Ross amends her motion to hear the item at the May 12th Special Commission meeting. The amendment is accepted by Commissioner Anderson.

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

Opposed: None

Motion carries: 4/0

At 10:55pm, Commissioner Anderson makes a motion to extend the meeting 10 minutes and it is seconded by Commissioner Ross.

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

Opposed: None

Motion carries: 4/0

10 Resolutions (resumed)

10.d Resolution 2015-31

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION, APPOINTMENT AND TERM OF OFFICE OF THE BOARD MEMBERS TO THE PLANNING & ZONING BOARD**; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Ballots provided to the Commission to select from the applications submitted. Based on the votes and then the selection of terms, the board members are:

- Gage Hartung (3 year term)
- Elizabeth Hornbuckle (2 year term)
- Andrew Olis (2 year term)
- Victor Recondo (1 year term)
- Doug Tannehill (3 year term)

10.e Resolution 2015-32

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

Ballots provided to the Commission to select from the applications submitted. Based on the votes and then the selection of terms, the board members are:

- Harvey Bilt (3 year term)
- Dale Blanton (3 year term)
- Linda Dillon (2 year term)
- Gary Kuhl (1 year term)
- Jenny Johnson-Sardella (2 year term)
- Laura Graves - ALTERNATE (1 year term)

*Mayor Coviello asks that the following items are moved to the May 12th meeting:
Item 7.a, 11.a, 12.a and the Manager's Report.*

13 Request for Placement of Items on Next Meeting Agenda

Commissioner Ross: discussion on the next steps of the assessments.

15 Announcements

Saturday, May 9th - Movie Night in the Park at 7:00pm
Monday, May 11th - Code Compliance Board at 7:00pm
Monday, May 11th - Biscayne Park Foundation at 7:00pm
Tuesday, May 12th - Special Commission Meeting at 6:30pm
Wednesday, May 13th - Public Art Advisory Board at 6:00pm
Saturday, May 16th - Art in the Park / Music Festival from 3:00pm to 8:00pm

Monday, May 18th - Planning & Zoning at 6:30pm
Monday, May 18th - Ecology Board at 6:30pm
Tuesday, May 19th - Crime Watch Meeting at 7:00pm
Wednesday, May 20th - Parks & Parkway Advisory Board at 6:00pm
Monday, May 25th - All Village Departments are Closed for Memorial Day
Tuesday, May 28th - Recreation Advisory Board at 7:00pm
Monday, June 1st - Planning & Zoning Board at 6:30pm

The next regular commission meeting is Tuesday, June 2, 2015, at 7:00pm.

15 Adjourment

The meeting was adjourned at 11:06pm.

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
Tuesday, May 12, 2015 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 Fred Jonas - present

Commissioner Bob Anderson - present (*via telephone*)

Commissioner Roxanna Ross - present

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

Present from staff were:

Village Manager Heidi Siegel

Village Clerk Maria C. Camara

Village Attorney John Hearn

Public Services Manager Krishan Manners

Police Chief Cornelius McKenna

Parks & Recreation Manager Shelecia Bartley

Assistant Public Works Manager Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

5 Additions, Deletions or Withdrawals to the Agenda

6 Public Comments Related to Agenda Items / Good & Welfare

Barbara Kuhl: On the log cabin project, there are problems with the process. Since it stated no bids over \$500,000, why were you entertaining all the bids that were over? They were non-responsive. Architect was concerned of cuts that were proposed without his review. Whole process was flawed. How are we proceeding if no bids were within the \$500,000? Maybe some did not pursue because of the cap. We are shorting ourselves. It was mentioned that Heisenbottle design is the "Mercedes Benz". This is a historic building. The jewel of our neighborhood. We were given funding for historic preservation. Do not want to see any limitations. Don't want a "Yugo". Figure out how to supplement. We raised money for art pieces. Ask residents to donate, for commemorative bricks. Raise the money and do it the right way.

Linda Dillon: On 10.a, records retention, originally in favor to continue to purge which is in accordance with State mandates. Clarifies that only reviewing building permits and that code compliance documentation is separate. The more I discussed this with other residents and members of the Code Compliance Board, I questioned whether or not this was the right decision. Spent the day calling other cities. Not all forthcoming with information, but those that did, they shared a common theme that if they had the space, they would maintain and others digitally scan them. Spoke with Miami Shores who keep all records, as well as North Miami who keep all records pertaining to structure, but throw out paint permits. Spoke with Steve Bernard and he also agreed that we should find a way to keep these records. I have now changed my mind. Would like to look for a way to keep the records permanently. Look for space in Public Works once the Annex building is completed, or look to scan the documents and I would continue to volunteer my services to assist in that project.

Steve Bernard: On the resolution for the log cabin contract, there was no information on the website. You don't pay contractor to do value engineering. Architect does it and if needed, you re-bid it. If costs are more than what we have and you go forward without having money, then that would be a dis-service to this Village. If you are going to borrow more money, you need to do a better job on informing the residents unlike what was done on the last decision to borrow. On records retention, if you throw out permits, it would be insane. We are going to have three buildings and people willing to help scan. To lose that permit, planning and historical information does nobody any good. On annexation, cannot believe you are still spending time and money on this when you know we have no chance. North Miami is not going to withdraw their application. If you want to continue to be the spoiler for North Miami, you can say good bye to any reasonable discussion we can have with them regarding our

water. We keep putting off this discussion with them and other capital improvement plans. People in Biscayne Park don't want annexation. There are only a handful of people. The rest of us are concerned that you will be pulling police services from our area to police that area. I speak for a lot of neighbors that don't want our cops leaving our area. You will not be able to make this work. You have no plan. On sanitation, the assessment was passed last month with little discussion. You heard from hundreds that we did not want to outsource. Now you pass the assessment without discussing how it's working or how many complaints there have been. In addition, you pass the assessment with \$100,000 in administrative fees that don't go to the contractor. At least when we did it, you could pretend that those administrative fees covered the cost for the Manager and Finance Director. Now that we pay someone else, if we are spending money, \$100,000, to facilitate this contract, we are wasting money. Ask the Attorney whether this was transparent the way that it was passed.

7 Information / Updates

7.a FY 2014-15 Monthly Financials ending 03/31/2015

Manager Siegel provided a summary of the financials through March 31st.

8 Resolutions

8.a Resolution 2015-28

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **TERMINATING THE PROFESSIONAL SERVICES AGREEMENT WITH THE NON-PROFIT ASSISTANCE CENTER, INC.**, DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE NON-PROFIT ASSISTANCE CENTER, INC. AS NOTICE OF TERMINATION OF THE PROFESSIONAL SERVICES AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Manager Siegel provided the background.

After discussion, Commissioner Ross makes a motion to approve Resolution 2015-28 and it is seconded by Commissioner Anderson.

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

Opposed: Commissioner Watts

Motion carries: 4/1

8.b Resolution 2015-00

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT BETWEEN < > AND THE VILLAGE OF BISCAYNE PARK FOR RESTORATION OF THE VILLAGE LOG CABIN; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title as is.

Manager Siegel: Pulling the item at this time. Provided a summary to date of the bid process including the Review Committee's recommendation to select McKenzie Construction LLC, and to direct the Manager to further negotiate. Will be meeting with McKenzie Construction and Architect Richard Heisenbottle this week, and will defer the item to date certain Tuesday, May 19th at 6:30pm.

9 Old Business

9.a Chapter 5 Proposed Code Changes

Attorney Hearn recapped the changes made at the May 5th meeting which have been incorporated in the draft submitted.

After further discussion on section **5.6 Off-street parking**, the following changes were agreed upon by the Commission:

5.6.1 (a) (2): Take out the five (5) year and ten (10) year limitations and work in the 50% substantial repair concept. *Existing non-conforming driveways permitted by the Village may remain unless a substantial portion, 50% or greater, requires repair, or an addition to the driveway occurs.*

5.6.8 (a): *All driveways shall be of approved materials except as otherwise provided below.*

On section 5.6.8 (d) regarding an engineer's determination, have the Building Official review the language.

On section 5.6.8 (f) regarding the requirements for gravel driveways, specifically on the required border to contain the gravel, continue to research independently and come back with suggestions.

On section **5.3 Rights-of-way**, the Commission discussed the issue of the responsibility for removal of dead or diseased trees in the swale. The current language in the draft came as a result of the joint meetings between Code Review and the Parks & Parkway Advisory Boards.

After discussion, Commissioner Ross makes a motion to amend the language to state that the adjoining property owner is responsible for not only the maintenance of the trees, but also for the removal of dead or diseased trees. It is seconded by Vice Mayor Jonas.

Steve Bernard: The commission needs to acknowledge that a change is being made for a specific issue. If you now want to clarify the language and make it the property owner's responsibility, you need to notice everyone that will be affected before you make a decision. You must also find out how many properties there are.

Attorney Hearn: Recommends updating the language because of the prior case where the Code Compliance Board felt the language was ambiguous.

The motion is called to a vote:

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

Opposed: Commissioner Watts

Motion carries: 4/1

At the next meeting in June, continue reviewing the next section of Chapter 5.

10 New Business

10.a Records Retention - as requested by Commissioner Anderson

Clerk Camara provided a summary of the current separation of the building permit records. As per the GS-1 Schedule for records retention as provided by the State of Florida, municipalities are required to retain completed building permit documentation for 10 years plus 1.

After comments from the Commission to look for ways in which we could retain the records permanently, Manager Siegel recommends that Staff research the different options available and provide a presentation at the July commission meeting.

11 Reports

11.a Village Manager

Annexation Update: Met with North Miami City Manager on application. He is suggesting that we split the Biscayne Boulevard frontage. The Village would keep the light industrial and residential area, and North Miami would take the office building. Manager Siegel does not feel this is logical and not in our best interest. The County would not be amenable to this suggestion. The Village application is scheduled for the June 1st meeting of the County Planning Advisory Board. Notices will be sent to those in the radius of the area. North Miami application will also be heard on that agenda.

Annex building construction: Continue to work with contract and remain on schedule.

FDOT work on Sixth Avenue: On last phase to complete.

FY 2015-16 Budget Calendar provided listing all of the tentative meeting schedules and required deliverables.

11.b Village Attorney

The Commission was advised of a police battery issue. Has been forwarded to the Florida League of Cities.

On the case regarding former FHP Officer Watts, the Florida League of Cities has filed a motion to dismiss.

12 Announcements

Wednesday, May 13th - Public Art Advisory Board at 6:00pm
Saturday, May 16th - Art in the Park / Music Festival from 3:00pm to 8:00pm
Monday, May 18th - Planning & Zoning at 6:30pm
Monday, May 18th - Ecology Board at 6:30pm
Tuesday, May 19th - Special Commission Meeting at 6:30pm
Tuesday, May 19th - Crime Watch Meeting at 7:00pm
Wednesday, May 20th - Parks & Parkway Advisory Board at 6:00pm
Monday, May 25th - All Village Departments are Closed for Memorial Day
Tuesday, May 28th - Recreation Advisory Board at 7:00pm
Monday, June 1st - Planning & Zoning Board at 6:30pm

The next regular commission meeting is Tuesday, June 2, 2015, at 7:00pm.

13 Adjournment

The meeting was adjourned at 8:37pm.

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
Tuesday, May 19, 2015 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 Fred Jonas - present
Commissioner Bob Anderson - present
Commissioner Roxanna Ross - present
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Heidi Siegel
Village Attorney John Hearn
Building Coordinator Shanesa Mykoo
Public Services Manager Krishan Manners
Police Chief Cornelius McKenna
Parks & Recreation Manager Shelecia Bartley
Assistant Public Works Manager Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

5 Additions, Deletions or Withdrawals to the Agenda

6 Public Comments Related to Agenda Items / Good & Welfare

7 Information / Updates

8 Resolutions

8.a Resolution 2015-34

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT BETWEEN MCKENZIE CONSTRUCTION LLC, AND THE VILLAGE OF BISCAYNE PARK FOR THE LOG CABIN RESTORATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Siegel provided the background of the bid process, subsequent negotiations, value engineering, and financing of the project. Proposing a contract which is the full scope of work based on our available funds with an option for a change order in the future once future funds are secured.

Architect Richard Heisenbottle and Gavin McKenzie from McKenzie Construction were also present.

Commissioner Anderson: Concerned with some of the items listed for completion in Phase IV, such as the chinking and stain. Continue to look for items from first three phases that can be delayed in order that we can be assured these will be completed and that we have a sound structure.

Vice Mayor Jonas: Concerned with the increased cost of the project over what had been originally estimated. Does not see the need for the permanent dais or the porch railings.

Commissioner Ross: Committed to doing all four phases, but understand the need to find savings, if it becomes necessary. On the resolution, asks that it include the Village's matching grant information.

Commissioner Watts: Inquired on selection of type of logs and lighting fixtures.

Mayor Coviello: Confirms if only the first three phases are complete, that the building will be not be operable, due to the electrical lighting requirements. Can an item be moved out of the first three phases to accommodate the electrical requirement.

Public Comments:

Noah Jacobs: Thanks Mr. Heisenbottle and Mr. McKenzie for attending the meeting. Curious as to what needs to be done in regards to keeping the historic designation. Focus is on renovation of the cabin and what percentage of money is being spent on that. Agrees with Commissioner Anderson on the amount that is

being spent. Appreciates all the hard work being done on this project, but you need to understand what you will encumber on next year's budget. You have a duty and responsibility to represent the community as a functioning entity, but also the resident's and homeowners of the community that eventually will have to pay for every single dime of the loan service and the matching funds. What exactly needs to be done in order that the building remains historical.

Gary Kuhl: In defense of Mr. Heisenbottle's estimate, a difficult building to make an accurate estimate. In the variation of the estimate and bids, there should be an 18% c contingency on this project. Ours is much lower and will disappear in a heart beat. Look for the Commission and Administration to engage in getting donations.

Jorge Marinoni: Asks for clarification on the replacement of exterior logs and the possibility of shrinkage of the chinking. Mr. Heisenbottle explains that in certain portions where a replacement is required, we do not have the luxury of utilizing Dade County pine.

Mr. Heisenbottle: Explains that in certain portions where a replacement is required, we do not have the luxury of utilizing Dade County pine. In a perfect world, would have chosen to do that. Have used pressure treated southern yellow pine, and the chinking that will be used has flexibility. Confident that it will be successful. In regards to historic preservation, doing everything to enhance its historic integrity and return the building to historic integrity and add the necessary maintenance to the building. Undoing things done in the past that did compromise its historic integrity.

Vice Mayor Jonas makes a motion to approve Resolution 2015-34 and it is seconded by Commissioner Ross.

After discussion, motion is called to a vote.

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

Opposed: None

Motion carries: 5/0

9 Old Business

10 New Business

11 Reports

12 Announcements

Tuesday, May 19th - Crime Watch Meeting at 7:00pm

Wednesday, May 20th - Parks & Parkway Advisory Board at 6:00pm

Monday, May 25th - All Village Departments are Closed for Memorial Day

Tuesday, May 28th - Recreation Advisory Board at 7:00pm

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

The next regular commission meeting is Tuesday, June 2, 2015, at 7:00pm.

13 Adjournment

The meeting was adjourned at 7:50pm.

Commission approved on _____.

Attest:

David Coviello, Mayor

Maria Camara, Village Clerk