



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

Mayor and Commission

Roxanna Ross
Mayor

Robert "Bob" Anderson
Vice Mayor

Steve Bernard
Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

AGENDA

REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, December 13, 2011 at 6:30PM



Indicates documents are attached to this agenda.

1 Call to Order

2 Roll Call

3 Pledge of Allegiance

4 Presentations

- 4.a Canvassing Board Election Results of the December 6, 2011 Village of Biscayne Park Election

Resolution 2011-52



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **CANVASSING RETURNS AND CERTIFYING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION OF THE VILLAGE OF BISCAYNE PARK, MIAMI-DADE COUNTY, FLORIDA, HELD DECEMBER 6, 2011, DESIGNATING THE PERSONS ELECTED TO OFFICE AND LENGTH OF TERMS; PROVIDING FOR AN EFFECTIVE DATE**

- 4.b Recognition of Commissioner Service

- 4.c Installation of Newly Elected Commissioners

- 4.d Reorganization meeting to select Mayor and Vice Mayor

5 Additions, Deletions or Withdrawals to Agenda

6 Public Comments Related to Agenda Items / Good & Welfare

7 Village Manager Report

7.a 121st Median closure update

7.b Kimley-Horn / CITT projects

8 Consent Agenda



8.a Approval of Minutes

- > September 13, 2011 1st Public Hearing FY 2011-12 Budget
- > September 13, 2011 Regular Commission Meeting
- > September 20, 2011 2nd Public Hearing FY 2011-12 Budget
- > October 4, 2011 Regular Commission Meeting
- > October 20, 2011 Special Commission Meeting
- > November 1, 2011 Regular Commission Meeting
- > November 29, 2011 Special Commission Meeting



8.b **Resolution 2011-53**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **ESTABLISHING THE REGULAR COMMISSION MEETING SCHEDULE FOR 2012**; AND PROVIDING FOR AN EFFECTIVE DATE.

9 Public Hearings

< None >

10 Ordinances - FIRST READING

< None >

Ordinances - SECOND READING



10.a Ordinance 2011-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" BY **ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS** AND AMENDING THE DEFINITION OF HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6 AND REMOVING HEIGHT RESTRICTIONS FOR HEDGES; ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

(Ordinance approved at first reading on July 12, 2011. At the August 2, 2011 meeting, motion made to defer the second reading to date certain November 1, 2011 and instructing Village Attorney to work with Code Review Board to improve the language. Village Attorney met with the Board on August 9, 2011. Board reviewed updated version of the Ordinance on September 7, 2011 and September 21, 2011. At the September 21, 2011 meeting of the Code Review Board, motion made to accept the updated version. The vote was 7 in favor, 0 opposed to accept. At the November 1, 2011 meeting, the second reading of this ordinance was moved to date certain December 13, 2011.)

11 Resolutions



11.a Resolution 2011-54

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **COMMORATING MARTIN LUTHER KING DAY WITH A DAY FOR COMMUNITY SERVICE** AND BEAUTIFICATION EVENT IN THE VILLAGE OF BISCAYNE PARK TO BE HELD JANUARY __, 2012, PROVIDING FOR AN EFFECTIVE DATE

12 Old Business

- 12.a Consideration of motion made at the November 29th special commision meeting:

Vice Mayor Anderson makes a motion to waive the rental fee for use of the Recreation Center for Meet the Candidates. It was seconded by Commissioner Childress.



12.b Board Member Appointments

- > Recreation Advisory Board - Commissioner Cooper
- > Ecology Board - Mayor Ross

13 New Business

-  13.a Commissioner Cooper: "Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission". *(Moved from the November 1, 2011 meeting.)*
-  13.b Commissioner Cooper: Police style badges given to Commissioners *(Moved from the November 1, 2011 meeting.)*

14 Final Public Comment

15 Reports

- 15.a Committee Reports
- i > Parks & Parkway Advisory Board
 - ii > Code Review Board
 - iii > Recreation Advisory Board
 - iv > Ecology Board
- 15.b Village Attorney
- 15.c Commissioner Comments

16 Announcements

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

Wednesday, December 14th - Parks & Parkway Board at 6:00pm

Wednesday, December 14th - Code Enforcement Board at 7:00pm

Thursday, December 15th - Ecology Board at 6:30pm

Saturday, December 17th - Winterfest starting at 11:00am

Monday, December 19th - Planning & Zoning at 6:30pm

Wednesday, December 21st - Code Review Board at 7:00pm

Monday, December 26th - All Village Departments are closed.

Monday, January 2nd - All Village Departments are closed.

Our next regular Commission meeting is Tuesday, January 3, 2012 at 7:00pm.

Please visit our website regularly at biscayneparkfl.gov and click on the Calendar of Meetings & Events to view the full schedule.

17 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 accomodation 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 - 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.

1
2
3
4 **RESOLUTION NO. 2011-52**
5

6 **A RESOLUTION OF THE VILLAGE**
7 **COMMISSION OF THE VILLAGE OF**
8 **BISCAYNE PARK, FLORIDA; CANVASSING**
9 **RETURNS AND CERTIFYING THE RESULTS**
10 **OF THE GENERAL MUNICIPAL ELECTION**
11 **OF THE VILLAGE OF BISCAYNE PARK,**
12 **MIAMI-DADE COUNTY, FLORIDA, HELD**
13 **DECEMBER 6, 2011, DESIGNATING THE**
14 **PERSONS ELECTED TO OFFICE AND**
15 **LENGTH OF TERMS; PROVIDING FOR AN**
16 **EFFECTIVE DATE**
17

18 **WHEREAS**, a general municipal election was held in the Village of Biscayne Park
19 for the purpose of electing three (3) Commissioners, and
20

21 **WHEREAS**, the Supervisor of Elections of Miami-Dade County, Florida has duly
22 counted the ballot and has, as set forth in **Exhibit "A"** attached hereto, certified the returns
23 of said election to the Village Commission to be as follows:

CANDIDATE	PRECINCTS 151 & 177	ABSENTEE	TOTAL
Bob Anderson	240	38	278
Albert "Al" Penn Childress	198	27	225
Clediner Supreme Dorvil	205	23	228
Noah Jacobs	229	25	254
Barbara Watts	291	26	317

24
25
26 **WHEREAS**, the Village Commission has duly canvassed the returns of said
27 election, as certified by the Supervisor of Elections of Miami-Dade County, Florida, and has
28 found the actual vote to be as follows:
29

CANDIDATE	TOTAL
Bob Anderson	278
Albert "Al" Penn Childress	225
Clediner Supreme Dorvil	228
Noah Jacobs	254
Barbara Watts	317

1 **NOW, THEREFORE**, be it resolved by the Village Commission of the Village of
2 Biscayne Park, Florida that:
3

4 **Section 1.** The following candidates have been duly elected to the Office of Commissioner
5 of the Village of Biscayne Park, Florida for a term of four (4) and two (2) years
6 respectively, as set forth hereinafter:
7

8 **Four year Commissioner: Barbara Watts**

9
10 **Four year Commissioner: Bob Anderson**

11
12 **Two year Commissioner: Noah Jacobs**
13

14 **Section 2.** The results of the General Municipal Election, held **Tuesday, December 6, 2011**
15 are hereby certified and confirmed.
16

17 **Section 3.** This resolution shall become effective upon its adoption.
18
19

20 PASSED AND ADOPTED this ____ day of _____, 2011.
21

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

25 _____
26 Roxanna Ross, Mayor

27
28 Attest:

25 Mayor Ross: _____
26 Vice Mayor Anderson: _____
27 Commissioner Bernard: _____
28 Commission Childress: _____
29 Commissioner Cooper: _____
30

31
32 _____
33 Maria C. Camara, Village Clerk

34
35 Approved as to form:
36
37
38

39 _____
40 Village Attorney
41
42

As per the direction given at the November 1, 2011 Commission meeting, revisions have been made to the following minutes and the section updated is highlighted in yellow:

September 13, 2011 1st Public Hearing FY 2011-12 Budget

September 13, 2011 Regular Commission Meeting

September 20, 2011 2nd Public Hearing FY 2011-12 Budget



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Bryan Cooper
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Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES

1st Public Hearing Fiscal Year 2011-12 Budget
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, September 13, 2011 at 6:30PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 6:43PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson
Commissioner Steve Bernard
Commissioner Al Childress
Commissioner Bryan Cooper.

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Village Attorney John Hearn
Finance Director Charles Smith
Police Chief Mitchell Glansberg
Finance Clerk Wendy Hernandez
Parks & Recreation Director Issa Thornell
Public Works Director Bernard Pratt
Building Clerk Jeanie Bridges
Code Enforcement Officer Hillary Skumanich
Public Works Administrative Assistant Cesar Hernandez

3 Pledge of Allegiance and Moment of Silence

4 Presentation of the Fiscal Year 2011-12 Proposed Budget

Manager Garcia provided an opening statement and presentation of the highlights of the budget and accomplishments for the year.

5 Public Hearing - Ordinances for First Reading

5.a **Ordinance No. 2011-04**

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE 2011-2012 MILLAGE RATE AT 8.90 MILS** FOR EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

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

Commissioner Bernard makes a motion to set the millage at 8.99 to make sure that we don't lose out on dollars that we will discuss further tonight. There was no second on that motion.

Vice Mayor Anderson makes a motion to set the millage at 8.90. It was seconded by Commissioner Childress.

After discussion, the motion was called to a vote:

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

Opposed: Commissioner Bernard

Motion carries 4/1

5.b **Ordinance No. 2011-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A BUDGET FOR FISCAL YEAR 2011-2012** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

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

Vice Mayor Anderson makes a motion to approve. It was seconded by Commissioner Childress.

Mayor Ross asks for a subsidiary motion that the vote be taken on this ordinance by 7:25PM. The motion is made by Commissioner Childress and it was seconded by Vice Mayor Anderson.

Mayor Ross asks for a vote on this motion without any further discussion.

Commissioner Cooper makes a motion to appeal the decision of the Mayor to not allow discussion. It was seconded by Commissioner Bernard.

The motion to appeal was called to a vote:

All in favor: Commissioner Cooper and Commissioner Bernard

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Motion fails 2/3

The subsidiary motion was called to a vote:

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

Opposed: Commissioner Cooper and Commissioner Bernard

Motion carries 3/2

After discussion, the original motion to approve Ordinance 2011-05 was called to a vote:

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

Opposed: Commissioner Cooper and Commissioner Bernard

Motion carries 3/2

Mayor Ross opened the meeting for final public comment:

Fred Jonas - Time Commission has had for review of the budget

Vice Mayor Anderson makes a motion to adjourn the 1st Public Hearing.

The meeting was adjourned at 7:30PM

Commission approved on _____.

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, September 13, 2011 at 7:30PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:42PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson
Commissioner Steve Bernard
Commissioner Al Childress
Commissioner Bryan Cooper

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Village Attorney John Hearn
Finance Director Charles Smith
Police Chief Mitchell Glansberg
Finance Clerk Wendy Hernandez
Parks & Recreation Director Issa Thornell
Public Works Director Bernard Pratt
Public Works Administrative Assistant Cesar Hernandez

3 Pledge of Allegiance and Moment of Silence

4 Presentations

Proclamation and moment of silence in remembrance of September 11th, 2011,
4.a followed by a presentation from Parks & Recreation Director Issa Thornell and
Manager Garcia.

4.b Mayor Juan Carlos Bermudez, President of the Miami Dade County League of
Cities provided a presentation.

5 Additions, Deletions or Withdrawals to the Agenda

Manager Garcia requests that item 7e is added under Village Manager report to provide an update on North Miami Water Utility capital improvement fee.

Commissioner Bernard requests that Manager Garcia provide an update on the FPL Hardening project as item 7f under the Village Manager report.

Commissioner Cooper gives Commissioner Bernard the option to move item 13.c under New Business as the first item hear in that section. Commissioner Bernard accepts that option and it is moved to item 13.a.

6 Public Comments Related to Agenda Items / Good Welfare

John Pandesco - Permitting fees for home alarm systems

Lauren Caban - North Miami Water Utility capital improvement fee; condition of water pipes.

Noah Jacobs - FPL hardening project and placement of concrete utility pole.

Larry Lebowitz - North Miami Water Utility capital improvement fee.

Dr. Jeanne Bergeron - Hazardous tree on the swale of her property.

John Mayhew - Proposed Charter School at the Church of the Resurrection

Gaspar Gonzalez - Abandoned homes and overgrown lots; outdated code enforcement procedures.

Carmen DiBernardi - North Miami Water Utility capital improvement fee.

Rosalyn Coetzee - North Miami Water Utility capital improvement fee.

Barbara Watts - North Miami Water Utility capital improvement fee.

Joshua Cajas - Biscayne Park Summer Camp

Mayor Ross will move item 10a to be heard after the Village Manager report.

Mayor Ross asks for a five minute recess at 8:58PM.

Meeting resumes at 9:04PM.

7 Village Manager Report

7.a Manager Garcia provided a recap of the Kimley Horne circulator study and accepts their recommendation that the Village not initiate its own circulator service.

7.b Manager Garcia provided an update of the Kimley Horne median extension project on 121st street and that the next step would be to do a temporary closure. The residents along that area would be notified of that closing.

7.c Manager Garcia discussed what our Code of Ordinances states in regards to the maintenance of the swales. Attorney Hearn explained it more in detail and specifically how it relates to the tree located on the swale of the Bergeron property at 625 NE 114th Street.

Commissioner Childress makes a motion that since this property has a unique situation with the large swale, that a recommendation is given to the Code Enforcement Board for their consideration to work with the resident and reach an agreement.

Attorney Hearn recommends that the process and decision remain with the Code Enforcement Board and if the resident does not agree they can appeal to the Circuit Court.

There was no consensus from the Commission for Commissioner Childress' motion.

7.d Manager Garcia introduced David Cardenas, Chief of the Miami-Dade County Public Works Department / Right-of-Way Aesthetic & Assets Management Division. Mr. Cardenas provided a report on the condition of the Australian Pines along Griffing Blvd. from 120th street to 115th street. Their disposition report identifies that 15 trees need to be removed and recommends immediate removal as funding is available in their current budget. Mr. Cardenas further stated that he will work with the Village on the type of trees to replace those that are removed.

Manager Garcia would provide notification to all of the residents along Griffing Blvd prior to the end of the week.

Direction also given to have both the Parks & Parkway Advisory Board and the Ecology Board add to their agenda a discussion and recommendation for the replacement trees at their next meeting.

7.e Manager Garcia provided an update on North Miami's response on the capital improvement water fee and their proposal to use what has been paid to date to retire a sewer debt which will then be replenished in the next four fiscal years.

After discussion, a motion made by Commissioner Bernard to direct the Village Attorney to use all possible means to protect our money; to create and enforce an inter-local agreement; to put a stop to the payment of our capital improvement fees until North Miami can prove that our money is safe and the project is moving ahead; to provide a status of our monies and the project. Commissioner Cooper seconds the motion.

After additional discussion, the motion was called to a vote.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress

Motion fails 2/3

Vice Mayor Anderson requests consensus that staff is directed to contact Miami Dade County to see if they would be responsive to providing water service to Biscayne Park and for the cost of the improvement be added to the water bill. There was consensus from the Commission.

Staff was further directed to stay in communication with North Miami and obtain additional information.

- 7.f Manager Garcia would obtain a status on the FPL Hardening project and provide at the next meeting.

Vice Mayor Anderson makes a motion to adjourn the meeting at 11:00pm. It was seconded by Commissioner Childress.

The motion was called to a vote:

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

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2

10 Ordinances - FIRST READING

10.a Ordinance 2011-3

AN ORDINANCE OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING CHAPTER 6.5 OF THE VILLAGE'S CODE OF ORDINANCES ADDRESSING FLOOD PREVENTION AND PROTECTION** IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; UPDATING AND AMENDING DEFINITIONS; ELIMINATING REFERENCES TO MANUFACTURED HOMES; AMENDING THE DEFINITION OF SUBSTANTIAL IMPROVEMENT; AND REQUIRING CERTAIN TECHNICAL DATA TO BE FILED; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of the ordinance.

Alex David from Bell David Planning Group provided the background.

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

After discussion and consensus on changes to the ordinance, Commissioner Childress makes a motion to approve at first reading. It was seconded by Vice Mayor Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, Commissioner Childress, Commissioner Cooper.

Opposed: None

Motion carries 5/0

All items not heard at today's regular commission meeting will be moved to Tuesday, September 20, 2011, to be heard after the 2nd Public Hearing of the 2011-12 Budget.

The Clerk read the announcements:

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

Wednesday, September 14th - Recreation Advisory Board at 6:30pm

Thursday, September 15th - Campaign Skills Seminar sponsored by the Miami Dade Commission on Ethics and Public Trust from 6:30pm to 8:30pm

Friday, September 15th - Food & Tunes Night sponsored by the Biscayne Park Foundation starting at 6:00pm

Monday, September 19th - Planning & Zoning at 6:30pm

Tuesday, September 20th - 2nd Public Hearing FY 2011-12 Budget at 6:30pm

Wednesday, September 21st - Parks & Parkway Advisory Board at 6:00pm

Wednesday, September 21st - Code Review Board at 7:00pm

Thursday, September 22nd - Ecology Board at 6:30pm

Tuesday, September 27th - Code Enforcement Board at 7:00pm

The meeting was adjourned at 11:05PM.

Commission approved on _____.

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES

2nd Public Hearing Fiscal Year 2011-12 Budget
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, September 20, 2011 at 6:30PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 6:37PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson
Commissioner Steve Bernard
Commissioner Al Childress
Commissioner Bryan Cooper.

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Village Attorney Eve Boutsis
Finance Director Charles Smith
Police Chief Mitchell Glansberg
Finance Clerk Wendy Hernandez
Parks & Recreation Director Issa Thornell
Public Works Director Bernard Pratt
Public Works Administrative Assistant Cesar Hernandez

3 Pledge of Allegiance and Moment of Silence

4 Presentations

4.a Aletha Player from FP&L provided an update on the FPL Hardening Project which includes the removal of 95 poles and adding 101 new poles. The project is projected to be completed by end of November.

Mayor Ross asked that FP&L to work with resident Noah Jacobs and to notify the Manager of her findings and any resolution.

- 4.b Nestor Caballero, Alberni, Caballero & Castellanos, LLP, provided an update on the 2009-10 audit.

5 Additions, Deletions or Withdrawals to Agenda

Manager Garcia pulls item 9b - Resolution 2011-40 and will bring back at a subsequent meeting.

Mayor Ross will move Public Comments Related to Agenda Items to after the 2nd reading of Ordinances 2011-04 and 2011-05.

7 Ordinances - SECOND HEARING

7.a Ordinance No. 2011-04

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE 2011-2012 MILLAGE RATE AT 8.90 MILS** FOR EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title of the ordinance

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

Commissioner Childress makes a motion to approve. It was seconded by Vice Mayor Anderson.

The motion was called to a vote:

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

Opposed: Commissioner Bernard

Motion carries 4/1

7.b Ordinance No. 2011-05

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A BUDGET FOR FISCAL YEAR 2011-2012** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title of the ordinance

Mayor Ross opened the meeting for public comment:

Fred Jonas: Two commissioners have stated that the budget has been a hastened process and their urgent questions have not been answered; budget was provided 56 days ago and that is ample time to read and scrutinize; open access to Manager and Finance Director to meet; 3 workshops have been held, but with low public attendance; same commissioner has never approved a budget in the last four years; same two commissioners acted the same way with FPL franchise agreement and at the last possible minute stated questions had not been answered; Commissioners should vote for or against this budget, but don't say your questions have not been answered; no one has been cheated from the process.

Chuck Ross: Commends Finance Director, Manager and budget team for the most descriptive, complete budget presented, under challenging timeframe; Commissioner Cooper's comments that we have an illegal tax and a possible law suit should be first addressed to attorney and staff before making such comments with no basis; Commissioner Cooper's comments are irresponsible and he should apologize for the mis-statements.

Barbara Kuhl: Agrees 100% with comments from Fred Jonas; sad to see that this has been dragged through the media with misleading information.

Karen Cohen: Thanks Village for cleaning up some foreclosed properties and overgrown lawns; hopes that the budget for the police is adequate; perturbed to see Herald; 11.5 hours were spent on the budget and this should be enough time; some commissioners have not cooperated well with others; showing a bullying behavior; good communication and collegiality with everyone is part of a commissioner's job.

As each Commissioner and the Mayor spoke, the following requests were made.

1. Commissioner Bernard makes a motion that \$12,000 be added to the budget for the maintenance of abandoned property.
2. Commissioner Bernard requests that all additional documents presented at tonight's 2nd Public Hearing be made a part of the final budget.

3. Commissioner Cooper asks that everyone listed on the Sanitation Fund Administrative Fee schedule, if they are actually working the percentages iterated and can you address that to the public.

4. Mayor Ross requests that \$250 be added to the Village Commission budget to allow attendance for each Commissioner to the Best Practices Trade Show in December.
5. Mayor Ross requests that funding be added for the purchase of 2 to 3 defibrillator in the Police budget.

After Manager Garcia provided general responses to Commission comments, each of the listed requests and/or motions were addressed:

6. Manager Garcia and Finance Director Smith provided the answers to Commissioner Cooper's request on the Administrative Fee in the Sanitation Fund.

1. Commissioner Bernard's original motion to add \$12,000 for maintenance of abandoned property is changed to \$5,000 and it is seconded by Commissioner Cooper. That motion is called to a vote:

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

Opposed: None

Motion carries 5/0.

2. Commissioner Bernard's request to add all documents to the final budget is voted on:

All in favor: Commissioner Bernard, Commissioner Childress and Commissioner Cooper.

Opposed: Mayor Ross and Vice Mayor Anderson

Request is approved 3/2.

Commissioner Bernard also requests that on pg. 118, line item 660.06 that "traffic calming" is added to the description. Consensus from Commission to do so.

4. Vice Mayor Anderson makes a motion to add \$250 to the Village Commission budget for the Best Practices Trade Show in December. It is seconded by Commissioner Bernard.

The motion was called to a vote:

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

Opposed: None

Motion carries 5/0.

5. Commissioner Bernard makes a motion to add \$2,500 to \$3,000 as an expenditure in the Police Forfeiture Fund for the purchase of defibrillators. It was seconded by Mayor Ross.

The motion was called to a vote:

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

Opposed: None

Motion carries 5/0.

The original motion to approve Ordinance 2011-05 was called to a vote:

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

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2

8 Village Manager Report

8.a Manager Garcia provided an update on the following:

- > October 3rd is the tentative date for the closing of the 121st Median and that all residents affected will be notified prior.
- > All residents along Griffing Blvd were notified of the removal of the Australian Pines.
- > A meeting has been set up with Miami Dade County Water & Sewer (WASA)
- > Working with Village Attorney on the North Miami Water Utility issue.

9 Consent Agenda

Commissioner Bernard pulls item 9c - Resolution 2011-42 and it is moved to Resolutions as item 12b.

Commissioner Cooper pulls item 9d - Resolution 2011-43 and it is moved to Resolutions as item 12c.

Commissioner Childress pulls item 9e - Resolution 2011-44 and it is moved to Resolutions as item 12d.

The following item remains in the consent agenda:

9.a Approval of Minutes

- > July 12, 2011 Regular Commission Meeting
- > August 2, 2011 Regular Commission Meeting
- > August 16, 2011 - 1st Budget Workshop FY 2011-12
- > August 17, 2011 - 2nd Budget Workshop FY 2011-12
- > August 18, 2011 - 3rd Budget Workshop FY 2011-12

Motion to approve the consent agenda made by Vice Mayor Anderson and it is seconded by Commissioner Childress.

The motion was called to a vote:

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

Opposed: None

Motion carries 5/0.

10 Public Hearings - None

11 Ordinances - FIRST READING - None

12 Resolutions

12.a Resolution 2011-30

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **ESTABLISHING A GIFT POLICY FOR THE VILLAGE**; PROVIDING THE MANAGER THE DIRECTION TO ACCEPT MONETARY GIFTS TO THE VILLAGE UP TO \$5,000; ALL OTHER MONETARY GIFT ABOVE \$5,000 SHALL BE BROUGHT TO THE VILLAGE COMMISSION FOR DISCUSSION AND/OR AUTHORIZATION TO ACCEPT THE PROPOSED GIFT; AUTHORIZING THE VILLAGE MANAGER TO DECIDE WHAT PUBLIC PURPOSE THE MONETARY DONATIONS OF \$5,000 OR LESS SHOULD BE USED FOR; AUTHORIZING THE MANGER TO ACCEPT "IN KIND" DONATIONS; HOWEVER, ANY DONATIONS OF ART SHALL REQUIRE AUTHORIZATION BY THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Commissioner Bernard makes a motion that the resolution is passed with two changes: \$2,500 limit from \$5,000 and include a pay to play prohibition clause. The motion is seconded by Commissioner Cooper.

The motion is called to a vote:

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Motion fails 2/3

Commissioner Childress makes a motion that the resolution is approved as stated with \$5,000 limit and that a reference is made to Miami Dade County's ordinance on pay to play. The motion is seconded by Vice Mayor Anderson.

The motion is called to a vote:

All in favor: Vice Mayor Anderson, Commissioner Bernard, Commissioner Cooper and Commissioner Childress

Opposed: Mayor Ross

Motion carries 4/1

12.b **Resolution 2011-42**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION OF MAGNA CONSTRUCTION, INC., AS THE SELECTED CONTRACTOR FOR A LIMITED SCOPE STORMWATER DRAINAGE PROJECT** LOCATED AT 924 NE 109TH ST; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title.

After discussion, Commissioner Childress makes a motion to approve and it is seconded by Vice Mayor Anderson.

The motion was called to a vote:

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

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2

Mayor Ross asks for a recess at 9:51pm.
The meeting resumes at 9:59pm.

12.c **Resolution 2011-43**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO CONTRACTS; **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR PROFESSIONAL SUPPORT SERVICES TO CHARLES A. SMITH, JR. AS FINANCE DIRECTOR** FOR THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

After discussion, Commissioner Childress makes a motion to approve and it is seconded by Vice Mayor Anderson.

During Commission discussion the following changes were requested:

Section II Purpose - take out "certified public accountant"

Section III Scope of Services - should be more generalized, take out the specifics.

Section IV Term of Agreement - refer to section III

Section V Price - days should be referenced as hours to be more specific, maximum average of 40 hrs. per week.

Section IX Document Retention - add provision for taking home documents.

Section VII Change Orders - change Executive Director to Village Manager, change board to Commission, take out small purchase threshold.

Commissioner Childress makes a motion to accept the resolution with the amendments to the contract as discussed and it was seconded by Commissioner Bernard.

The motion was called to a vote:

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

Opposed: Commissioner Cooper

Motion carries 4/1

12.d **Resolution 2011-44**

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

Attorney Boutsis read the title.

Commissioner Childress asked to compare the percentage paid to GovDeals to the Miami Dade County GSA. Manager will compare and bring back the resolution with the information at the next meeting.

13 Old Business

13.a Discussion on acquiring the services of "Ethics Hotline" related companies.

Motion made by Commissioner Cooper to move forward and task the Village Administration to provide 3 to 5 quotes and information on Ethics Hotline related companies. It was seconded by Commissioner Bernard.

After discussion, the motion was called to a vote.

All in favor: Commissioner Cooper and Commissioner Bernard

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Motion fails 2/3

Commissioner Bernard makes a subsidiary motion to put education package for all employees and for Attorney to review. It was seconded by Commissioner Cooper.

Commissioner Cooper asks that the motion is amended to include adding it to the employee handbook. The amendment is accepted by Commissioner Bernard.

The motion is called to a vote:

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

Opposed: None

Motion carries 5/0.

Manager Garcia asked the Village Clerk to read into the record a text she received on May 8, 2011 from former Finance Clerk Marilu Manso: *"Happy Mother's Day. By nature you are a protecting mother to all your employees!"*

All pending items not heard on the agenda will be moved to the October 4th regular commission meeting.

Announcements:

The Clerk read the announcements:

Wednesday, September 21st - Parks & Parkway Advisory Board at 6:00pm

Wednesday, September 21st - Code Review Board at 7:00pm

Thursday, September 22nd - Ecology Board at 6:30pm

Tuesday, September 27th - Code Enforcement Board at 7:00pm

Our next regular Commission meeting is Tuesday, October 4th, 2011 at 7:00pm.

Meeting was adjourned at 11:02pm.

Commission approved on _____.

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Steve Bernard
Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, October 4, 2011 at 7:00PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:05PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson
Commissioner Steve Bernard
Commissioner Al Childress
Commissioner Bryan Cooper

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Attorney Eve Boutsis
Police Chief Mitchell Glansberg
Finance Clerk Wendy Hernandez
Public Works Director Bernard Pratt
Assistant Public Works Director Cesar Hernandez
Parks & Recreation Director Issa Thornell

3 Pledge of Allegiance and Moment of Silence

4 Presentations

4.a Proclamation - October 2011 is National Breast Cancer Awareness Month

4.b Proclamation - October 2011 is X the Text Month

4.c Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2010.
Nestor Caballero, Alberni, Caballero & Castellanos, LLP - presentation of the

Mr. Caballero provided a general review of the CAFR and highlighted certain sections, followed by Commissioner comments and questions.

Commissioner Childress asked that the auditors would return in six months to report on the status of correcting the deficiencies listed in the CAFR.

A motion made by Vice Mayor Anderson to accept the CAFR. It was seconded by Commissioner Childress.

After discussion that the Commission had not yet reviewed the CAFR in detail as it was distributed earlier the same day, Commissioner Childress withdrew his second, and Vice Mayor Anderson withdrew his motion.

Mr. Caballero advised that he would be available to return to the next regular commission meeting if necessary to answer any additional questions after the Commission had reviewed the CAFR further.

4.d Presentation given to Chuck Ross, Coordinator for the Biscayne Park Crime Watch group, for being selected by the Citizen's Crime Watch of Miami Dade County as Coordinator of the Year.

5 Additions, Deletions or Withdrawals to the Agenda

< None >

Mayor called for a five-minute recess at 8:45pm.

The meeting resumed at 8:52pm.

6 Public Comments Related to Agenda Items / Good Welfare

Dan Samaria - Biscayne Times article; FPL hardening project

Barbara Kuhl - Food & Tunes; entrance sign decorations; former Finance Director allegations; FPL hardening project and handling of resident comments; tree replacement on Griffing Blvd

Fred Jones - Agenda item 13b - Condensed short bullet list of agenda items

Dan Keys - CAFR and the deficiencies reported; Commission behavior

Marie Smith - Australian Pines on Griffing Blvd.

Carmen DiBernardi - Australian Pines on Griffing Blvd; handling of resident comments on FPL hardening project; Mayor's goals on website; term limits for Commissioners; N. Miami water service fee.

Charlie Smith - Australian Pines on Griffing Blvd.

Barbara Watts - FPL hardening project

Karen Cohen - Citizen Crime Watch award; agenda item 13b - Condensed short bullet list of agenda items; addressing the deficiencies on the CAFR; charter school project at the Church of the Resurrection; Ecology Board tree replacement recommendation; FPL hardening project; Commissioners turning issues into items of contention

Joe Chao - Citizen Crime Watch award; tree replacements on Griffing Blvd

Police Commander Ray Atesiano was recognized for his Police Officer of the Year nomination with Citizen's Crime Watch of Miami Dade County

7 Village Manager Report

7.a Manager Garcia provided an update on the status of the tree replacements for Griffing Blvd and that the County was provided with the recommendations from both the Parks & Parkway Advisory Board and Ecology Board. Based on the recommendations, the County advised that they were able to secure twenty (20) twenty-four foot (24') oak trees that were ready to be planted.

Manager Garcia was directed to obtain the cost for the project, both to cut down and the cost of the replacement trees.

Commissioner Bernard makes a motion that the next time the County advises that they have made a determination that more trees need to be cut down, that the Village utilize an independent arborist to make a determination. It was seconded by Commissioner Cooper.

Commissioner Childress requests a friendly amendment that the cost for an independent arborist is first researched. Commissioner Bernard does not accept the amendment.

After further discussion, Commissioner Bernard amends his motion to add a limit of \$5,000 for the cost of the independent arborist. The amendment was accepted by Commissioner Cooper.

The motion was called to a vote:

All in favor: Commissioner Bernard, Vice Mayor Anderson, Commissioner Cooper.

All opposed: Mayor Ross and Commissioner Childress

Motion carries 3/2.

Commissioner Cooper makes a motion to employ an array of tree species to be planted on Griffing Blvd and to work with the recommendation of the Ecology Board. It was seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Commissioner Bernard, Commissioner Cooper.

All opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress
Motion fails 2/3.

Commissioner Childress makes a motion to accept the trees from the County. It was seconded by Vice Mayor Anderson.

The motion was called to a vote:

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

All opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2.

7.b Manager Garcia provided an update on the City of North Miami water services. An initial meeting has already taken place with WASA to explore the option of obtaining water service from the County. A meeting is scheduled with North Miami interim Manager Stephen Johnson and his staff.

7.c Manager Garcia confirmed the meeting date for the special commission meeting for her annual evaluation which is Tuesday, October 18, 2011, at 7:00pm.

Commissioner Bernard makes a motion that the special commission meeting is recorded by Comcast. It is seconded by Commissioner Cooper.

Commissioner Bernard amends his motion that we utilize the videographer that charges \$75 and that if he is not available, to move the Manager's evaluation to the next scheduled regular commission meeting. The amendment was accepted by Commissioner Cooper.

Commissioner Childress asks for a friendly amendment that if the videographer cannot attend the meeting on the 18th, that the meeting be rescheduled based on the videographer's next available date. The amendment was accepted by Commissioner Bernard.

The motion was called to a vote:

All in favor: Commissioner Bernard, Commissioner Childress and Commissioner Cooper.

All opposed: Mayor Ross and Vice Mayor Anderson

Motion carries 3/2.

Clerk Camara provided an updated on the elections and the additions to the website providing information on the upcoming election.

Manager Garcia advised she is working with Parks & Recreation in finalizing the preparations for the Halloween Fun Night.

8 **Consent Agenda**

Vice Mayor Bernard pulls items:

> 8a, the minutes for the September 13, 2011 1st Public Hearing, the September 13, 2011 Regular Commission Meeting and the September 20, 2011 2nd Public Hearing. All are deferred to the next regular commission meeting on November 1, 2011.

> Item 8.f Resolution 2011-48. This item is moved to item 11.b under Resolutions.

Commissioner Cooper pulls item 8.c Resolution 2011-45. This item is moved to item 11.a under Resolutions.

Motion made by Commissioner Childress to accept the remaining items (8.b, 8.d and 8.e) on consent. It is seconded by Commissioner Bernard. The items are:

Resolution 2011-44

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

Resolution 2011-46

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK RATIFYING THE **APPOINTMENT OF KELLI ROMANO TO THE RECREATION ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2011-47

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING THE **EXPENDITURE OF POLICE FORFEITURE FUNDS OF NOT MORE THAN \$900** FOR THE PURCHASE OF POLICEVEHICLE ACCESSORIES; PROVIDING FOR AN EFFECTIVE DATE.

The motion was called to a vote:

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

All opposed: None

Motion carries 5/0

The Mayor asks for a motion to extend the meeting beyond 11:00pm, but there was no motion made.

- 13.a Mayor moves item 13.a up from New Business: Commissioner Bernard's discussion of the investigation into allegations regarding the Village Manager.

Commissioner Bernard makes a motion to direct the Village Attorney to establish a maximum cost and to hire an outside investigator to investigate the written allegations of the former Finance Director. It was seconded by Commissioner Cooper.

With the end of the meeting approaching, Commissioner Cooper makes a subsidiary motion to defer the remainder of the item to the next regular commission meeting on November 1, 2011. It was seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Vice Mayor Bernard, Commissioner Childress and Commissioner Cooper.

All opposed: Mayor Ross and Vice Mayor Anderson.

Motion carries 3/2.

11.a **Resolution 2011-45**

A RESOLUTION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE PUBLIC SERVICE COMMISSION TO **DENY APPROVAL OF ANY FURTHER "EARLY COST RECOVERY"** AND URGING THE FLORIDA LEGISLATURE TO REPEAL THE "EARLY COST RECOVERY" STATUTE RELATING TO ELECTRIC UTILITY CHARGES FOR THE SITING, DESIGN, LICENSING, AND CONSTRUCTION OF NUCLEAR PLANTS; PROVIDING FOR AN EFFECTIVE DATE.

11.a After a brief discussion a motion made by Commissioner Anderson to approve the resolution. It was seconded by Commissioner Bernard.

The motion was called to a vote:

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

All opposed: None

Motion carries 5/0

The Clerk read the announcements:

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

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

Monday, October 10th - All Village Departments are closed in observance of Columbus Day.

Tuesday, October 11th, Code Enforcement Board at 7:00pm

Wednesday, October 12th - Recreation Advisory Board at 6:30pm

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

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

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

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

Monday, October 31st, Halloween Fun Night starting at 6:00pm.

The next regular commission meeting is Tuesday, November 1, 2011.

Motion made by Vice Mayor Anderson to adjourn.
The meeting was adjourned at 11:03PM

Commission approved on _____.

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Steve Bernard
Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
Special Commission Meeting
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Thursday, October 20, 2011 at 7:00PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:04PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson
Commissioner Steve Bernard
Commissioner Al Childress
Commissioner Bryan Cooper

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Village Attorney John Hearn
Finance Director Charles Smith
Police Chief Mitchell Glansberg
Parks & Recreation Director Issa Thornell
Public Works Director Bernard Pratt
Finance Clerk Wendy Hernandez
Assistant Director Cesar Hernandez
Public Works Foreman Derrick Murray
Building Manager Jeanie Bridges
Administrative Clerk Mailan Nguyen
Police Officer Roy Camara
Police Officer Nicholas Wollschlager
Police Officer Charlie Dayoub
Police Commander Ray Atesiano

3 Pledge of Allegiance and Moment of Silence

Manager Garcia provided an opening statement

4 Public Comments Related to Agenda Items / Good & Welfare

Gary Kuhl
Noah Jacobs
Barbara Kuhl
Supreme Dorvil
Judi Hamelburg
Dan Samaria
Fred Jonas
Richard Eder
Dale Blanton
Chuck Ross
Karen Cohen
Barbara Watts
Gage Hartung

Comments from Staff:

Wendy Hernandez
Jeanie Bridges
Tim Chestnut
Chief Glansberg
Maria Camara
Charles Smith
Derrick Murray

Following the public and staff comments, Manager Garcia provided additional comments.

5 New Business

5.a Annual performance review of the Village Manager

Following the Mayor's request to give each Commissioner ten minutes for their comments, a motion made by Commissioner Bernard to disperse with the time limit. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress

Motion fails: 2/3

Commissioners Bernard, Childress and Cooper provided their comments.

Mayor Ross called for a recess at 8:05pm.

The meeting resumed at 8:12pm.

Vice Mayor Anderson and Mayor Ross provided their comments.

Manager Garcia addressed concerns and answered questions posed by the Commission.

Commissioner Bernard makes a motion to revise section 4 of the Manager's contract to change it from an annual oral evaluation to an annual written evaluation. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress

Motion fails: 2/3

Following additional comments from the entire Commission, Commissioner Childress makes a motion to extend the Manager's contract for another year.

Following the Attorney's explanation that the current contract does not have an expiration date, and that only an evaluation was taking place, Commissioner Childress withdraws his motion.

Mayor Ross called for a recess at 9:28pm

The meeting resumed at 9:35pm

Commissioner Childress makes a motion to amend section 15 so that the Village pays for Manager Garcia's full FRS retirement contribution, including the 3% that employees have been required to contribute since July, 2011. It was seconded by Vice Mayor Anderson.

Commissioner Bernard asks that section 13 be corrected to add section 15, which is accepted.

The motion was called to a vote:

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

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries: 3/2

Commissioner Childress makes a motion that the deficiencies detailed in the audit for fiscal year 2009-2010 are to be corrected and that at the regular commission meeting in March of 2012, a report comes back from the auditors on the status; and if the deficiencies have been corrected, that a one time 3% bonus is issued to the Manager. It is seconded by Vice Mayor Anderson.

After discussion on the motion with Attorney Hearn and input from the Finance Director, Commissioner Childress withdraws his motion and Vice Mayor Anderson withdraws his motion.

Vice Mayor Anderson makes a motion to give the Manager a one time bonus of \$2,500 for her performance which is based on the results of the audit and for taking a budget that was in the red and bringing it in the black. It was seconded by Commissioner Childress.

The motion was called to a vote:

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

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries: 3/2

6 Final Public Comments

Dan Samaria

Chuck Ross

Fred Jonas

7 Announcements:

The Clerk read the announcements:

Saturday, October 22nd, Community Safety Event from 1:00 to 4:00pm

Thursday, October 27th, 121st Street Median Closure Workshop at 6:30pm

Saturday, October 29th, Halloween Fun House from 3:00 to 5:00pm

The next regular Commission meeting is Tuesday, November 1, 2011 at 7:00pm

Meeting was adjourned at 10:14pm.

Commission approved on _____.

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES

Regular Commission Meeting
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, November 1, 2011 at 7:00PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:03PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson
Commissioner Steve Bernard
Commissioner Bryan Cooper

Commissioner Childress was absent.

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Village Attorney Eve Boutsis
Finance Director Charles Smith
Police Chief Mitchell Glansberg
Parks & Recreation Director Issa Thornell
Public Works Director Bernard Pratt
Assistant Director Cesar Hernandez
Assistant Chief Antonio Sanchez
Police Commander Ray Atesiano
Police Officer Charlie Dayoub
Police Officer Nicholas Wollschlager
Police Officer Abner Rodriguez

3 Pledge of Allegiance and Moment of Silence

4 Presentations

Police Commander Ray Atesiano provided a report on the Florida East Coast Railway's authorization to enforce the no trespassing ordinance on FEC railroad property within Village boundaries. The Chief to provide Commissioner Cooper and the entire Commission with the width of the right of way along the FEC corridor on the Village's eastern boundary.

Chief Mitchell Glansberg recognized Commander Atesiano for his performance in the Click It or Ticket campaign.

Chief Glansberg introduced the newest members of the police force: Officer Abner Rodriguez, Officer Nicholas Wollschlager and Officer Charlie Dayoub.

Mayor Ross honored all veterans in recognition of Veteran's Day on November 11, 2011. The following residents who are veterans spoke: Chester Morris, Dan Samaria and Vice Mayor Bob Anderson.

5 Additions, Deletions or Withdrawals to Agenda

Finance Director Smith pulls item 10a, the first reading of Ordinance 2011-06 and asks that it be deferred to a special meeting on November 8, 2011. After discussion, the item remains on the agenda for first reading.

Commissioner Bernard asks to be provided time to speak as he will not be running for re-election.

Commissioner Cooper requests that the Manager provide information on resident concerns on large trees at the Recreation Center that have lost all of its leaves.

6 Public Comments Related to Agenda Items / Good & Welfare

Dan Samara: Decision of candidacy for December 6th municipal election.

Marie Smith: Australian Pine removal on Griffing Blvd and replacement with oak trees.

Chester Morris: Gratitude to the Commission for their service, especially Commissioner Bernard.

Barbara Kuhl: Light installment at Butterfly Park; 2005 Tree Survey relating to the comments by Commissioner Bernard and Commissioner Cooper from the last meeting.

Fred Jonas: Black Olive tree; Halloween events.

Noah Jacobs: Appreciation for veterans; move recognitions/presentations separate from the regular meetings; suggestion for the minutes on public input.

Charlie Smith: Australian Pines on Griffing Blvd; pot holes on Griffing Blvd.

7 Village Manager Report

Manager Garcia provided:

>The County's total cost of \$39,940 to remove the Australian Pines on Griffing Blvd; and the County's total cost of \$13,408 to purchase the oaks that were planted on Griffing Blvd.

> Continuing to work with the County on the maintenance of the existing trees, the medians, and also the roads on Griffing Blvd.

> For the upcoming legislative session in Tallahassee, will seek for support in the historic preservation of the log cabin and funding for the building of a Police Station and Village Hall. Manager will confirm a timeline with David Caserta on when items need to be submitted.

> Success of the Halloween Events

> Update on the 121st Street median closure which is scheduled in the next few weeks. Chief Glansberg confirmed that a comparison will be made of the current traffic patterns and during the closure. A second workshop will be scheduled after the 90 day test closure to obtain resident input. Manager Garcia will also confirm North Miami's role in making the final decision to permanently close the median.

> The large ficus trees at the Ed Burke Park have been sprayed and will keep the Commission updated on their status.

8 Consent Agenda

Commissioner Bernard pulls item 8a, approval of the minutes.

The following item 8b remains in the consent agenda:

Resolution 2011-49

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT** AVAILABLE THROUGH MIAMI-DADE COUNTY OFFICE OF GRANTS COORDINATION; TO RECEIVE, AND EXPEND \$2,535 IN FEDERAL FUNDS FOR A RECORDS IMPROVEMENT PROJECT; AUTHORIZING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

Motion to approve the consent agenda made by Vice Mayor Anderson and it is seconded by Commissioner Bernard

The motion was called to a vote:

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

Opposed: None
Motion carries 4/0

Minutes for September 13, 2011 1st Public Hearing FY 2011-12 Budget

Commissioner Bernard asks that "After discussion" is added to the original motion to approve. This request is accepted by the Commission and Clerk is directed to add.

Commissioner Bernard asks to add that only three minutes were provided to each Commissioner for discussion.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Vice Mayor Anderson makes a motion to approve the minutes for September 13, 2011 1st Public Hearing FY 2011-12 Budget, with the change agreed upon. It is seconded by Mayor Ross.

All in favor: Mayor Ross and Vice Mayor Anderson

Opposed: Commissioner Bernard and Commissioner Cooper

Motion fails: 2/2

Minutes are deferred to the next regular commission meeting.

Minutes for September 13, 2011 Regular Commission Meeting

Commissioner Bernard asks that recognition for Dan Samaria's September 11th display be added to section 4a of the minutes.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Commissioner Bernard asks that the public comments on the North Miami Water Utility be added to the minutes.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Commissioner Bernard states that the main topic for Noah Jacob's public comment was not explained properly and asks for a correction.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Commissioner Bernard asks that on item 7c, Commissioner Childress' motion, that it is corrected to state that the "a recommendation is given by the Village Manager to the Code Enforcement Board".

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Commissioner Bernard asks also that Commissioner Cooper's statement that a permit is required for the removal of a Strangler Fig be added.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Commissioner Bernard asks that on item 7d, for the direction given to the both the Parks & Parkway Advisory Board and the Ecology Board, that they consider "not limiting the scope of work and the removal of the Australian Pines".

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Commissioner Bernard asks that on item 7e, the Clerk review the motion made by Commissioner Bernard to include all points made. The request is accepted by the Commission and the Clerk is directed to review.

The minutes are to be brought back at the next regular meeting for approval.

September 20, 2011 2nd Public Hearing FY 2011-12 Budget

Commissioner Bernard asks that on item 7b., that the specific topic/comment made by each of the four public speakers is added. The request is accepted by the Commission and the Clerk is directed to add.

Commissioner Bernard asks that on item 12b, that there was a statement and discussion that when staff did this it was against our ordinance and procurement policies.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Commissioner Cooper requests that on page 3, the Clerk review the comments made in regards to his asking each department listed on the Administrative Fee to comment. There request is accepted by the Commission and the Clerk is directed to review.

The minutes are to be brought back at the next regular meeting for approval.

October 4, 2011 Regular Commission Meeting

Commissioner Bernard asks that on item 4c, that the auditors made the comment that the material weaknesses listed on the audit are not common for most cities and that some of the issues were serious.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

There is no consensus to make the change.

Vice Mayor Anderson makes a motion to approve the minutes for October 4, 2011 Regular Commission Meeting. It is seconded by Mayor Ross.

All in favor: Mayor Ross and Vice Mayor Anderson

Opposed: Commissioner Bernard and Commissioner Cooper
Motion fails: 2/2

Minutes are deferred to the next regular commission meeting.

9 Public Hearings - None

10 Ordinances

10.c Ordinance 2011-3 - Second Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING CHAPTER 6.5 OF THE VILLAGE'S CODE OF ORDINANCES ADDRESSING FLOOD PREVENTION AND PROTECTION** IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; UPDATING AND AMENDING DEFINITIONS; ELIMINATING REFERENCES TO MANUFACTURED HOMES; AMENDING THE DEFINITION OF SUBSTANTIAL IMPROVEMENT; AND REQUIRING CERTAIN TECHNICAL DATA TO BE FILED; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.
(Ordinance approved at first reading on September 13, 2011.)

Attorney Boutsis read the title of the ordinance.

Alex David from Bell David Planning provided a recap on the ordinance and that corrections made to the Village's population to 3,055, as well as those corrections brought up at the first reading of the ordinance.

Direction given to Mr. David to change the order of lines in section (A) and also to switch the title of 6.5.6 to Appeals and Variance Procedure.

After discussion, Commissioner Bernard makes a motion to approve the ordinance at second reading. It is seconded by Vice Mayor Anderson.

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

Opposed: None

Motion carries: 4/0

Commissioner Bernard makes a motion to direct Bell David Planning to provide the next steps for the purpose of lowering flood insurance rates. It is seconded by Commissioner Cooper.

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

Opposed: None

Motion carries: 4/0

10.c **Ordinance 2011-2 - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" BY **ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS** AND AMENDING THE DEFINITION OF HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6 AND REMOVING HEIGHT RESTRICTIONS FOR HEDGES; ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (*Ordinance approved at first reading on July 12, 2011. At the August 2, 2011 meeting, motion made to defer the second reading to date certain November 1, 2011 and instructing Village Attorney to work with Code Review Board to improve the language. Village Attorney met with the Board on August 9, 2011. Board reviewed updated version of the Ordinance on September 7, 2011 and September 21, 2011. At the September 21, 2011 meeting of the Code Review Board, motion made to accept the updated version. The vote was 7 in favor, 0 opposed to accept.*)

Attorney Boutsis read the title of the ordinance.

Mayor Ross opened the meeting for public comment:

Jeff Stranz
Dan Samara
Gage Hartung
Noah Jacobs

Vice Mayor Anderson makes a motion to approve Ordinance 2011-02. It is seconded by Mayor Ross.

After discussion, Mayor suggests that the 2nd reading of this ordinance be moved to date certain December 13, 2011.

Additional public comment was made:

Fred Jonas
Jeff Stranz
Gary Kuhl
Barbara Kuhl

After further discussion, Vice Mayor Anderson makes a motion to defer the second reading of Ordinance 2011-02 to date certain November 22, 2011. It was seconded by Mayor Ross.

All in favor: Mayor Ross and Vice Mayor Anderson

Opposed: Commissioner Bernard and Commissioner Cooper

Motion fails: 2/2

Commissioner Bernard makes a motion to defer the second reading of Ordinance 2011-02 to date certain December 13, 2011. It was seconded by Mayor Ross.

Vice Mayor Anderson requests a friendly amendment to accordingly move any Code Enforcement cases affected by this issue and it is accepted.

The motion is called to a vote:

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

Opposed: None

Motion carries 4/0

10.a **Ordinance 2011-6 - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2010-12 ADOPTED ON SEPTEMBER 21, 2010 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2010-2011, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title of the ordinance.

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

Finance Director Smith provided the background.

Vice Mayor Anderson makes a motion to approve Ordinance 2011-06 at first reading. It was seconded by Mayor Ross.

After discussion, the motion was called to a vote:

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

Opposed: Commissioner Cooper

Motion carries: 3/1

Second reading scheduled for November 22, 2011.

11 **Resolutions**

11.a **Resolution 2011-48**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO CONTRACTS; **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR PROFESSIONAL SUPPORT SERVICES TO PAUCAR, ZAMORA & HERNANDEZ, PLLC;** PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Manager Garcia provided the background.

Vice Mayor Anderson makes a motion to approve Resolution 2011-48. It was seconded by Mayor Ross.

After discussion, the motion is called to a vote:

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

Opposed: Commissioner Bernard

Motion carries: 3/1

11.b Resolution 2011-50

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AUTHORIZING THE VILLAGE TO PARTICIPATE IN THE URBAN COUNTY QUALIFICATION FOR PARTICIPATION BY MIAMI-DADE COUNTY**, UNDER A COOPERATIVE AGREEMENT FOR ACCESS TO COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) FOR FISCAL YEAR 2012-2014; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Mayor Ross provided the background

Vice Mayor Anderson makes a motion to approve Resolution 2011-50. It was seconded by Mayor Ross.

After discussion, the motions was called to a vote.

All in favor: Mayor Ross, Vice Mayor Anderson

Opposed: Commissioner Bernard and Commissioner Cooper

Motion fails: 2/2

11.c Resolution 2011-51

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **SCHEDULING A SPECIAL COMMISSION MEETING ON FRIDAY, DECEMBER 9, 2011, FOR THE PURPOSE OF CERTIFYING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION; ADMINISTERING THE OATH OF OFFICE TO THE NEWLY ELECTED COMMISSIONERS; PROVIDING A WORKSHOP AND ORIENTATION TO ALL ELECTED OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Boutsis read the title.

Mayor Ross asks for a motion to extend the meeting to 11:30pm.

Commissioner Bernard makes a motion to extend the meeting to 11:30pm. It is seconded by Commissioner Cooper.

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

Opposed: None

Motion carries: 4/0

Mayor Ross provided the background.

After discussion, the resolution was amended to have the regular commission meeting on Tuesday, December 13, 2011 start at 6:30pm, and for the workshop to immediately follow the meeting.

Commissioner Bernard makes a motion to approve Resolution 2011-51 as amended. It is seconded by Vice Mayor Anderson.

The motion was called to a vote:

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

Opposed: None

Motion carries: 4/0

12 Old Business

Commissioner Bernard: A discussion of the investigation into allegations
12.a regarding the Village Manager.

The following motion was made at the October 4, 2011 regular commission meeting and deferred to November 1, 2011:

Commissioner Bernard makes a motion to direct the Village Attorney to establish a maximum cost and to hire an outside investigator to investigate the written allegations of the former Finance Director. It was seconded by Commissioner Cooper.

After discussion, the motion was called to a vote:

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross and Vice Mayor Anderson

Motion fails: 2/2

13 New Business

13.c Selection of Board members:

> Commissioner Cooper: Recreation Advisory Board.

15 Commissioner Comments:

Commissioner Bernard: Appreciates serving as a Commissioner; will not be running for re-election due to family obligations.

Vice Mayor Anderson: no comments

Commissioner Cooper: Unity; building middle ground and consensus is what the Village lacks.

Mayor Ross: Thankful to volunteer boards; participation in Good Government Initiative; looks forward to a non-divisive election and honest campaign.

All pending items not heard on the agenda will be moved to the December 13, 2011 regular commission meeting.

Announcements:

The Clerk read the announcements:

Wednesday, November 2nd - Code Review Board at 7:00pm

Monday, November 7th - Planning & Zoning at 6:30pm

Wednesday, November 9th - Recreation Advisory Board at 6:30pm

Friday, November 11th - All Village Departments are closed in observance of Veteran's Day.

Tuesday, November 15th - Code Enforcement at 7:00pm

Wednesday, November 16th - Parks & Parkway at 6:00pm

Wednesday, November 16th - Code Review Board at 7:00pm

Thursday, November 17th - Ecology Board at 6:30pm

Saturday, November 19th - Village Market from 8:00am - 2:00pm

Saturday, November 19th - Building Department and Code Enforcement Informational Open House from 10:00am - Noon

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

Tuesday, November 22nd - Special Commission Meeting at 6:30pm

Thursday, November 24th - All Village Departments will be closed in observance of Thanksgiving Day. Friday, November 25th, Village Hall will be closed, but Public Works will be servicing our residents.

Monday, December 5th - Planning & Zoning at 6:30pm

Tuesday, December 6th - Biscayne Park Election Day. Polls will be open from 7:00am to 7:00pm.

Our next regular Commission meeting is Tuesday, December 13, 2011 at 7:00pm.

Meeting was adjourned at 11:34pm

Commission approved on _____.

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk

ion

son



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

Mayor and Commissi

Roxanna Ross
Mayor

Robert "Bob" Anders
Vice Mayor

Steve Bernard
Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES

Special Commission Meeting

Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161

Tuesday, November 29, 2011 at 6:30PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 6:35PM. In addition to Mayor

Ross, present were:

Vice Mayor Bob Anderson

Commissioner Al Childress

Commissioner Bryan Cooper

Commissioner Steve Bernard was absent.

Present from staff were:

Village Manager Ana Garcia

Village Clerk Maria Camara

Village Attorney John Hearn

Finance Director Charles Smith

Police Chief Mitchell Glansberg

Finance Clerk Wendy Hernandez

Assistant Director Cesar Hernandez

3 Pledge of Allegiance and Moment of Silence

4 Presentations

(After Village Manager Report)

5 Additions, Deletions or Withdrawals to Agenda

Commissioner Cooper requested Manager Garcia add to her report an update on the Code Enforcement Officer.

6 Public Comments Related to Agenda Items / Good & Welfare

Linda Dillon - Meet the Candidates; request to waive the rental fee for use of the Recreation Center for Meet the Candidates

Vice Mayor Anderson makes a motion to waive the rental fee for use of the Recreation Center for Meet the Candidates. It was seconded by Commissioner Childress.

After discussion, a subsidiary motion made to postpone the motion until the next regular commission meeting on December 13th. It was seconded by Commissioner Childress.

The subsidiary motion was called to a vote.

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

Opposed: None

Motion carries: 4/0

7 Village Manager Report

> Manager Garcia recapped meeting with Kimley-Horn on entry way signage; traffic calming options; sixth avenue transit options.

> Chief Glansberg recapped meeting with Joan Shen, Ph.D. Traffic Engineering Division. Miami-Dade County Public Works Department and further ideas for traffic calming options.

> Manager Garcia provided update on Code Enforcement Officer Hillary Skumanich

Following the Manager's report, Mayor Ross recognized resident Willard Shepard as a military veteran in continuing the Village's recognition of Veterans during the month of November.

8 Consent Agenda - None

9 Public Hearings - None

10 Ordinances - FIRST READING - None

Ordinances - SECOND READING

10.a Ordinance 2011-06

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2010-12 ADOPTED ON SEPTEMBER 21, 2010 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2010-2011, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor Ross opened the meeting for public comment on the ordinance and there were none.

Finance Director Smith provided a recap on his discussions with residents and some commissioners through a supplemental information handout to the commission that included the following: General Government property insurance; CITT fund balance; Road Fund; Repair & Maintenance (R&M) Vehicles; Sanitation Fund recycling contract; Police payroll and overtime.

Vice Mayor Anderson makes a motion to approve ordinance 2011-06. It was seconded by Commissioner Childress.

After discussion, the motion was called to a vote:

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

Opposed: Commissioner Cooper

Motion carries: 3/1

11 **Resolutions - None**

12 **Old Business - None**

13 **New Business - None**

14 **Final Public Comment - None**

15 **Reports**

Commissioner Comments:

> Vice Mayor Anderson: Reminder of upcoming events: Meet the Candidates; Food & Tunes; State of the Village Address; Spay & Neuter Event.

> Commissioner Childress: None

> Commissioner Cooper: None

> Mayor Ross: Gratitude to staff and volunteer residents; good luck to all candidates in the upcoming election.

16 Announcements:

The Clerk read the announcements:

Wednesday, November 30th - Meet the Candidates at 7:00pm

Friday, December 2nd - Food & Tues at 6:00pm

Saturday, December 3rd - State of the Village Address at 9:30am, followed by Senator Rubio's Mobile Office and the Florida Licensing on Wheels (FLOW).

Sunday, December 4th - Spay & Neuter Event at 8:00am

Monday, December 5th - Planning & Zoning at 6:30pm

Tuesday, December 6th - Biscayne Park Election Day. Polls open from 7:00am to 7:00pm.

Saturday, December 10th - Special Yard Trash Pick up from noon to 5:00pm

The next regular Commission meeting is Tuesday, December 13th at 6:30pm.

Meeting was adjourned at 7:49pm

Commission approved on _____.

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



Date: 12/5/2011

To: Ana Garcia
Village Manager

From: Maria Camara
Village Clerk

Re: **Proposed** Resolution 2011 – 53

**A RESOLUTION OF THE VILLAGE
COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA ESTABLISHING
THE REGULAR COMMISSION MEETING
SCHEDULE FOR 2012; AND PROVIDING FOR
AN EFFECTIVE DATE.**

BACKGROUND AND ANALYSIS:

In order to maintain a consistent schedule each month for the regular commission meetings on the first Tuesday of each month, and changing only when a holiday falls on the day before after the first Tuesday, the entire 2012 regular commission meeting schedule is provided. This will allow the Village to give notice to the public by posting it on our website and at Village Hall and the Ed Burke Recreation Center. It will also allow the Commission to plan their schedules accordingly.

FISCAL/BUDGETARY IMPACT:

None

RECOMMENDATION:

Approval

1
2
3
4 **RESOLUTION NO. 2011-53**
5

6 **A RESOLUTION OF THE VILLAGE**
7 **COMMISSION OF THE VILLAGE OF BISCAYNE**
8 **PARK, FLORIDA ESTABLISHING THE**
9 **REGULAR COMMISSION MEETING SCHEDULE**
10 **FOR 2012; AND PROVIDING FOR AN EFFECTIVE**
11 **DATE.**

12
13 WHEREAS, pursuant to Village Charter Sec. 2.16 Meetings, the regular meetings of the
14 Commission shall be held at 7:00 p.m., on the first Tuesday of each month; and,
15

16 WHEREAS, consideration is given to holidays that fall on the day before or after the first
17 Tuesday of each month; and
18

19 WHEREAS, the Village desires to establish and give notice to the public of the regular
20 meeting schedule for the calendar year 2012.
21

22 WHEREAS, the place and time for holding regular meetings will be the Ed Burke
23 Recreation Center, 11400 NE 9th Court, Biscayne Park, Florida at 7:00pm.
24

25 NOW, THEREFORE, be it resolved by the Commission of the Village of Biscayne Park,
26 Florida that:
27

28 **Section 1.** The above whereas clauses are incorporated by reference.
29

30
31 **Section 2.** The dates for holding regular commission meetings shall be as follows:
32

Date	Time
Tuesday, January 10, 2012	7:00 p.m.
Tuesday, February 07, 2012	7:00 p.m.
Tuesday, March 06, 2012	7:00 p.m.
Tuesday, April 03, 2012	7:00 p.m.
Tuesday, May 01, 2012	7:00 p.m.
Tuesday, June 05, 2012	7:00 p.m.
Tuesday, July 03, 2012	7:00 p.m.
Tuesday, August 07, 2012	7:00 p.m.
Tuesday, September 11, 2012	7:00 p.m.
Tuesday, October 02, 2012	7:00 p.m.
Tuesday, November 06, 2012	7:00 p.m.
Tuesday, December 04, 2012	7:00 p.m.

Section 3. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2011.

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

Commissioner Anderson: _____

Commissioner Cooper: _____

Commissioner Jacobs: _____

Commission Ross: _____

Commissioner Watts: _____

Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

Village Attorney



VILLAGE OF BISCAYNE PARK

2012 REGULAR COMMISSION MEETING SCHEDULE

Date	Time	Comment
Tuesday, January 10, 2012	7:00pm	<i>Monday, January 2nd is when New Year's is officially observed</i>
Tuesday, February 07, 2012	7:00pm	
Tuesday, March 06, 2012	7:00pm	
Tuesday, April 03, 2012	7:00pm	<i>Sunday, April 8th is Easter</i>
Tuesday, May 01, 2012	7:00pm	
Tuesday, June 05, 2012	7:00pm	<i>Monday, May 28th is Memorial Day</i>
Tuesday, July 03, 2012	7:00pm	<i>Wednesday, July 4th is Independence Day</i>
Tuesday, August 07, 2012	7:00pm	
Tuesday, September 11, 2012	7:00pm	<i>Monday, September 3rd is Labor Day</i>
Tuesday, October 02, 2012	7:00pm	
Tuesday, November 06, 2012	7:00pm	
Tuesday, December 04, 2012	7:00pm	



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

Mayor and Commission

Roxanna Ross
Mayor

Robert "Bob" Anderson
Vice Mayor

Steve Bernard
Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

October 20, 2011

To: Mayor Roxana Ross
Vice Mayor Bob Anderson
Commissioner Steve Bernard
Commissioner Al Childress
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Re: Ordinance 2011-02 Definitions for Fences and Corner Side Yards

Background Analysis:

In April 2008, the Village Commission created a Code Review Board and appointed members to perform a comprehensive review of the Municipal Code of the Village of Biscayne Park and to provide updates and revisions as needed.

While the Board continues to meet regularly to complete their review, a request was given to the Board at the end of 2010 to bring forward their recommended changes for definitions of fences, fencing allowances for corner side yards, and hedge height restrictions. This was due mainly to the number of requests from residents to seek variances on these specific items.

In February 2011, the Code Review Board brought forward their recommended changes at the February 1st regular commission meeting. At that meeting, additional changes were recommended and discussed and it was determined that a resident workshop would be scheduled. The workshop took place on February 24th, and the Code Review Board continued their regular meetings following that workshop and their recommendations were presented at the first reading of this ordinance on July 12, 2011.

Further changes were discussed by the Commission at first reading, and the ordinance was amended to include those changes approved by consensus. At the second reading of the ordinance on August 2nd, a motion was made to defer the second reading to date certain November 1, 2011 and instructing Village Attorney Boutsis to work with the Code Review Board to improve the language. Attorney Boutsis met with the Board and at the September 21, 2011 meeting of the Code Review Board, the updated version was unanimously accepted.

Fiscal/Budgetary Impact:

None

Manager Recommendation

Page 1 of 2

Manager Recommendation:

Manager recommends that the Commission take the Code Review Board's proposed recommendations and along with resident input, make their decision taking into consideration the safety and privacy of all residents of the Village, and the overall aesthetics of the Village of Biscayne Park.

Ordinance 2011-02

Tracked Changes

ORDINANCE NO. 2011-2

1
2
3 AN ORDINANCE OF THE VILLAGE COMMISSION OF THE
4 VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING
5 CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND
6 DEVELOPMENT CODE ENTITLED "DEFINITIONS" BY
7 ADDING DEFINITIONS FOR FENCES AND CORNER SIDE
8 YARDS AND AMENDING THE DEFINITION FOR HEDGE;
9 AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE
10 PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY
11 STRUCTURES" BY AMENDING SECTION 11.6; ADDRESSING
12 CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED
13 CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING
14 FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING
15 FOR AN EFFECTIVE DATE
16

17 WHEREAS, the Code Review Committee has provided suggested changes to the Village
18 Land Development Code which address fences, walls and hedges; and

19 WHEREAS, the Village Commission is aware that citizens have had issues when
20 attempting to locate corner side fences and certain fence materials on their property; and

21 WHEREAS, the Village Commission deems it to be in the best interests of the citizens of
22 Biscayne Park to amend the Village's Land Development Code to add certain definitions and to
23 address fences, walls, and hedges; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF
25 BISCAYNE PARK, FLORIDA, AS FOLLOWS:

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. Chapter 2 of the Village of Biscayne Park Land Development Code is
30 hereby amended to read as follows:

Deleted: 8

Deleted: 9

* * *

2.2.26 F.S.: The abbreviation "F.S." shall mean the latest edition or supplement of the Florida Statutes.

2.2.26 Fence: A constructed barrier, including gates, erected to enclose, screen or separate an area.

Deleted: n artificially

* * *

Deleted: ¶
¶

2.2.31 Hedge: A dense row of shrubs or low trees in excess of eight (8) feet in length which constitutes a barrier. A planting of vegetation, with or without openings and regardless of width that constitutes a barrier more than six feet in length.

Deleted: A continuous planting of shrubs constituting a visual screen serving a function similar to a fence or wall.¶

* * *

2.2.70 Yard: An open space on the same lot with a building, said space being unoccupied and unobstructed from the ground upward, except as otherwise permitted herein. A front, rear or side yard shall be defined as that open space adjoining a front, rear, or side lot line respectively.

2.2.71 Year: The word "year" shall mean a calendar year, unless otherwise specified.

Deleted: ¶

2.2.71 Yard, corner side: The open space between the closest point of the principal building and the side line of the lot which abuts a street and extending from the front line of the building to the rear property line.

Deleted: ¶

Section 3. Chapter 11 of the Village of Biscayne Park Land Development Code is

hereby amended to read as follows:

* * *

11.6 Fences, walls and hedges.

11.6.1 Location.

(a) Except as otherwise provided in Section 11.6 below, All fences, walls and hedges may are to be located within any yard including upon up to the property line thereof. No such wall, fence or hedge shall extend beyond an official right-of-way OR PROPERTY line.

Comment [e1]: When discretion should not use "shall. Recommend "are to be" If go with shores definitions, change property line to plot line.....

Deleted: shall

Deleted: ¶

(b) When a fence, wall or hedge is placed on a property line abutting an alley, whether it be on an alley or a front property line, at least forty (40) square feet, a minimum of four (4) feet deep, of open space must be left for the temporary storage of trash and garbage containers.

Comment [e2]: If to keep existing language - recommend putting this description in of 4 by 10, rather than another clause ... as written... I think it just makes the sentence cumbersome.

Deleted: 8

Deleted: 9

(c) No walls or fences may be located in the front yard.

Comment [e3]: No walls or gates in front per the Village Commission.

(d) On corner lots, fences and walls may be located in the corner side yard but may be no closer than three (3) feet from the corner side yard property line. Fences and walls may extend into the front yard beginning at the corner, where the two walls meet, of the building closest to the corner side yard property line or interior side yard property line, but not both, up to fifteen (15) feet, but no closer than fifteen (15) feet to the front yard property line. ~~One fence may extend into either the corner side yard or interior side yard, but not both.~~ Fences are not permitted between the front CORNERS OF THE BUILDING CLOSEST TO THE SIDE PROPERTY LINES and the front property line. A landscape buffer must be provided between the fence and the side and front property lines. (See Diagram 3 Corner lot Fences / Walls)

Deleted: (c) On interior and corner lots, walls may be located in the front yard but may be no closer than eight (8) feet from the Front paved street edge and three (3) feet from the corner side property line. (See Diagram 1 Interior lot Walls and Diagram 2 Corner lot Walls)

Comment [e4]: Question is this to mean 3 feet parallel line away from the plot line? Maybe can say 3 foot offset from the plot lines?

Deleted: façade

Deleted: of the building

(e) All fences, walls, hedges and gates must conform to the clear visibility triangle set forth in Chapter 5.4.1 of the Land Development Code. (See Diagram 4 Visibility Triangle)

Deleted: (e) Driveway and pedestrian gates may be located in the front yard and corner side yard provided they are attached or abutt, as applicable on each side to a wall, fence or hedge. Driveway gates are permitted.¶

... (1) Driveway gates may be no closer than 20 feet from the paved street.¶

... (2) Vehicular stopping or blocking of the public street or sidewalk to open the driveway gate is prohibited.¶

... (3) The driveway gate may not open outwards, towards the right-of-way.¶

Deleted: f

Deleted: g

Comment [e5]: Is the Code allowing a rear yard pedestrian gate? Or a rear yard driveway gate?

Deleted: ¶
(h) Gates.¶

... (1) Pedestrian gates shall only be made of wood, composite material, vinyl or metal.¶

... (2) Driveway gates shall only be constructed of metal and shall be of an open "picket" design.¶
... [1]

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Deleted: Walls located in the front yard may not exceed three (3) feet in height. Pedestrian or driveway gates local ... [2]

(f) All fences, walls, and gates require a permit and approval by the Planning Board.

11.6.2 Height.

(a) The height of any hedge shall not exceed four (4) feet when located between the building and any paved street. Fences and walls, ~~W~~when located between the building and the interior side and the rear other property lines, fences and walls shall not exceed six (6) feet in height, and hedges shall not exceed eight (8) feet in height.

(b) The inside Through Lots on Northeast 11 Place and Northeast 11 Court from Northeast 119 Street to Northeast 121 Street shall be allowed the six-foot height from the building to and parallel to the rear property line.

(c) Properties abutting the FEC corridor shall be permitted to erect a fence or wall up to ten (10) feet in height only on the side abutting the FEC corridor.

(d) Pedestrian gates located in the front yard shall not exceed the height of four feet six inches (4'6")

~~(e) The existing hedges on Lot 30, Block 23 of Biscayne Park Estates amended shall not be affected by the height requirement only for so long as the garbage and trash trucks are parked there. When the trucks are no longer allowed there, the hedges shall conform to all the provisions of this chapter.~~

(e) On corner side yards, fences and walls may be four (4) feet in height when set back three (3) feet from the corner side yard property line and fifteen (15) feet forward from the front corner of the building as described in 11.6.1(d). The height of the fence or wall may be increased one (1) foot for each additional two (2) feet setback from the dimensions described

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1 above with a maximum height of six (6) feet. Fences and walls in the corner side yard must be
2 of a continuous height.

3
4
5 **11.6.3 Construction.** Fences and walls may be constructed of wood, concrete, composite
6 materials, vinyl, metal or wire, and shall be constructed so as to discourage climbing ~~be non-~~
7 ~~climbable~~ and be constructed of one (1) material type except where specifically permitted herein.

8 (a) Wood fences are to be constructed with pressure treated pine, cedar, redwood or
9 other rot resistant wood in according to the South Florida Building Code. Wood fences shall be
10 finished with a stain, wood preservative, or sealer. ~~or paint.~~ Paint Stain colors require a separate
11 permit and approval by the planning board. Planks shall have a minimum nominal thickness of
12 1" (3/4" actual) and post shall not be less than a nominal 4" by 4". Only galvanized or stainless
13 HARDWARE AND FASTENERS are permitted. Fences shall be constructed to be level and
14 plumb. Gates shall be diagonally braced to prohibit sagging. Fences shall be of one color except
15 where masonry or concrete pillars are used in conjunction with fences where the pillars may be
16 of one color and the fence portions another color.

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17
18
19 (b) Walls may be constructed of the following materials and must conform to the
20 construction requirement of the South Florida Building Code and shall be of a consistent design
21 and color of the dwelling.

22
23 (i) Coral rock. Walls constructed of stone shall be of a consistent type.

24
25 (ii) Concrete block is to be stuccoed WITH a smooth stucco finish or texture on all faces
26 that reflects the finish of the dwelling. ~~and be~~ and ~~combined with~~ one (1) or more of the
27 other construction materials listed in this subsection or ornamental wrought iron,
28 ornamental aluminum, cast iron or cast aluminum or other ~~a stucco treatments designed~~
29 ~~to impact an additional architectural interest.~~ Walls constructed of decorative masonry
30 units shall be of a uniform type and color.

Deleted: on both sides with a concrete cap.

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31 (iii) Slump brick.

32 (iv) Used red bricks, limed red bricked or cement bricks appropriately painted.

33
34
35
36 (v) Precast concrete caps may be used in combination with the preceding wall types.
37 Precast walls are only permitted on property lines parallel to the FEC corridor.

38
39
40 (c) Composite and vinyl fences shall be made of Miami-Dade County approved
41 materials for fencing.

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1 (d) Metal fences shall be made of aluminum, wrought iron ~~and~~, galvanized steel or
2 marine grade stainless steel and shall be of one (1) color. IRON AND STEEL FENCES, WITH
3 THE EXCEPTION OF CHAIN LINK, SHALL BE PAINTED (OR FINISHED). Words and
4 pictorial images are not permitted except for one location on the gate or fence where the street
5 numbers are permitted. Post caps, scrolls, and studs are part of the overall allowable height.
6 Metal fences may only be of one color.

7
8 (e) (e) Wire fences shall be of chain-link or diamond weave of heavy galvanized material or
9 material of equal strength and shall have top rails. All posts shall be set in concrete so as to be
10 secure and safe. Decorative inserts/privacy slats are not permitted except where fences are
11 parallel to the FEC corridor. The decorative face of a fence is to face the street or exterior of the
12 property.

13
14 (f) Gates.

15
16 (1) Pedestrian gates shall only be made of wood, composite material, vinyl or
17 metal.

18
19 (d) (g) All parts of the wall or fence, including uprights, posts and vertical and horizontal
20 and structural supports shall be on applicant's side of the fence or wall. No part of the fence or
21 wall shall protrude into the adjacent property or public right-of-way.

22
23 (e) (h) Each application shall be consistent with Village building permit requirements. The
24 fence shall be so designed to be suitable and compatible with surrounding areas.

25
26 **11.6.4 Chain-link, wooden fences, and walls prohibited in certain areas.**

27
28 (a) ~~Chain-link, wooden fences, and walls~~ and/or wire fences shall not be permitted in
29 front yards and corner side yards or when they extend farther toward the front and side front
30 property lines than the front corner of the building closest to the side property line. Chain link
31 fences shall not be permitted parallel to the abutting right of way except on the rear, Interior
32 property lien or alley.

33
34 (b) ~~All fences that are existing at the time of adoption of Ordinance 244 (5, 1988) shall~~
35 ~~be allowed to remain until such time that they deteriorate.~~

36
37 **11.6.5 Electric or barbed wire prohibited.** No fence shall be constructed with barbed wire and
38 no fence charged with electricity shall be erected.

39
40 **11.6.6 Non-conforming fences and walls.** Any fence or wall which has been properly
41 permitted and approved by the Village prior to the passage of Ordinance 2011-2 and which does
42 not comply with the requirements of this ordinance, shall be considered a legal, non-conforming

Comment [e6]: Is the Code allowing a rear yard pedestrian gate? Or a rear yard driveway gate?

Comment [e7]: I included "wall or "

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Comment [e8]: This language was a change requested by the Village Commission that I originally had incorrect. Per minutes, this is the preferred language of the Commission.

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Comment [e9]: So, if allowed at rear, then it would be rear plot lone. No further description needed.

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1 structure. Such non-conforming structure may be continued until such fence or wall ~~is damaged~~
2 ~~or in disrepair~~ has deteriorated to the extent of more than twenty five percent (25%). All existing,
3 unpermitted, or with no proof of permitting, fences and walls that existed prior to the adoption
4 of Ordinance 244 (5.1988), shall not be required to be removed unless and until such time that
5 they deteriorate to the extent of more than twenty five percent (25%). Replacement of any fence
6 or wall shall require a permit, and compliance with this Code. At that time, such fence or wall
7 must be removed in its entirety. In addition, such fences or walls may not be enlarged, extended,
8 reconstructed, or structurally altered, or repaired more than ~~twenty five percent (25%)~~ fifty
9 percent (50%), unless such change would place the fence or wall into compliance with this
10 Section.

11
12 11.6.7 Maintenance.

- 13 (a) Fences and walls shall be maintained free of rot, mold, rust and graffiti, and shall be
14 repaired if not straight, plumb and level.
15 (b) FENCES AND WALLS shall be recoated or cleaned when there is excessive
16 discoloration, fading, peeling or general deterioration.
17 (c) Fences, walls and hedges shall be kept free of weeds.
18 (d) Fences and walls that are not structural sound and present a threat to public safety shall
19 be repaired or removed.
20 (e) Hedges shall not extend over or into the public right-of-way for the full height of the
21 hedge.
22 (f) If a wall is to be placed on a shared property line, consent for access must be obtained
23 from the adjoin property owner(s) prior to finishing the opposite side of the wall. If such
24 consent cannot be obtained, the property owner erecting the wall must present proof that
25 a request for access approval was mailed to every adjacent property owner, by certified
26 mail, return receipt requested, to the mailing address(es) as listed in the most current
27 Miami-Dade County tax roll, and the mailing was returned undeliverable or the adjacent
28 property owner(s) failed to respond to the request within thirty (30) days after receipt.
29 Upon such a showing, the property owner erecting or maintaining the wall shall not be
required to finish the opposite side of the wall.

Deleted: All existing, unpermitted, or with no proof of permitting, fences and walls that existed prior to the adoption of Ordinance 244 (5.1988), shall not be required to be removed unless and until such time that they deteriorate to the extent of more than twenty five percent (25%). Replacement of any fence or wall shall require a permit, and compliance with this Code.¶

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33 11.6.8 Village Public Works and Ed Burke Park properties shall be exempt from the wall, fence
34 and hedge material, height and location requirements as these sites are for governmental uses
35 located within residential districts and should either be screened from the public or separated due
36 to the activities on site. The Village public works property should maintain a driveway gate, and
37 a six foot screened fence, wall or hedge around the perimeter of the property work yard to screen
38 the site and to protect the site from the community.

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41 Section 3. Severability. Should any section, provision, paragraph, sentence, clause of

42 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction

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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, be 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:

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

18 _____
19
20 Roxanna Ross, Mayor

Mayor Ross _____
Vice Mayor Bernard _____
Commissioner Anderson _____
Commissioner Cooper _____
Commission Childress _____

21
22
23 Attest:

24
25
26 _____
27 Maria Camara, Village Clerk

28
29 Approved as to form:
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(h) Gates.

(1) Pedestrian gates shall only be made of wood, composite material, vinyl or metal.

(2) Driveway gates shall only be constructed of metal and shall be of an open "picket" design.

(3) If a property is to maintain both a driveway and a pedestrian gate they shall be of a consistent material, design and color to each other.

Walls located in the front yard may not exceed three (3) feet in height. Pedestrian or driveway gates located in the front yard shall not exceed the height of three (3) feet on the side attached or abutting the wall or hedge, but may be arched to a maximum of four (4) feet six (6) inches at the center of the arch.

Ordinance 2011-02

Clean Version

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ORDINANCE NO. 2011-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" BY ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS AND AMENDING THE DEFINITION FOR HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES" BY AMENDING SECTION 11.6; ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Code Review Committee has provided suggested changes to the Village Land Development Code which address fences, walls and hedges; and

WHEREAS, the Village Commission is aware that citizens have had issues when attempting to locate corner side fences and certain fence materials on their property; and

WHEREAS, the Village Commission deems it to be in the best interests of the citizens of Biscayne Park to amend the Village's Land Development Code to add certain definitions and to address fences, walls, and hedges; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

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

Section 2. Chapter 2 of the Village of Biscayne Park Land Development Code is hereby amended to read as follows:

* * *

1
2 2.2.26 *Fence*: A constructed barrier, including gates, erected to enclose, screen or separate an
3 area.

4
5 * * *

6
7 2.2.31 *Hedge*: - A planting of vegetation, with or without openings and regardless of width that
8 constitutes a barrier more than six feet in length.

9
10 * * *

11
12 2.2.70 *Yard*: An open space on the same lot with a building, said space being unoccupied and
13 unobstructed from the ground upward, except as otherwise permitted herein. A front, rear or side
14 yard shall be defined as that open space adjoining a front, rear, or side lot line respectively.

15
16 2.2.71 *Yard, corner side*: The open space between the closest point of the principal building and
17 the side line of the lot which abuts a street and extending from the front line of the building to the
18 rear property line.

19
20 **Section 3.** Chapter 11 of the Village of Biscayne Park Land Development Code is

21 hereby amended to read as follows:

22 * * *

23 **11.6 Fences, walls and hedges.**

24
25 **11.6.1 Location.**

26
27 (a) Except as otherwise provided in Section 11.6 below, All fences, walls and hedges
28 are to be located within any yard up to the property line thereof. No such wall, fence or hedge
29 shall extend beyond an official right-of-way or property line.

30
31 (b) When a fence, wall or hedge is placed on a property line abutting an alley, at least
32 forty (40) square feet, a minimum of four (4) feet deep, of open space must be left for the
33 temporary storage of trash and garbage containers.

34
35
36 (c) No walls or fences may be located in the front yard.

37
38 (d) On corner lots, fences and walls may be located in the corner side yard but may be no
39 closer than three (3) feet from the corner side yard property line. Fences and walls may extend
40 into the front yard beginning at the corner, where the two walls meet, of the building closest to
41 the corner side yard property line or interior side yard property line, but not both, up to fifteen
42 (15) feet, but no closer than fifteen (15) feet to the front yard property line. Fences are not

1 permitted between the front corners of the building closest to the side property lines and the front
2 property line. A landscape buffer must be provided between the fence and the side and front
3 property lines. (See Diagram 3 Corner lot Fences / Walls)
4
5

6 (e) All fences, walls, hedges and gates must conform to the clear visibility triangle set
7 forth in Chapter 5.4.1 of the Land Development Code. (See Diagram 4 Visibility Triangle)
8

9 (f) All fences, walls, and gates require a permit and approval by the Planning Board.
10

11 **11.6.2 Height.**

12
13 (a) Fences and walls, when located between the building and the interior side and the
14 rear property lines, shall not exceed six (6) feet in height.
15

16 (b) The inside Through Lots on Northeast 11 Place and Northeast 11 Court from
17 Northeast 119 Street to Northeast 121 Street shall be allowed the six-foot height from the
18 building to and parallel to the rear property line.
19

20 (c) Properties abutting the FEC corridor shall be permitted to erect a fence or wall up
21 to ten (10) feet in height only on the side abutting the FEC corridor.
22

23 (d) Pedestrian gates located in the front yard shall not exceed the height of four feet
24 six inches (4'6")
25

26 (e) On corner side yards, fences and walls may be four (4) feet in height when set back
27 three (3) feet from the corner side yard property line and fifteen (15) feet forward from the front
28 corner of the building as described in 11.6.1(d). The height of the fence or wall may be
29 increased one (1) foot for each additional two (2) feet setback from the dimensions described
30 above with a maximum height of six (6) feet. Fences and walls in the corner side yard must be
31 of a continuous height.
32

33 **11.6.3 Construction.** Fences and walls may be constructed of wood, concrete, composite
34 materials, vinyl, metal or wire, and shall be constructed so as to discourage climbing and be
35 constructed of one (1) material type except where specifically permitted herein.
36

37 (a) Wood fences are to be constructed with pressure treated pine, cedar, redwood or
38 other rot resistant wood in according to the Florida Building Code. Wood fences shall be
39 finished with a stain, wood preservative, or sealer. Stain colors require a separate permit and
40 approval by the planning board. Planks shall have a minimum nominal thickness of 1" (3/4"
41 actual) and post shall not be less than a nominal 4" by 4". Only galvanized or stainless hardware
42 and fasteners are permitted. Fences shall be constructed to be level and plumb. Gates shall be
43 diagonally braced to prohibit sagging. Fences shall be of one color except where masonry or
44 concrete pillars are used in conjunction with fences where the pillars may be of one color and the
45 fence portions another color.

1
2 (b) Walls may be constructed of the following materials and must conform to the
3 construction requirement of the Florida Building Code and shall be of a consistent design and
4 color of the dwelling.

5
6 (i) Coral rock. Walls constructed of stone shall be of a consistent type.

7
8 (ii) Concrete block is to be stuccoed with a smooth stucco finish or texture on all
9 faces that reflects the finish of the dwelling. Walls constructed of decorative masonry
10 units shall be of a uniform type and color.

11
12 (iii) Slump brick.

13
14 (iv) Used red bricks, limed red bricked or cement bricks appropriately painted.

15
16 (v) Precast concrete caps may be used in combination with the preceding wall types.
17 Precast walls are only permitted on property lines parallel to the FEC corridor.

18
19 (c) Composite and vinyl fences shall be made of Miami-Dade County approved
20 materials for fencing.

21
22 (d) Metal fences shall be made of aluminum, wrought iron, galvanized steel or marine
23 grade stainless steel and shall be of one (1) color. Iron and steel fences, with the exception of
24 chain link, shall be painted (or finished). Words and pictorial images are not permitted except
25 for one location on the gate or fence where the street numbers are permitted. Post caps, scrolls,
26 and studs are part of the overall allowable height. Metal fences may only be of one color.

27
28 (e) Wire fences shall be of chain-link or diamond weave of heavy galvanized material
29 or material of equal strength and shall have top rails. All posts shall be set in concrete so as to be
30 secure and safe. Decorative inserts/privacy slats are not permitted except where fences are
31 parallel to the FEC corridor. The decorative face of a fence is to face the street or exterior of the
32 property.

33
34 (f) Gates.

35
36 (1) Pedestrian gates shall only be made of wood, composite material, vinyl or
37 metal.

38
39 (g) All parts of the wall or fence, including uprights, posts and vertical and horizontal
40 and structural supports shall be on applicant's side of the fence or wall. No part of the fence or
41 wall shall protrude into the adjacent property or public right-of-way.
42

1 (h) Each application shall be consistent with Village building permit requirements.
2 The fence shall be so designed to be suitable and compatible with surrounding areas.
3

4 **11.6.4 Chain-link, wooden fences, and walls prohibited in certain areas.**
5

6 Chain-link and/or wire fences shall not be permitted in front yards and corner side yards
7 or when they extend farther toward the front and side front property lines than the front corner of
8 the building closest to the side property line. Chain link fences shall not be permitted parallel to
9 the abutting right of way except on the rear, Interior property lien or alley.
10

11 **11.6.5 Electric or barbed wire prohibited.** No fence shall be constructed with barbed wire and
12 no fence charged with electricity shall be erected.
13

14 **11.6.6 Non-conforming fences and walls.** Any fence or wall which has been properly
15 permitted and approved by the Village prior to the passage of Ordinance 2011-2 and which does
16 not comply with the requirements of this ordinance, shall be considered a legal, non-conforming
17 structure. Such non-conforming structure may be continued until such fence or wall has
18 deteriorated to the extent of more than twenty five percent (25%). All existing, unpermitted, or
19 with no proof of permitting, fences and walls that existed prior to the adoption of Ordinance 244
20 (5.1988), shall not be required to be removed unless and until such time that they deteriorate to
21 the extent of more than twenty five percent (25%). Replacement of any fence or wall shall
22 require a permit, and compliance with this Code. At that time, such fence or wall must be
23 removed in its entirety. In addition, such fences or walls may not be enlarged, extended,
24 reconstructed, or structurally altered, or repaired more than fifty percent (50%), unless such
25 change would place the fence or wall into compliance with this Section.
26

27 **11.6.7 Maintenance.**

- 28 (a) Fences and walls shall be maintained free of rot, mold, rust and graffiti, and shall be
29 repaired if not straight, plumb and level.
30 (b) Fences and walls shall be recoated or cleaned when there is excessive discoloration,
31 fading, peeling or general deterioration.
32 (c) Fences, walls and hedges shall be kept free of weeds.
33 (d) Fences and walls that are not structural sound and present a threat to public safety shall
34 be repaired or removed.
35 (e) Hedges shall not extend over or into the public right-of-way for the full height of the
36 hedge.
37 (f) If a wall is to be placed on a shared property line, consent for access must be obtained
38 from the adjoin property owner(s) prior to finishing the opposite side of the wall. If such
39 consent cannot be obtained, the property owner erecting the wall must present proof that
40 a request for access approval was mailed to every adjacent property owner, by certified
41 mail, return receipt requested, to the mailing address(es) as listed in the most current
42 Miami-Dade County tax roll, and the mailing was returned undeliverable or the adjacent
43 property owner(s) failed to respond to the request within thirty (30) days after receipt.

1 Upon such a showing, the property owner erecting or maintaining the wall shall not be
2 required to finish the opposite side of the wall.
3

4 11.6.8 Village Public Works and Ed Burke Park properties shall be exempt from the wall. fence
5 and hedge material, height and location requirements as these sites are for governmental uses
6 located within residential districts and should either be screened from the public or separated due
7 to the activities on site. The Village public works property should maintain a driveway gate, and
8 a six foot screened fence, wall or hedge around the perimeter of the work yard to screen the site
9 and to protect the site from the community.

10 * * *

11
12
13 **Section 3.** Severability. Should any section, provision, paragraph, sentence, clause of
14 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction
15 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
16 not affect the validity of the remaining portions or applications of this Ordinance.

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

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

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

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

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

Roxanna Ross, Mayor

Attest:

Maria Camara, Village Clerk

Approved as to form:

Village Attorney

Mayor Ross _____
Vice Mayor Bernard _____
Commissioner Anderson _____
Commissioner Cooper _____
Commission Childress _____

Ordinance 2011-02

Diagrams

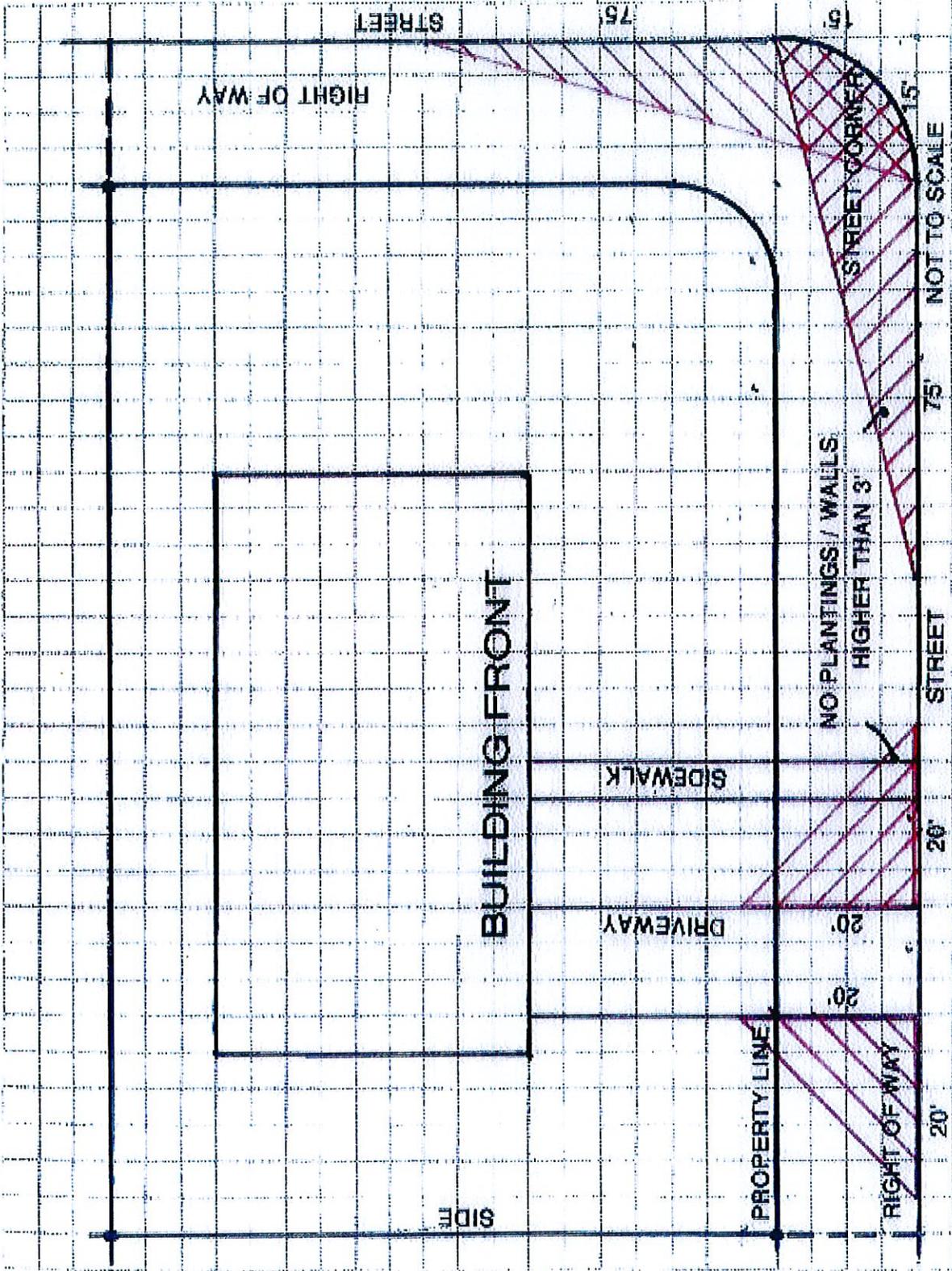


DIAGRAM 4 VISIBILITY TRIANGLE



Date: 12/13/2011

To: Commissioner Bob Anderson
Commissioner Bryan Cooper
Commissioner Noah Jacobs
Commissioner Barbara Watts

From: Mayor Roxanna Ross

Re: **Proposed** Resolution 2011 – 54

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA COMMORATING
MARTIN LUTHER KING DAY WITH A DAY FOR
COMMUNITY SERVICE AND BEAUTIFICATION EVENT IN
THE VILLAGE OF BISCAYNE PARK TO BE HELD JANUARY
__, 2012, PROVIDING FOR AN EFFECTIVE DATE**

BACKGROUND AND ANALYSIS:

This Resolution is brought in December because it will involve some coordination and planning with the City of North Miami in advance of the proposed project along our common border, northeast 121st street.

Martin Luther King Day is recognized nationwide as a day for service and giving back to the community. The northern areas of our Village along 121 Street are in need of beautification. It is the perfect opportunity to celebrate Martin Luther King Day, further enhance the linear park along 121st Street and build community pride in our Village.

It is in the best interest of our residents and our Village to support beautification along 121st Street. Partnering with the City of North Miami in these efforts will result in a larger impact and benefit the residents of both communities.

FISCAL/BUDGETARY IMPACT:

The time and labor to be expended by Village administration and Public Works in support of volunteers and the beautification project is worth the long needed enhancement. A challenge grant and anticipated donations, presently in an unknown amount, will defray the cost of improvements to the Village.

RECOMMENDATION:

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

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RESOLUTION NO. 2011 - 54

**A RESOLUTION OF THE VILLAGE COMMISSION
OF THE VILLAGE OF BISCAYNE PARK, FLORIDA
COMMORATING MARTIN LUTHER KING DAY
WITH A DAY FOR COMMUNITY SERVICE AND
BEAUTIFICATION EVENT IN THE VILLAGE OF
BISCAYNE PARK TO BE HELD JANUARY __, 2012,
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to advancing equality, social justice and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

WHEREAS, Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and

WHEREAS in 1983 President Ronald Reagan signed a bill creating a federal holiday to honor Dr. King's birthday, life and work, which is observed every January; and

WHEREAS a bill signed into law by President Bill Clinton established the King Holiday and Service Act in 1994, transforming the federal holiday into a day of citizen action and volunteer service in honor of Dr. King's teachings and leadership; and, since 1994, millions of Americans have been inspired to serve their neighbors and communities to commemorate the King Holiday; and

WHEREAS serving neighbors and communities are appropriate ways to honor Dr. King, meet local and national needs, bring our citizens together, raise awareness and strengthen our commitment to each other and the nation; and

WHEREAS the King Holiday offers an opportunity for Americans to give back to their communities and make an ongoing commitment to service during the King Holiday weekend and throughout the year; and

WHEREAS the Village of Biscayne Park and City of North Miami share common interests and a border along NE 121 Street, which includes a linear park ("121 Street Parkland") that is in need of attention and beautification; and,

WHEREAS Roxanna Ross, the Mayor of the Village of Biscayne Park, shares a birthday with the late Dr. King and desires to celebrate the occasion with a partnership challenge and community project to achieve needed repairs and landscaping along the 121 Street Parkland.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE BISCAYNE PARK, FLORIDA:

Section 1. That January __, 2012 is hereby proclaimed a day for community service in the Village of Biscayne Park. Citizens of the Village of Biscayne Park and the City of North Miami have an opportunity to participate in a community event ____day, January __, 2012, to celebrate the King Day of Service, designed to enhance the community, as well as discuss and identify community needs for future projects.

1 **Section 2.** Donations are welcome for community projects with proceeds to be used toward
2 landscaping along the 121 Street Parkland and other linear parks. Our neighbors are also requested to
3 assist with the beautification project along the 121 Street Parkland during this community event on
4 _____ day, January __, 2012, starting at 10:00 am.

5 **Section 3.** This Resolution shall become effective upon adoption.
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7 PASSED AND ADOPTED this ___ day of _____, 2011.
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**The foregoing resolution upon being
put to a vote, the vote was as follows:**

Commissioner Anderson: _____
Commissioner Cooper: _____
Commissioner Jacobs: _____
Commissioner Ross: _____
Commissioner Watts: _____

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13 _____
14 Mayor

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16 Attest:

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20 _____
21 Maria C. Camara, Village Clerk

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23 Approved as to form:
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28 _____
29 Village Attorney

PLANNING & ZONING

Meets the 1st and 3rd Monday at 6:30PM

	Member	Appointed By	Comment
1	Gage Hartung	Childress	
2	Barbara Watts	Cooper	Commissioner-Elect as of 12/6/11
3	Andrew Olis	Bernard	
4	Doug Tannehill	Ross	
5	Elizabeth Hornbuckle	Anderson	
6	Mario Rumiano		< Alternate >
7	Carl Bickel		< Alternate >
	Fred Jonas	Ross	Resigned.

Code Enforcement

Meets the 3rd Tuesday at 7:00PM

1	Harvey Bilt	Anderson	
2	Dale Blanton	Bernard	
3	David Coviello	Childress	
4	Carmen De Bernardi	Ross	
5	Linda Dillon	Cooper	
6	Milt Hunter	Anderson	< Alternate >
	Kelli Romano	Anderson	Resigned. (previous alternate)
	Dario Salazar	Cooper	
	Victor Cannon	Cooper	Resigned.
	Ray Irizzary	Ross	Resigned.

Code Review

of Aug 2011: Meets the 1st and 3rd Wednesday of each month at 7:00PM

1	Gage Hartung	Auto from P&Z	
2	Andrew Olis	Auto from P&Z	
3	Gary Kuhl	Anderson	
4	Dale Blanton	Auto from Code Enf	
5	David Coviello	Auto from Code Enf	
6	Judi Hamelburg	Bernard	
7	Isaias Ortiz	Ross	
	Kelli Romano	Auto from Code Enf	Resigned
	Carmen DiBernardi	Auto from Code Enf	Resigned, but remains on Code Enf.
	Ray Irizzary	Auto from Code Enf	Resigned
	Fred Jonas	Auto from P&Z	Resigned
	Harvey Bilt	Auto from Code Enf	Resigned, but remains on Code Enf.
	Milt Hunter	Auto from Code Enf	Resigned, but remains on Code Enf.
	Victor Cannon	Auto from Code Enf	Resigned

Recreation Advisory Board

Meets the 2nd Wednesday at 6:30PM

1	James Murphy	Bernard	
2	John Holland	Cooper	Notified of resignation on 8/18/2011

	Member	Appointed By	Comment
3	Caitlin H. Spurr	Ross	
4	Grisette Marcos	Anderson	
5	Kelli Romano	Childress	
	<i>Rachel O'Conner</i>	<i>Childress</i>	<i>Resigned</i>
	<i>Helga Silva</i>	<i>Ross</i>	<i>Resigned</i>
	<i>Ron Gwynn</i>	<i>Anderson</i>	<i>Resigned</i>
	<i>Vicki Mallette O'Brien</i>	<i>Childress</i>	<i>Resigned.</i>

Parks & Parkway Advisory Board

Meets the 3rd Wednesday at 6:00PM

1	Dan Keys	Anderson	
2	Barbara Kuhl	Childress	
3	Randy Wagoner	Ross	
4	John Zoeller	Bernard	
5	Daniel Samaria	Cooper	
6	Lynn Fisher		< Alternate >
7	Mary Ann Jones		< Alternate >
	<i>David Tunnel</i>	<i>Cooper</i>	<i>Resigned.</i>
	<i>Anne Marie Jonckheer</i>	<i>Bernard</i>	<i>Resigned.</i>
	<i>Barbara Kiers</i>	<i>Cooper</i>	<i>Resigned.</i>
	<i>Jane Ansley</i>		<i>Resigned. (Alternate)</i>

Ecology Board

Meets the 3rd Thursday at 6:30PM

1	Karen Cohen	Anderson	
2	Matt Davis	Bernard	
3	Art Pyle	Childress	
4	Tom Pliske	Cooper	
5	Tracy Truppman	Ross	<i>Notified of resignation on 11/17/2011</i>
6	Linda Carrington		< Alternate >
	<i>Victor Romano</i>	<i>Anderson</i>	
	<i>Linda Domin</i>		<i>Will participate on special projects only.</i>

Ordinance 2010-02: The terms of office of the members of each board and committee shall be up for reappointment yearly at the regular March Village Commission meeting. The nominating Commissioner can continue the term of the Commissioner's current appointment or appoint a new member. If no action is taken by the Commissioner or the Commission, the board or committee member shall continue to serve. New Commissioners will also be able to continue the term of a previous Commissioner or appoint a new member.

village clerk

Subject: FW: Agenda Item Request Form.doc

From: Bryan Cooper [mailto:bryancooper7@yahoo.com]
Sent: Sunday, January 23, 2011 9:29 PM
To: villageclerk@biscayneparkfl.gov; bcooper@biscayneparkfl.gov
Cc: agarcia@biscayneparkfl.gov; John Hearn; attyhearn@aol.com
Subject: Re: Agenda Item Request Form.doc

Date: (Please refer to the email sent when this was first placed on the agenda in Dec. of 2010).

To: Clerk; Manager, for inclusion on agenda

From: Bryan Cooper

Re: Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission.

Background Analysis: In the past year, there have been times that the agenda with backup was not presented to Commissioners for review until shortly before the date of the Commission meeting. It would be helpful if the Clerk, upon closing the deadline for submission of new agenda items from Commissioners, compiled a simple bullet list of clear, understandable titles of all new agenda items and forward them by email to Commissioners.

Fiscal/Budgetary Impact: None; a few minutes of the Clerks time to send a brief summary. This will foster a higher degree of transparency and hopefully collegiality, by allowing all Commissioners to see a week in advance the other items set to be brought forth by their colleagues.

Recommendation: Ask Manager to direct the Clerk to provide this list to the Commission following the deadline for submission of new agenda items.

From: village clerk <villageclerk@biscayneparkfl.gov>
To: bcooper@biscayneparkfl.gov
Cc: agarcia@biscayneparkfl.gov
Sent: Thu, January 20, 2011 6:34:56 PM
Subject: Agenda Item Request Form.doc

Commissioner Cooper:

>From the last commission meeting on January 11th, two of your agenda items that were not heard are being moved to the next meeting on February 1, 2011. They are:

12.a Commissioner Cooper: New police department procedures vs. continuing crime waves in the Village.

12.b Commissioner Cooper: Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission.

To be consistent with all other agenda item requests, please fill out the attached Agenda Item Request form, one for each of these agenda items, and

village clerk

From: Bryan Cooper [bryancooper7@yahoo.com]
Sent: Friday, January 28, 2011 9:24 PM
To: villagemanager@biscayneparkfl.gov
Cc: Village clerk; Archives
Subject: Re: badges; agenda item for March meeting

Ms. Garcia:

Per you question below....I do not have (and would never accept) a badge.

Please place the below on the agenda for the March meeting. I have no backup documentation; nor is there a cost analysis.

Date: January 28, 2011

To: Clerk; Manager

From: Bryan Cooper

Re: Police-style badges given to Commissioners

Background Analysis: None.

Fiscal/Budgetary Impact: None.

Recommendation: None at this time; To be discussed before the full Commission.

Bryan Cooper

From: Ana M. Garcia <villagemanager@biscayneparkfl.gov>
To: Rox Ross <rox@roxross.com>; Steve Bernard <steve@stevebernardarchitect.com>; Commissioner Bob Anderson <banderson@biscayneparkfl.gov>; Al Childress <albertchildress@yahoo.com>; Bryan Cooper <bryancooper7@yahoo.com>
Cc: Village clerk <villageclerk@biscayneparkfl.gov>; Archives <vobparchives@biscayneparkfl.gov>
Sent: Fri, January 28, 2011 5:06:12 PM
Subject: badges

Good afternoon all, Tom from the herald called me as he is doing a story on North Miami and badges for officials. How many of you have badges? This varies from City to City. If you have already answered this please disregard. Thank you.

Ana M. Garcia, CPRP
 Village Manager
 640 NE 114th Street
 Biscayne Park, FL 33161
 Ph. 305.899.8000 ext. 229
 Fax. 305.891.7241
agarcia@biscayneparkfl.gov

10/13/2011