



# The Village of Biscayne Park

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

## AGENDA REGULAR VIRTUAL COMMISSION MEETING VIRTUAL PUBLIC MEETING

Tuesday, October 06, 2020 7:00 pm

Meeting ID: 956 2657 8400

<https://zoom.us/j/95626578400>

***Please read the virtual meeting instructions attached***



*Indicates back up documents are provided.*

### 1 Call to Order

### 2 Roll Call

Mayor O'Halpin  
Vice-Mayor Kennedy  
Commissioner Ross  
Commissioner Samaria  
Commissioner Tudor

### 3 Pledge of Allegiance

### 4 Additions, Deletions or Withdrawals to the Agenda

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

### 5 Presentations

 5.a Volunteers Awards

 5.b Sanctuary and Oasis Awards Fall 2020

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

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

### 7 Information / Updates

### 8 Consent Agenda

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

#### 8.a Acceptance of Commission Minutes

- Regular Commission Meeting 09 01 2020

- First Budget Hearing FY 2020-2021 09 08 2020
-  ▪ Special Commission Meeting 09 08 2020
- Second Budget Hearing FY 2020-2021 09 29 2020
- Special Commission Meeting 09 29 2020

#### **8.b Acceptance of Boards Minutes**

- Code Compliance Board 06 27 2019 Revised Minutes
-  ▪ Code Compliance Board 07 18 2019 Revised Minutes
- Code Compliance Board 07 09 2020
- Code Compliance Board 07 21 2020
- Code Compliance Board 08 18 2020
- Code Compliance Board 09 22 2020

#### **8.c Resolution 2020-50 - MOU Hold Harmless Agreement w Town of Medley - Firearms Training Center**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A LICENSE AND HOLD HARMLESS AGREEMENT FOR THE USE OF THE MEDLEY POLICE FIREARMS TRAINING CENTER; PROVIDING FOR AN EFFECTIVE DATE

#### **8.d Resolution 2020-51 - Recognizing City Government Week - by Commissioner Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RECOGNIZING OCOBER 19-25, 2020 AS “FLORIDA CITY GOVERNMENT WEEK” AND ENCOURAGING VILLAGE RESIDENTS TO SUPPORT THIS CELEBRATION AND CORRESPONDING ACTIVITIES.

#### **8.e Resolution 2020-52 - Ratifying NMFSS donation - by Commission Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE DONATION OF \$2,500 FOR FISCAL YEAR 2020-2021 TO THE NORTH MIAMI FOUNDATION FOR SENIOR SERVICES, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **8.f Resolution 2020-53 - Supporting Broadband Access - by Commission Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO RECOGNIZE AND WORK TO ACHIEVE BROADBAND ACCESS AND AFFORDABILITY; SUPPORTING INCLUSION OF BROADBAND INFRASTRUCTURE IN FEDERAL INFRASTRUCTURE INVESTMENTS; AND AFFIRMING SUPPORT FOR LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.g Resolution 2020-54 - Reauthorization of NFIP - by Commission Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.h Resolution 2020-55 - MOU - Miami Shores Police Department**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN MIAMI SHORES VILLAGE AND THE VILLAGE OF BISCAYNE PARK; AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE JOINT DECLARATION; PROVIDING FOR AN EFFECTIVE DATE

**9 Ordinances**

*None*

**10 Resolutions**

**10.a Resolution 2020-56 - Selection of Board Member to Planning & Zoning Board**



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

**10.b Resolution 2020-57 - Selection of Board Member to Biscayne Park Foundation**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION AND APPOINTMENT OF THE MEMBER TO THE BISCAYNE PARK FOUNDATION; PROVIDING FOR AN EFFECTIVE DATE.

**10.c Resolution 2020-58 - Approving Rules of Procedure for Hybrid**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING RULES OF PROCEDURE FOR HYBRID MEETINGS OF THE VILLAGE COMMISSION AND VILLAGE BOARDS THAT TAKE PLACE DURING THE PENDENCY OF THE STATE OF EMERGENCY DUE TO THE CORONAVIRUS/COVID-19 PANDEMIC.

**11 Old Business**

**11.a Policy on Interference with Police Chief Position - Village Attorney**



Memorandum by Commissioner Ross / Commissioner Samaria

**11.b**  FDOT - Calvin Giordano & Associates, Inc. Memorandum re Lane Repurposing for NE 6th Ave (NE 113th Street to NE 121th Street) - by Xavier Falconi, PE, Director, Traffic Engineering Department and Alex A. David, AICP, Director of the Miami Dade Office

**11.c**  FAA - NextGen Action Plan - David Caserta update - by Vice-Mayor Kennedy

## 12 New Business

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

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

## 14 Reports

**14.a** Village Attorney

**14.b** Village Manager

**14.c** Board / Committee Reports

**14.d** Commission

- Mayor O'Halpin
- Vice Mayor Kennedy
- Commissioner Ross
- Commissioner Samaria
- Commissioner Tudor

## 15 Announcements

## 16 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

## **Village of Biscayne Park meeting on October 06, 2020 at 7:00 pm with Social Distancing Modifications**

The Village of Biscayne Park is using Zoom to hold the Virtual Public Meeting via communications media technology as authorized by Governor DeSantis' Executive Order 2-69. Members of the public may also use Zoom to view and participate in the meeting online. Zoom is a cloud platform for video and audio conferencing, collaboration, chat and webinars across mobile devices, laptops, desktops, telephones and room systems.

### **Public Comment**

Anyone who wishes to provide public comment will be able to do so by participating in the Village Commission meeting via the Zoom platform and/or telephone by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of 24 hours no later than two (2) hours before the meeting via email to the Village Clerk at [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov).

### **Instructions on How to Watch, Listen and/or Participate in the Virtual Meeting**

To access the Zoom Virtual Public Meeting of September 01, 2020 at 7:00 pm, you have the following options:

#### Zoom meeting instructions for the public participants:

Download the “Zoom Client for Meetings” to your computer or laptop here: <https://zoom.us> and click on Join a Meeting. . When prompted to join a meeting, enter the meeting ID. Use the link below to join the meeting.

If you are using a tablet or smartphone, download zoom from the device’s app store.

For the September 01, 2020 meeting please use the meeting link

<https://zoom.us/j/95626578400>

to attend electronically and watch the meeting by computer, tablet or smartphone.

For additional information or assistance please contact the following prior to the meeting:

1. For public comment questions: Roseann Prado, Village Clerk, [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov) or 305-899-8000
2. For questions on connecting to the meeting: Phone Doctor: 305-301-0732.

### **Public Comment**

#### **1. Access audio of the Zoom meeting via phone:**

You may access the audio from your phone by dialing: **305-893-4427**. When the **Meeting ID** is requested, enter **956 2657 8400** followed by # key. When asked for a participant ID, press # key. If you would like to speak during public comment, please press \*9 on your phone to activate the “raise your hand” feature of Zoom. Comments will be limited to three (3) minutes.

**2.** Watch the meeting online and provide public comment during the meeting:

Use the “raise your hand” feature and be recognized at the direction of the Chair. Comments will be limited to three (3) minutes.



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 5.a**

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**TO:** Honorable Mayor & Members of the Biscayne Park Village Commission  
**FROM:** MacDonald Kennedy, Vice Mayor  
**DATE:** October 6, 2020  
**TITLE:** Volunteer Presentations

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**Background**

Biscayne Park boasts a tradition of volunteerism that builds a strong community of neighbors and moves the village towards goals that make us a preferred South Florida municipality. From advisory boards to special committees to grassroots efforts, residents are our greatest asset and deserve the heartfelt thanks of the commission on a daily basis but particularly when they engage “above and beyond.” Tonight, we share our gratitude with these boards and residents who accomplished these significant achievements in recent months.

But first, a “high five” to our five boards that perform at a high level for us on a regular basis. We welcome applicants to all boards and encourage new residents to lend their expertise as a way to engage in their new community.

The Biscayne Park Foundation  
Public Art Advisory Board  
Code Compliance Board  
Planning & Zoning Board  
Parks & Parkway Advisory Board

**Presentation**

Special thanks to these boards and residents for exceptional contributions to our community in recent months. Because we are meeting virtually, certificates will be mailed to the homes of these residents after they are signed by the full commission.

**Parks & Parkway Advisory Board**

In recent months, the six members of P&P have knocked it out of the park, no pun intended. First, they qualified the village for a 2020 tree grant and coordinated the placement of those 60 new trees in September. Immediately afterward, they submitted a proposal for 60 more trees through a 2021 county grant, which they hope to get in the ground next Spring. Those grants will save the village more than \$25,000 while generations of village residents enjoy the benefits of those trees in the growing canopy

of our bird sanctuary. Additionally, Parks & Parkways now serves as the judge for our quarterly Oasis Awards, which we also present this evening. Congratulations and thanks to P&P board chair **Barbara Kuhl** and members **Lynn Fischer, Audra McCollum, Michael Rawson, David Raymond, and Randy Wagoner.**

### **Resident Selection Committee for Village Manager**

As part of the formal selection process for our key administrative position, the village commission appointed a group of residents to vet applicants and move a preferred list of the most qualified applicants to the commission for consideration. This resident committee completed its critical task two weeks ahead of schedule and delivered quality results. Congratulations and thanks to this team of committed residents: Chair **Gary Kuhl** and members **William Abreu, Linda Dillon, Art Gonzalez, Jill Grucan, Judi Hamelburg, Gage Hartung, Milton Hunter, Fred Jonas, Dan Keys, Jorge Marinoni, Amy Raymond, and Sandor Scher.**

### **Biscayne Park Plant Swap**

Village gardening aficionado **Dan Keys** found a photo of a community plant swap on social media and shared it with the Parks & Parkways Advisory Board, which endorsed the idea for the village. A commissioner quickly solicited the help of village artist and furniture designer **Dan Schneiger** to build and donate the stand. Within a few short weeks, the Biscayne Park Plant Swap was placed at the Rec Center entrance and quickly became the go-to meeting place for village gardening lovers to share plants and gardening tips. Many thanks to both Dans for the perfect idea and for a fast and flawless execution. The commission encourages all residents to participate in the plant swap and to make new gardening friends at the Rec Center.

### **Village Hall Volunteer**

Village resident **Linda Dillon** has served this community in a variety of ways for many years, including as a member of the quasi-judicial Code Compliance Board. For the past several months while village hall was short-staffed, Linda resumed her former volunteer administrative position there in support of all departments and serving as Interim Manager Roseann Prado's (free) and unofficial right hand while positions were being filled. Linda's tireless work at village hall has gotten us over an unexpected hump, and for her volunteer efforts this village and commission share our sincere gratitude.

### **Attachment(s)**

Presentations for each person/board  
Plant Swap photo with designer/builder Dan Schneiger

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Prepared/Sponsored by: MacDonald Kennedy, Vice Mayor



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 5.b**

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**TO:** Honorable Mayor & Members of the Biscayne Park Village Commission  
**FROM:** MacDonald Kennedy, Vice Mayor  
**DATE:** October 6, 2020  
**TITLE:** Presentation of Sanctuary and Oasis Awards, Fall 2020

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**Background**

At the July 7 commission meeting, we unanimously created the new quarterly home and garden awards:

- The Sanctuary Award for outstanding exterior home renovation
- The Oasis Award for outstanding front yard garden

In September, residents nominated their favorite projects for the Fall 2020 awards, and two village volunteer boards selected the winners: Planning & Zoning for the Sanctuary Award; Parks & Parkways for the Oasis Award. Much appreciation to all involved and congratulations to the many properties that were nominated.

**Presentation**

The Commission of the Village of Biscayne is proud to present these first quarterly awards for outstanding contributions to the aesthetics of the village.

**Oasis Award: Outstanding Garden for Fall 2020**

Juan and Georgiana Di Polo, 785 NE 119 Street (at the northwest corner of 8<sup>th</sup> Ave.)

*Initially created by Urban Habitat but expanded upon and lovingly maintained by the Di Polos, this hedgerow on a prominent village corner extends fully along both sides with a lovely corner presentation into the intersection. Truly, this garden is a showstopper that many passersby stop to admire on their daily walks. Additionally, the plant choices create habitat and food sources for birds in our sanctuary and a variety of insects. In every season, the garden boasts a bounty of berries and a wide range of flowers. On the corner sits a majestic saw palmetto with a number of fast-growing Dade County Pines that will contribute to our tree canopy for many, many decades.*

**Sanctuary Award: Outstanding House Renovation for Fall 2020**

Tara and Dario Alfie, 11060 Griffing Blvd.

*Tara moved from Chicago to marry Dario, originally from Argentina, and began extensive renovations to their first home together, starting with important matters like impact windows and a septic drain field before moving on to the fun stuff like a pool. Then, they tackled the exterior front of the property with a significant facelift, for which we award them tonight, with a goal to achieve a “contemporary, rustic” appearance. Improvements include a modern roof and gutters, gates into the backyard, a new paint scheme, a pea gravel driveway for aesthetics and drainage, an enlarged walkway and front porch, a garage conversion to third bedroom/laundry room, and finally replacing the lawn with professional landscaping.*

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Please join the Biscayne Park commission in thanking Juan, Georgiana, Tara, and Dario for their contributions to our village. Public Works will install award signs in their front yards so neighbors can also congratulate them for the Fall quarter, October through December. The next quarterly awards will be announced at the January commission meeting for Winter 2021, and the village will send out a call for nominations in November.

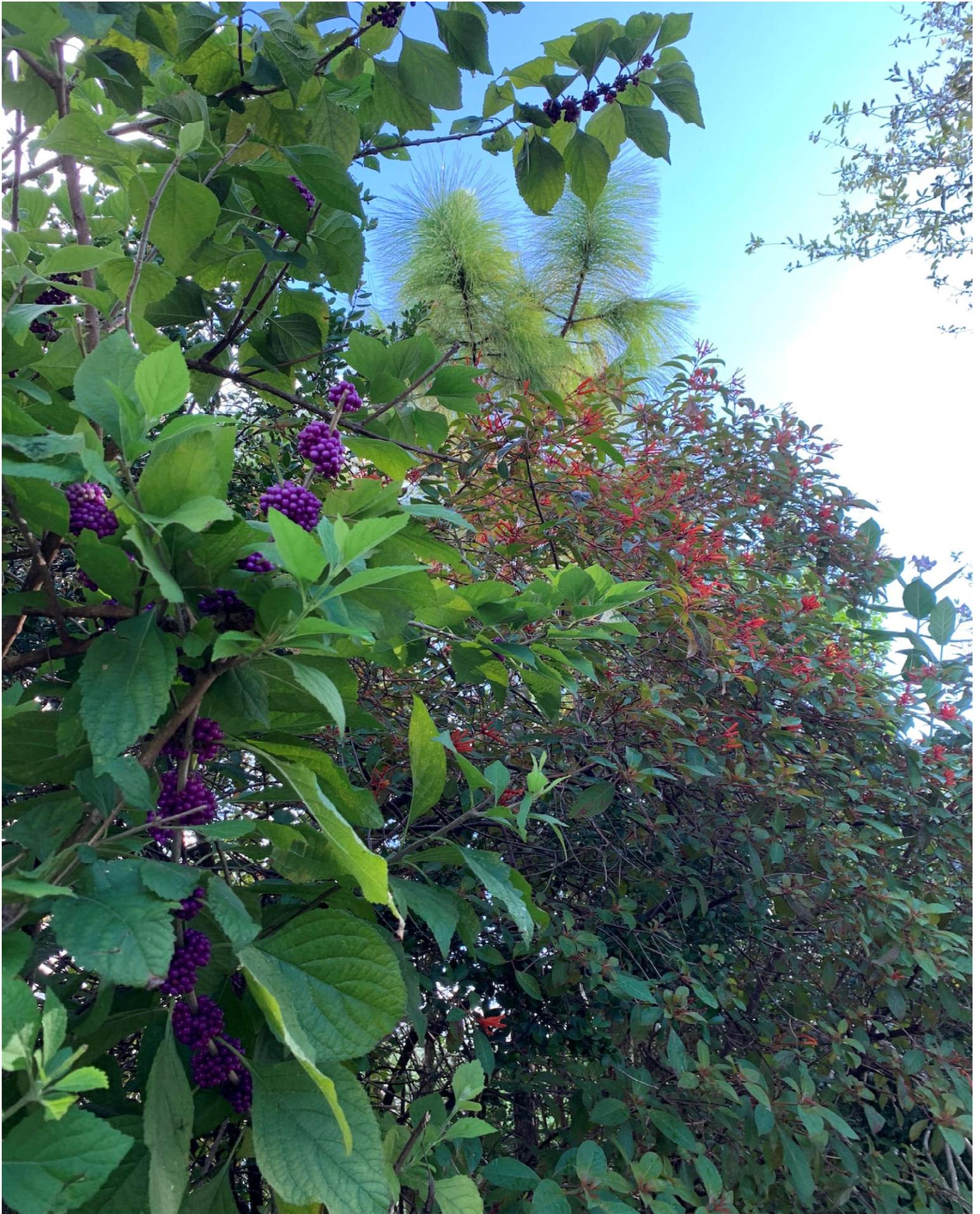
**Attachment(s)**

- Photos of yard signs for Sanctuary Award and Oasis Award
- Photos of both outstanding properties
  - o Oasis Award: 785 NE 119 Street (garden)
  - o Sanctuary Award: 11060 Griffing Blvd. (before and after house renovation)

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Prepared/Sponsored by: MacDonald Kennedy, Vice Mayor











**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 8.a**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Roseann Prado, Village Clerk

**DATE:** October 6, 2020

**TITLE:** Acceptance of Commission Minutes

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**Background**

The minutes as listed below are being provided for the Commissioner's review and acceptance.

**Recommendation**

Acceptance at Consent Agenda.

**Attachment**

- Regular Commission Meeting 09 01 2020
- First Budget Hearing Meeting FY 2020-2021 09 08 2020
- Special Commission Meeting 09 08 2020
- Second Budget Hearing Meeting FY 2020-2021 09 29 2020
- Special Commission Meeting 09 29 2020

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Prepared by: Roseann Prado, Village Clerk



## *The Village of Biscayne Park*

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Regular Virtual Commission Meeting**

**Meeting ID: 972 1095 9680**

**Tuesday, September 1, 2020 at 7:00 pm**

**1 Call to Order**

Mayor O'Halpin called the meeting to order at 7:00 p.m.

**2 Roll Call**

Mayor O'Halpin - present

Vice Mayor Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Staff present:

Interim Village Attorney John Herin

Interim Village Manager / Village Clerk Roseann Prado

Chief of Police Luis Cabrera

Recordings: Cesar Hernandez

**3 Pledge of Allegiance**

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

- Mayor O'Halpin requested to combine items 5.e and 12.b as Item 5.e
- Vice-Mayor Kennedy requested to move Item 5.e to 5.a
- Vice-Mayor Kennedy remove entire item 8.a and resubmit on Special Commission Meeting of September 08, 2020.
- Vice-Mayor Kennedy requested to add a new item as 5.f - Plant Swap
- Commissioner Ross requested to move Item 10.e to become Item 10.b
- Commissioner Ross requested a report from Interim Village Manager on the following topics: FEMA, CITT Audit, Village Manager selection process and RFP 2020-01 Solid Waste.
- Vice-Mayor Kennedy motioned to approve agenda as amended. Commissioner Ross seconded. **Motion passed 5 - 0.**

**5 Presentations**

**5.a** Senator Jason Pizzo, David Caserta and Representative Dotie Joseph presentation.

**5.b** Proclamation - Hispanic Heritage Month - by Vice-Mayor Kennedy

**5.c** Resolution 2020-43 - Celebrating 100th Anniversary of Ratifying the 19th Amendment - by Commissioner Ross  
Commissioner Ross motioned to approve Resolution 2020-43. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

**5.d** Proclamation - September 11th Anniversary - by Commissioner Samaria

**5.e** Proclamation Arbor Day - by Parks & Parkway Advisory Board  
Mayor O'Halpin motioned to draft and adopt a Resolution with Interlocal Agreement for the 2021 Tree Grant Program. Commissioner Samaria seconded. **Motion passed 5 - 0.**

**5.f** Plant Swap stand - by Vice-Mayor Kennedy

Vice-Mayor Kennedy motioned to approve a stand built by Dan Schneiger to promote plant swap within the community located at the Recreation Center by suggestion of Barbara Kuhl. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

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

The following persons spoke on the records:

Aleksandr Bernhard

Bob Anderson

Nick Gunther

Chuck Ross

Janey Anderson

David Raymond

Peter Magnoli

Gage Hartung

**7 Information / Updates**

**8 Consent Agenda**

**8.a Acceptance of Commission Minutes**

Revised Regular Virtual Commission Meeting June 02, 2020

Revised Emergency Virtual Commission Meeting July 16, 2020

Special Commission Meeting August 13, 2020

Special Commission Meeting August 21, 2020 - Attorneys Interviews

First Workshop Budget FY 2020-2021 July 23, 2020

First Workshop Budget FY 2020-2021 July 28, 2020 (Continuation)

Second Workshop Budget FY 2020-2021 August 13, 2020  
Second Workshop Budget FY 2020-2021 August 20, 2020 (Continuatuion)

Consenta Agenda was moved to Special Commission meeting of September 8, 2020.

## 9 Ordinances

### 9.a Ordinance 2020-04 - Construction and Pool Fence - First Hearing

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 11 OF THE BISCAYNE LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES" ESTABLISHING REQUIREMENTS FOR MANDATORY FENCING OF CONSTRUCTION SITES, MANDATORY MAINTENANCE REQUIREMENTS FOR POOLS; AND AMENDING CHAPTER 16 ENTITLED "PERMITS AND CERTIFICATES" AUTHORIZING THE BUILDING OFFICIAL TO REQUIRE THE POSTING OF A MAINTENANCE BOND FOR CONSTRUCTION SITES; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Public comments related to Ordinance 2020-04

The following persons spoke on the records:

Linda Dillon

Bob Anderson

Gage Hartung

Art Gonzalez

Commissioner Ross moved to retreat the item as a draft Ordinance for another date.

Commissioner Tudor seconded. **Motion passed 5 - 0.**

## 10 Resolutions

### 10.a Resolution 2020-41 - Imposing Annual Solid Waste assessment for FY 2020-2021 - Public Hearing

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING THE ANNUAL SOLID WASTE ASSESSMENT FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing related to Resolution 2020-41. The following person spoke on the record:

Bob Anderson

Commissioner Ross moved to approve Resolution 2020-41. Mayor O'Halpin seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Tudor - Yes

Commissioner Ross - Yes  
Commissioner Samaria - Yes

**Motion passed 5 - 0.**

**10.b Resolution 2020-46 - Extension of Waste Pro services to December 31, 2020**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE INTERIM VILLAGE MANAGER TO APPROVE THE AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND WASTE PRO OF FLORIDA, INC. FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES, TO ALLOW EXTENSION OF THE WASTE PRO SERVICES FOR TRASH AND GARBAGE DISPOSAL; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Ross motioned to approve Resolution 2020-46. Mayor O'Halpin

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Tudor - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

**Motion passed 5 - 0.**

**10.c Resolution 2020-42 - Synovus Bank - TSYS Merchant Credit Card Services - by staff**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT BETWEEN SYNOVUS BANK AND TSYS MERCHANT SOLUTIONS LLC AND THE VILLAGE OF BISCAYNE PARK TO BECOMING THE VILLAGE'S CREDIT CARD MERCHANT PROVIDER; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Samaria motioned to approve Resolution 2020-42. Commissioner

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

**Motion passed 5 - 0.**

**10.d Resolution 2020-44 - Waive Permit Fee for Solar Photovoltaic Systems - by Commissioner Ross**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, SUPPORTING RENEWABLE ENERGY INSTALLATIONS AND WAIVING VILLAGE PERMIT FEES FOR SUCH INSTALLATIONS FOR A PERIOD FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Resolution 2020-44. Commissioner Samaria seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes  
Commissioner Samaria - Yes  
Commissioner Tudor - No

**Motion passed 5 - 0.**

**10.e Resolution 2020-45 - Adopting Expense Reimbursement Plan in Lieu of Commission Salaries - by Commissioner Ross**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, DIRECTING STAFF TO DEVELOP FOR ADOPTION AN ORDINANCE ESTABLISHING AN ACCOUNTABLE EXPENSE REIMBURSEMENT PLAN IN LIEU OF COMMISSION COMPENSATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Resolution 2020-45. Vice-Mayor Kennedy seconded. Commission voted as follows:

Mayor O'Halpin - No  
Vice-Mayor Kennedy - Yes  
Commissioner Ross - Yes  
Commissioner Samaria - No  
Commissioner Tudor - No

**Motion failed 2 - 3** (Mayor O'Halpin, Commissioner Samaria and Commissioner Tudor opposed)

**At 10:07 pm Commissioner Samaria requested a five (5) minutes recess.  
Commission resumed at 10:12 pm.**

**11 Old Business**

**11.a Village Attorney Selection - by Commission**

Commission voted on candidates for the position of Village Attorney as follows:

Mayor O'Halpin - Nabors, Giblin & Nickerson  
Vice-Mayor Kennedy - Fox Rothschild  
Commissioner Tudor - Nabors, Giblin & Nickerson  
Commissioner Ross - Fox Rothschild  
Commissioner Samaria - Nabors, Giblin & Nickerson  
Nabors, Giblin & Nickerson - three (3) votes  
Fox Rothschild - two (2) votes

**Commission approved Nabors, Giblin & Nickerson - Edward Dion & Valerie Vicente as Village Attorney for 3 - 2.**

John Herin resigned as Interim Village Attorney. Mayor O'Halpin accepted.

**11.b FDOT - Lane Elimination Process - by Vice-Mayor Kennedy**

Vice-Mayor Kennedy requested to engage Calvin Giordano & Associates to provide a study and an application process with FDOT.

Commissioner Ross also requested to engage with a planner.

Vice-Mayor Kennedy also posed a question to finance whether the Village could use CITT funds to pay for the study and lighting.

Vice-Mayor motioned to instruct Interim Village Manager to engage Calvin Giordano & Associates to work with the Village and FDOT on the proposals. Commissioner Samaria seconded. **Motion passed 5 - 0.**

Vice-Mayor Kennedy also motioned to communicate with FDOT

Vice-Mayor Kennedy motioned to extend the meeting to 11:30 pm. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

## **12 New Business**

- 12.a** Halloween Decorations award - by Vice-Mayor Kennedy  
Commission consensus was to move forward with the halloween decorations contest.

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

## **14 Reports**

**14.a** Village Attorney

**14.b** Village Manager

CITT Audit

Village Manager Selection

RFP 2020-01Solida Waste - Commissioner Ross suggested to include the names of Dan Keys - Public Works Director of Coral Gables and Paul Winkeljohn - Finance Director to the panel doing the ratings.

Commissioner Tudor motioned to extend the meeting to 11:45 pm.

Vice-Mayor Kennedy second. **Motion passed 5 - 0.**

**14.c** Board / Committee Reports

**14.d** Commission

Mayor O'Halpin

Vice-Mayor Kennedy

Commissioner Ross

Commissioner Samaria

Commissioner Tudor

## **15 Announcements**

- First Budget Hearing FY 2020-2021 - September 08, 2020 6:30 pm
- Special Commission Meeting - September 08, 2020 7:00 pm
- Second Budget Hearing FY 2020-2021 - September 29, 2020 6:30 pm
- Special Commission Meeting - September 29, 2020 7:00 pm

**16 Adjourment**

Commissioner Samaria motioned to adjourn. Commissioner Tudor seconded.  
Meeting adjourned at 11:35 pm

Commission approved on Regular Commission Meeting of October 06, 2020.

Attest:

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Virginia O'Halpin, Mayor

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Roseann Prado, Village Clerk





## *The Village of Biscayne Park*

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

**First Budget Hearing FY 2020-2021**

**VIRTUAL COMMISSION MEETING**

**Meeting ID: 934 7621 7221**

**Tuesday, September 08, 2020 at 6:30 pm**

**1 Call to Order**

Mayor O'Halpin called the meeting to order at 6:30 pm

**2 Roll Call**

Mayor O'Halpin - present

Vice-Mayor Kennedy - present

Commissioner Ross - present

Commissioner Samaria

Commissioner Tudor

Present from staff were:

Vinterim Village Manager / Village Clerk Roseann Prado

Village Attorney Edward Dion / Valerie Vicente

Chief Luis Cabrera

Commander Nicholas Wollschlager

Public Works Interim Manager / Recordings Cesar Hernandez

**3 Pledge of Allegiance**

**4 Ordinances**

**4.a Ordinance 2020-04 - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE **FISCAL YEAR 2020-2021 MILLAGE RATE** AT 9.70 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

*Public hearing related to Ordinance 2020-04*

*The following persons spoke on the record:*

Bob Anderson

Chuck Ross

Commissioner Ross motioned to approve Ordinance # 2020-04 on first reading.

Mayor O'Halpin seconded.

Commission voted as follows:

Mayor O'Halpin: Yes

Vice-Mayor Kennedy: Yes  
Commissioner Ross: Yes  
Commissioner Samaria: No  
Commissioner Tudor: Yes

**Motion passed 4-1** (Commissioner Samaria opposed)

**4.b Ordinance 2020-05 First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING A **BUDGET FOR FISCAL YEAR 2020-2021** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

*Public hearing related to Ordinance 2020-05*

*The following persons spoke on the record:*

David Raymond  
Janey Anderson  
Chuck Ross  
Bob Anderson

Commissioner Ross motioned to approve Ordinance 2020-05 on first reading with amendment o remove phrase on section 6 - "without being required to amend the terms and provisions of this Ordinance."

Commission voted as follows:

Mayor O'Halpin: Yes  
Vice-Mayor Kennedy: Yes  
Commissioner Ross: Yes  
Commissioner Samaria: Yes  
Commissioner Tudor: Yes

**Motion passed 5 - 0.**

**5 Adjournment**

Commissioner Ross motioned to adjourn and Commissioner Samaria seconded.  
Meeting adjourned at 7:16 pm.

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Commission approved on October 06, 2020.

Attest:

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Virginia O'Halpin, Mayor

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Roseann Prado, Village Clerk



## *The Village of Biscayne Park*

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Special Virtual Commission Meeting**

**Meeting ID: 934 7621 7221**

**Tuesday, September 8, 2020 at 7:00 pm**

**1 Call to Order**

Mayor O'Halpin called the meeting to order at 7:00 pm

**2 Roll Call**

Mayor O'Halpin - present

Vice Mayor Kennedy- present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Present from staff:

Village Attorney Edward Dion

Interim Village Manager / Village Clerk Roseann Prado

Finance Director Paul Winkeljohn

Public Works Interim Manager / Recordings: Cesar Hernandez

**3 Pledge of Allegiance**

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

Commissioner Ross requested the Interim Manager to report on the following topics:

FDOT - Engage a planner with Calvin Giordano & Associates

CITT - 5 year plan

1% Bonus pays for non-union employees

Commissioner Ross requested to remove Item 5.b from Consenta Agenda for discussion.

Vice-Mayor Kennedy requested the Interim Village Manager to report on the following topics:

Planning & Zoning new member selection

Zoom meeting at the Log Cabin

Vice-Mayor Kennedy requested to remove items 5.a and Item 5.c from Consent Agenda for discussion.

- 5 5.a Resolution 2020-47 - Engagement Letter Nabors, Giblin & Nickerson P.A. retaining -**  
A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE THE ENGAGEMENT LETTER AGREEMENT FOR VILLAGE ATTORNEY BETWEEN NABORS, GIBLIN & NICKERSON, P.A. AND THE VILLAGE OF BISCAYNE PARK FOR PROFESSIONAL LEGAL SERVICES AND EXPEND BUDGETED FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2020-47. Commissioner Tudor seconded. Commission voted as follows:

Mayor O'Halpin: Yes

Vice-Mayor Kennedy: Yes

Commissioner Ross: Yes

Commissioner Samaria: Yes

Commissioner Tudor: Yes

**Motion passed 5 - 0.**

**5.b Resolution 2020-48 - Miami-Dade County Local Mitigation Strategy - LMS**

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING THE CURRENT MIAMI-DADE COUNTY LOCAL MITIGATION STRATEGY, ATTACHED HERETO, IN PART AS ATTACHMENT "A", IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM REQUIREMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2020-47. Commissioner Tudor seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

**Motion passed 5 - 0.**

**5.c Acceptance of Commission Minutes**

- Revised Regular Virtual Commission Meeting June 02, 2020
- Revised Emergency Virtual Commission Meeting July 16, 2020
- Special Commission Meeting August 13, 2020
- Special Commission Meeting August 21, 2020 - Attorneys Interviews
- First Workshop Budget FY 2020-2021 July 23, 2020
- First Workshop Budget FY 2020-2021 July 28, 2020 (Continuation)
- Second Workshop Budget FY 2020-2021 August 13, 2020

Commissioner Samaria motioned to approve Commission Minutes with amendments. Vice-Mayor Kennedy seconded.

**Motion passed 5 - 0.**

Commissioner Ross proposed an expenditure to give parity to non-PBA employees of a similar benefit of 1% bonus from March to September, 2020 in the amount not to exceed \$ 6,000.00. Commissioner Samaria seconded.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

**Motion passed 5 - 0.**

**6 Adjournment**

Mayor O'Halpin motioned to adjourn. Vice-Mayor Kennedy seconded.

The meeting adjourned at 8:35 pm.

Commission approved on Special Commission Meeting of October 6, 2020.

Attest:

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Virginia O'Halpin, Mayor

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Roseann Prado, Village Clerk





## *The Village of Biscayne Park*

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Second Budget Hearing FY 2020-2021**

#### **Virtual Commission Meeting**

**Meeting ID: 910 0114 7962**

**Tuesday, September 29, 2020 at 6:30 pm**

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

Mayor O'Halpin called the meeting to order at 6:30 pm.

#### **2 Roll Call**

Mayor O'Halpin - present  
Vice-Mayor Kennedy - present  
Commissioner Ross - present  
Commissioner Samaria - present  
Commissioner Tudor - present

Present from staff were:

Interim Village Manager / Village Clerk Roseann Prado  
Chief Luis Cabrera  
Public Works Assistant Manager / Recordings Cesar Hernandez

#### **3 Pledge of Allegiance**

#### **4 Ordinances**

##### **4.a ORDINANCE # 2020-04 Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING THE **FISCAL YEAR 2020-2021 MILLAGE RATE** AT 9.70 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

*Public hearing related to Ordinance 2020-04*

Bob Anderson

Chuck Ross

Janey Anderson

Commissioner Ross motioned to approve Ordinance # 2020-04 on second reading.

Commissioner Tudor seconded.

Commission voted as follows:

Mayor O'Halpin: Yes

Vice-Mayor: Yes

Commissioner Ross: Yes

Commissioner Samaria: Yes

Commissioner Tudor: Yes

**Motion passed 5 - 0.**

**4.b Ordinance # 2020-05 Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING A **BUDGET FOR FISCAL YEAR 2020-2021** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

*Public hearing related to Ordinance 2020-05*

Mayor O'Halpin motioned to approve Ordinance # 2020-05 on second reading. Vice-Mayor Kennedy seconded. Commission voted as follows:

Mayor O'Halpin: Yes

Vice-Mayor Kennedy: Yes

Commissioner Ross: Yes

Commissioner Samaria: Yes

Commissioner Tudor: Yes

**Motion passed 5 - 0.**

**5 Adjournment**

Commissioner Samaria motioned to adjourn and Commissioner Tudor seconded.

Meeting adjourned at 6:43 pm.

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Commission approved on October 06, 2020.

Attest:

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Virginia O'Halpin, Mayor

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Roseann Prado, Village Clerk



## *The Village of Biscayne Park*

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Special Virtual Commission Meeting**

#### **Biscayne Park, FL**

**Tuesday, September 29, 2020 at 7:00 pm**

**Meeting ID: 910 0114 7962**

**1 Call to Order**

Mayor O'Halpin called the meeting to order at 7:00 pm

**2 Roll Call**

Mayor O'Halpin - present

Vice Mayor Kennedy- present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Staff present:

Village Attorney Edward Dion

Village Clerk/Interim Manager Roseann Prado

Public Works Interim Manager / Recordings Cesar Hernandez

Chief of Police Luis Cabrera

**3 Pledge of Allegiance**

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

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

**5 Minutes from Manager Selection Committee**

**Selection recommendation from Residents Committee:**

*(Total points scored)*

51 Luis Cabrera

50 Andrew Hyatt

45 John Barkley

39 Peggy Castano

38 Edwin Booth

38 Nick Marano

29 Vince Akhimle

27 Don Rosenthal

27 William Lawrence

26 Thomas Heck

**6 Miami-Dade County Managers Association**

**Selection recommendation from MDCMA:**

Top (5) five candidates (no ranked order):

Vince Akhimle

Edwin Booth

Luis E. Cabrera

Mario Diaz

Nick Marano

Other candidates that rose to the top of the list include:

William Lawrence, Don Rosenthal, Vincent Passariello, Timothy Day, Thomas Heck, Andrew Hyatt, Ariel Morel, John Barkley, Peggy Castano and Athanasia Lewis.

**7 Commission comments and recommendations**

Commissioner Samaria motioned to accept the minutes from Resident Committee as submitted. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

Vice-Mayor Kennedy motioned to eliminate one name (Thomas Heck) from the finalists. Commissioner Ross seconded. Commission voted as follows:

Mayor O'Halpin: Yes

Vice-Mayor Kennedy: Yes

Commissioner Ross: Yes

Commissioner Samaria: Yes

Commissioner Tudor: Yes

Commissioner Tudor motioned to instruct interim village manager to contact all remaining (10) ten candidates on the list and take following actions:

1. Confirm remain interested on the position
2. Inform of the salary approved at budget FY 2020-2021 = \$ 100,000.00
3. Request to fill up paperwork to perform background check

**Motion passed 5 - 0.**

**8 Reports**

**8.a** Village Attorney

**8.b** Village Manager - Interim Village Manager requested Commission to approve change date of Regular Commission meeting from November 10, 2020 to November 17, 2020. Commission voted as follows:

Mayor O'Halpin: Yes

Vice-Mayor Kennedy: No

Commissioner Ross: No

Commissioner Samaria: Yes

Commissioner Tudor: Yes

**Motion passed 3 - 2** (Vice-Mayor Kennedy and Commissioner Ross opposed).

Interim Village Manager requested Commission to schedule a meeting / hearing of a variance. Commission schedule the hearing for November 10, 2020 at 7:00 pm unanimously.

**8.c** Board / Committee Reports

**8.d** Commission

- Mayor O'Halpin
  - Vice-Mayor Kennedy - motioned to Commission approve a recognition of Volunteers to be presented at Regular Commission meeting of October 6, 2020 for their contribution to the Village:
    - Parks & Parkway - Tree Grant Program
    - Residents Committee - selection of Village Manager
    - Plant Swap stand - Volunteers Dan Keys and Dan Schneiger
    - Linda Dillon - Volunteer at Village Hall
    - Parks & Parkway - Fall 2020 Oasis Award
    - Planning & Zoning - Fall 2020 Sanctuary Award
- Commissioner Ross seconded. Commission voted as follows:  
Mayor O'Halpin: Yes  
Vice-Mayor Kennedy: Yes  
Commissioner Ross: Yes  
Commissioner Samaria: Yes  
Commissioner Tudor: Yes
- Motion passed 5 - 0.**
- Commissioner Ross
  - Commissioner Samaria
  - Commissioner Tudor

**9** **Adjournment**

Commissioner Tudor motioned to adjourn. Vice-Mayor Kennedy seconded. The meeting adjourned at 8:33 pm.  
Commission approved on Special Commission Meeting of October 6, 2020.

Attest:

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Virginia O'Halpin, Mayor

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Roseann Prado, Village Clerk







**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 8.b**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Roseann Prado, Village Clerk

**DATE:** October 6, 2020

**TITLE:** Acceptance of Board Minutes

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**Background**

The board minutes as listed below are being provided for the commission's review and acceptance.

**Recommendation**

Acceptance on Consent Agenda

**Attachment**

- Code Compliance Board 06 27 2019 Revised Minutes
- Code Compliance Board 07 18 2019 Revised Minutes
- Code Compliance Board 07 09 2020
- Code Compliance Board 07 21 2020
- Code Compliance Board 08 18 2020
- Code Compliance Board 09 22 2020

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Prepared by: Roseann Prado, Village Clerk



**CODE COMPLIANCE  
BOARD**

**MINUTES**  
**CODE COMPLIANCE BOARD MEETING**  
LOG CABIN: 640 NE 114th Street, Biscayne Park, FL 33161

Thursday June 27, 2019 at 7:00pm

Gary Kuhl, *Chairman*

Janey Anderson

Dale Blanton

Linda Dillon

Brian McNoldy

Jared Susi, *Alternate*

**1. CALL TO ORDER**

Gary Kuhl called meeting to order at 7:00 p.m.

**2. ROLL CALL**

Present: Gary Kuhl, Dale Blanton, Linda Dillon, Brian McNoldy, and Code Officer Christina Caserta

Absent: Janey Anderson and Jared Susi

**Linda Dillon motioned to accept the absence of Janey Anderson and was 2<sup>nd</sup> by Dale Blanton**

Owners & Representatives present: Marvin Eugene

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

**Withdraw:** b. Case #EEN19-1553 / 11331 NE 11 PL LLC / 11331 NE 11 PL Cans Storage.

**Withdraw:** e. Case #EEN19-2036 / Orson Whitfield / 1002 NE 116 ST **Driveway on swale** done without permit.

**4. APPROVAL OF MINUTES**

a. May 13, 2019 –

Linda Dillon made a motion to approve minutes.

Motion 2<sup>nd</sup> by Gary Kuhl

**4/0 Motion Passed**

**5. PREAMBLE & SWEARING IN**

Gary Kuhl read the preamble & swore in all persons testifying at the hearing.

**6. NEW BUSINESS**

a. **Case #EEN19-2055 / Eagle Kelele Investments INC / 11841 NE 12 CT**

**Porch repaired without permit**

Dale Blanton made a motion; violation occurred, permit

+ double permit fee, impose fine of \$100.00 and comply by July 15, 2019 or

Assess a daily fine of \$50.00 starting July 16, 2019

Motion 2<sup>nd</sup> by Brian McNoldy

**4/0 Motion Passed**

b. **Case #EEN19-1553 / 11331 NE 11 PL LLC / 11331 NE 11 PL**

**Cans Storage (Withdraw)**

Evicted tenants causing issues

c. **Case ##EEN19-1953 / Brandon Leno Jtrs / 923 NE 108 ST**

**Wood fence installed without permit**

Gary Kuhl made a motion; violation occurred, impose fine of \$100.00 and



## The Village of Biscayne Park

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

comply by July 17, 2019 or assess a daily fine of \$50.00 starting July 18, 2019  
Motion 2<sup>nd</sup> by Linda Dillon **4/0 Motion Passed**

**d. Case #EEN18-1380 / Pablo A Marcos / 11443 NE 6 AVE**  
**Parking on unapproved surface**

Dale Blanton made a motion; violation occurred, impose fine of \$50.00  
Motion 2<sup>nd</sup> by Gary Kuhl **4/0 Motion Passed**

**e. Case #EEN19-2036 / Orson Whitfield / 1002 NE 116 ST**  
**Driveway on swale done without permit (Withdraw)**  
New owner

**f. Case #EEN18-1089 / David Bernad / 11926 GRIFFING BLVD**  
**Roof cleaning required**

Brian McNoldy made a motion; violation occurred, and now in compliance,  
impose fine of \$50.00  
Motion 2<sup>nd</sup> for discussion by Gary Kuhl

Brian McNoldy amended motion; violation occurred and now in compliance,  
impose fine of \$100.00 and close case.  
Motion 2<sup>nd</sup> by Gary Kuhl **4/0 Motion Passed**

**7. OLD BUSINESS**

**a. Case #EEN17-0509 / Frederick Diehl / 470 NE 121 ST**  
**Paint exterior of home**

Linda Dillon made a motion to dismiss case  
Motion 2<sup>nd</sup> by Gary Kuhl **4/0 Motion Passed**

**8. REQUEST FOR RELIEF**

None

**9. GENERAL DISCUSSION:**

- Minutes posted on Village of Biscayne Park website
- Minutes to commission for approval

**10. ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING**

The next meeting of the Code Compliance Board is Thursday, July 18, 2019

**11. ADJOURNMENT**

Brian McNoldy made a motion to adjourn meeting.  
Motion 2<sup>nd</sup> by Gary Kuhl **4/0 Motion Passed**  
Meeting Adjourned at 7:40 p.m.

Minutes Approved on: \_\_\_\_\_

Gary Kuhl, Chairman: \_\_\_\_\_



**REVISED MINUTES**

**CODE COMPLIANCE BOARD MEETING**

LOG CABIN: 640 NE 114th Street, Biscayne Park, FL 33161

Thursday July 18, 2019 at 7:00pm

**CODE COMPLIANCE  
BOARD**

Gary Kuhl, *Chairman*  
Janey Anderson  
Dale Blanton  
Linda Dillon  
Brian McNoldy  
Jared Susi, *Alternate*

1. **CALL TO ORDER**  
Gary Kuhl called meeting to order at 6:59 p.m.
2. **ROLL CALL**  
Present: Gary Kuhl, Dale Blanton, Linda Dillon, Brian McNoldy, Janey Anderson, and Code Officers Christina Caserta and Claudia Castro  
Absent: Jared Susi  
Owners & Representatives present: Marvin Eugene
3. **ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**
  - a. Case #EEN19-2349 / Dan Schneiger & Mac Kennedy / 11705 NE 11 PL  
(Withdraw due to lack of witness)
  - b. Case #EEN19-2063 / Obed Manigat / 11911 NE 12 AVE  
(Withdraw, awnings opened)
  - c. Case #EEN19-2207 / Juan Manteiga / 615 NE 115 ST  
(Withdraw, object removed)
4. **APPROVAL OF MINUTES**
  - a. June 27, 2019 –  
Linda Dillon made a motion to approve minutes with two corrections:  
Correct spelling of her name (Dillon instead of Dillion) and Section 9 to reflect the fact that minutes were not being submitted to the Village Clerk. Motion 2<sup>nd</sup> by Gary Kuhl  
**5/0 Motion Passed**
5. **PREAMBLE & SWEARING IN**  
Gary Kuhl read the preamble & swore in all persons testifying at the hearing.
6. **NEW BUSINESS**
  - a. Case #EEN19-2349 / Dan Schneiger & Mac Kennedy / 11705 NE 11 PL  
Fence installed without a permit (Withdraw due to lack of witness). Although the case was “withdrawn”, the residents were not notified and both appeared to be distraught and wanted to be heard. There was back and forth dialogue between the residents and Code Officer Caserta, with Code Board members having additional questions regarding the original citation. Code Officer Caserta reported that the witness wanted to remain anonymous because of possible repercussions. The fence in question was completed with a permit three and half years prior and there were no current pictures. Additional comments by Code Officer Caserta created more questions by various Board members. The more Officer Caserta tried to explain herself, the more



## *The Village of Biscayne Park*

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opposition was expressed by the residents. Things appeared to be escalating and Officer Caserta stated, I didn't think this was an open forum". Chairman Kuhl commented that the residents "had not been properly notified" and Officer Caserta indicated that she was "not required to notify them". Chairman Kuhl disagreed; but, at her suggestion, agreed to move on to hear the other cases. He asked the residents to wait until the end and they agreed.

Chairman Kuhl swore in the resident involved in Case c.

Janey Anderson questioned what happened to a and b and the other cases on the agenda that were also withdrawn and commented that traditionally the Board heard cases even if they came into compliance.

Chairman Kuhl wanted to know specifically when these properties had come into compliance.

Code Officer Caserta indicated they did not come into compliance as stipulated.

Chairman Kuhl indicated that she was not following the Ordinance.

Officer Caserta began making excuses and became defensive.

Chairman Kuhl stated that she needed: "to do your damn job".

Code Officer Caserta replied that she was "not going to sit here and be bantered and battered" and that she was leaving.

Code Officer Caserta picked up all the cases and left the meeting.

Chairman Kuhl cancelled the meeting and apologized to the other residents who had come from out of town to attend this meeting as the previous one had been cancelled.

**Minutes Approved on:** \_\_\_\_\_

**Gary Kuhl, Chairman:** \_\_\_\_\_



**MINUTES**  
**CODE COMPLIANCE BOARD MEETING**  
**VIRTUAL PUBLIC MEETING**  
**Thursday July 9, 2020 at 6:00 PM**

**CODE COMPLIANCE  
BOARD**

Gary Kuhl, *Chairman*

Janey Anderson

Dale Blanton

Linda Dillon

Brian McNoldy

1. **CALL TO ORDER**  
Claudia Castro called meeting to order at 6:05 p.m.
2. **ROLL CALL**  
Present: Gary Kuhl, Janey Anderson, Dale Blanton, Linda Dillon, Brian McNoldy, Village Clerk Roseann Prado and Code Officer Claudia Castro  
Owners & Representatives present: Jason Wandner, Jordan H Weitz, and Commissioner Mac Kennedy
3. **ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**  
None.
4. **APPROVAL OF MINUTES**  
  
Linda Dillon made a motion to approve minutes for the June 27, 2019 and July 18, 2019.  
Motion 2<sup>nd</sup> by Gary Kuhl **5/0 Motion Passed**
5. **NEW BUSINESS**
  - a. Introduction of new Code Enforcement Officer
  - b. Discussion that request for fine reductions should be prioritized
  - c. Board Members Select:  
Janey Anderson made a motion to nominate Gary Kuhl for chairman  
Motion 2<sup>nd</sup> by Dale Blanton **5/0 Motion Passed**  
  
Janey Anderson nominated Dale Blanton for vice-chairman  
Dale Blanton nominated Janey Anderson for vice-chairman  
  
Gary Kuhl seconded the nomination of Dale Blanton for vice-chairman  
**5/0 Motion Passed**
6. **OLD BUSINESS**  
None
7. **REQUEST FOR RELIEF**  
None
8. **GENERAL DISCUSSION**



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
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Refer to attorney if fines can be issued for landlord tenant permits.

**9. ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING**

The next meetings of the Code Compliance Board are Tuesday, July 21, 2020 and Wednesday August 5, 2020.

**10. ADJOURNMENT**

Linda Dillon made a motion to adjourn meeting.

Motion 2<sup>nd</sup> by Brian McNoldy

Meeting Adjourned at 6:44 p.m.

**5/0 Motion Passed**

Minutes Approved on: \_\_\_\_\_

*7.21.20*

Gary Kuhl, Chairman: \_\_\_\_\_

*[Signature]*



**MINUTES**

**CODE COMPLIANCE BOARD MEETING**

**VIRTUAL PUBLIC MEETING**

**Thursday July 21, 2020 at 6:00 PM**

**CODE COMPLIANCE  
BOARD**

Gary Kuhl, *Chairman*

Janey Anderson

Dale Blanton

Linda Dillon

Brian McNoldy

**1. CALL TO ORDER**

Gary Kuhl called meeting to order at 6:05 p.m.

**2. ROLL CALL**

Present: Gary Kuhl, Janey Anderson, Dale Blanton, Linda Dillon, Brian McNoldy, Village Clerk Roseann Prado and Code Officer Claudia Castro

Owners & Representatives present: John Herin, Jason Wandner, Jordan H Weitz, Helain Hood, Brittany Levinson, Rose Merle, Joshua, and Lauren Merle.

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

None.

**4. APPROVAL OF MINUTES**

Janey Anderson made a motion to approve minutes for the July 9, 2020  
Motion 2<sup>nd</sup> by Brian McNoldy **5/0 Motion Passed**

**5. NEW BUSINESS**

**a. Case #EEN16-0708 /Jordan H. Weitz / 12035 GRIFFING BLVD**

***Water craft/Boat storage***

Gary Kuhl said there was nothing that can be done since there was no fine reduction submitted. Janey Anderson agreed that the case should not be heard.

**6. OLD BUSINESS**

None



## The Village of Biscayne Park

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
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**7. REQUEST FOR RELIEF**

**a. Case #EEN20-0288 / Rose Mere / 960 NE 121 ST**

**Landlord Permit Required**

Gary Kuhl motioned to except the \$4,000 and that it'd be paid prior to the sale  
Motion 2<sup>nd</sup> by Janey Anderson **5/0 Motion Passed**

**b. Case #EEN20-0403 / Helain Hood / 810 NE 117 ST**

- **Property maintenance, house to be painted.**
- **Built exterior wall without a permit.**

Gary Kuhl made a motion to waive the admission fee and table this case to the next meeting and that the hearing notice needs to accurately state what is being provided in terms of documentation.

Motion 2<sup>nd</sup> by Janey Anderson

**4/1 Motion Passed**  
**(Brian McNoldy, against)**

**8. GENERAL DISCUSSION**

**9. ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING**

The next meeting of the Code Compliance Board is Tuesday, August 18, 2020

**10. ADJOURNMENT**

Gary Kuhl made a motion to adjourn meeting.  
Motion 2<sup>nd</sup> by Janey Anderson  
Meeting Adjourned at 7:05 p.m.

**5/0 Motion Passed**

Minutes Approved on: 8/25/20

Gary Kuhl, Chairman: [Signature]



**CODE COMPLIANCE  
BOARD**

Gary Kuhl, *Chairman*

Janey Anderson

Dale Blanton

Linda Dillon

Brian McNoldy

Jared Susi, *Alternate*

**MINUTES**

**CODE COMPLIANCE BOARD MEETING  
VIRTUAL PUBLIC MEETING**

**Tuesday, August 18, 2020 at 6:00 pm**

Meeting ID: 950 6349 5296

**1. CALL TO ORDER**

Gary Kuhl called meeting to order at 6:03 p.m.

**2. ROLL CALL**

Present: Chairman Gary Kuhl, Vice Chair Dale Blanton, Linda Dillon, Brian McNoldy, Janey Anderson and Code Officer Claudia Castro

Owners & Representatives present: Claire Abourizk, Helain Hood and Jason Wandner

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

Move 8.a. EEN20-0290 to 6.a.

**4. APPROVAL OF MINUTES**

a. July 21, 2020

Janey Anderson made a motion, 2<sup>nd</sup> by Brian McNoldy, to approve minutes with corrections as discussed.

**5/0 Motion Passed**

**5. PREAMBLE & SWEARING IN**

Gary Kuhl read the preamble & swore in all persons testifying at the hearing.

**6. NEW BUSINESS**

a. **Case #EEN20-0290 / Claire Abourizk 11709 NE 11 Ave  
RV/trailer visible**

Janey Anderson made a motion; 2<sup>nd</sup> by Dale Blanton, to fine \$50 for the violation and either remove the RV or conceal it from public view as per code by Sept. 22., with an additional \$10/day fine if not in compliance by that date.

**5/0 Motion Passed**

**7. OLD BUSINESS - None**

**8. REQUEST FOR RELIEF**

**EEN20-0403/Helain Hood 810 NE 117 ST**

Property Maintenance, House to be painted and Exterior wall built without a permit



Attorney Wandner offered \$500 on behalf of the homeowner. 50 Homeowner Dale Blanton made a motion, 2<sup>nd</sup> by Janey Anderson, to reject the offer.

**5/0 Motion Passed**

A second offer of \$1000 was made. Linda Dillon made a motion to accept the offer. Motion failed for lack of a second. Linda made a motion to accept the next offer of \$1500 which also failed for lack of a second. Dale Blanton made a motion, second by Linda Dillon, to accept an offer of \$2,000.

**5/0 Motion Passed**

**9. GENERAL DISCUSSION:**

Chairman Kuhl presented a request from Police Chief Cabrera for the Code Board to review a list of various violations as administrative citations. Following discussion, there was consensus that those items not already covered by our code should be addressed by a Code Review Board. It was also suggested that the fee schedule should be revised.

The Board also asked that at least 12 cases be prepared for the next meeting.

**10. ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING**

The next meeting of the Code Compliance Board is Wednesday, Sept. 10, at 7:00 pm.

**11. ADJOURNMENT**

Dale Blanton made a motion, second by Janey Anderson, to adjourn. The meeting adjourned at 7:34 pm.

Minutes Approved on: \_\_\_\_\_

Gary Kuhl, Chairman: \_\_\_\_\_



Code Compliance  
Board

Gary Kuhl, Chairman

Dale Blanton  
Janey Anderson  
Linda Dillon  
Brian McNoldy

**MINUTES**  
**CODE COMPLIANCE VIRTUAL MEETING**  
**Tuesday, September 22, 2020**  
**ZOOM ID: 944 8007 0034**

**1. CALL TO ORDER**

Chairman Gary Kuhl called the meeting to order at 7:07 PM.

**2. ROLL CALL**

Gary Kuhl - Present  
Janey Anderson - Present  
Dale Blanton - Present  
Brian McNoldy - Present  
Linda Dillon - Present

*Also present were: Code Officer, Dario Gonzalez, and Interim Village Manager, Roseann Prado.*

**3. ADDITIONS, DELETIONS or WITHDRAWALS**

5c. and 5d. Removed

**4. APPROVAL OF MINUTES**

Linda made a motion, second by Dale, to approve the minutes of August 18, 2020.

Approved 5/0

**5. NEW BUSINESS**

5a. 11231 NE 11 Place -EEN20-0438 – Fence without a permit; Janey made a motion, 2<sup>nd</sup> by Brian, \$100 fine and obtain an after the fact permit (double fee) by October 26. If not in compliance, additional \$50/day. Approved 5/0

5b. 1210 NE 120 Terr. - EEN19-2848 – Dirty Roof, Linda made a motion, 2<sup>nd</sup> by Gary, to give 30 day extension. If not in compliance, \$50 fine and \$25/day additional. Approved 5/0

5f. 690 NE 121 St. - EEN19-1565 - Clean Roof; Gary made a motion, 2<sup>nd</sup> by Janey, to clean roof and fine \$50 with addition \$10 per day until cleaned. Following discussion, the motion was amended to \$50 fine and 30 days to comply and then \$10/day if not in compliance. Approved 5/0

690 NE 121 St. – EEN19-1566; Gary made a motion , 2<sup>nd</sup> by Brian, to pressure clean outside walls then reinspect to determine if exterior painting is needed. (Janey Dissented) Approved 4/1

5e. 690 NE 121 St. – EEN20-0189 – Fence without a permit; Janey made a motion, 2<sup>nd</sup> by Dale, to obtain after the fact permit by Nov. 30 (double fee) with \$50/day if not in compliance. Motion was amended to \$20/day. Approved 5/0

**6. DISCUSSION**



## *The Village of Biscayne Park*

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

Resident Jason Andino requested to be heard. Code Officer Dario Gonzalez will meet with him to discuss his concerns in detail as he was not on the agenda.

In addition to new cases, the Board would like to review 5 old cases per meeting where unpaid fine(s) or amounts past due are at least \$2500 in order to consider beginning the lien process. Code Officer to review files for proper documentation.

Code Board would like a review of 11251 NE 11 Pl (After the fact fence permit) which was presented yesterday at P&Z to determine if a code violation had been issued.

Next meetings will be Thursdays, Oct. 22 and Nov. 12, both beginning at 7PM.

### **7. ADJOURNMENT**

Dale made a motion to adjourn, 2<sup>nd</sup> by Brian. Meeting adjourned at 8:35 PM.

Minutes approved on: SEPTEMBER 25, 2020

Gary Kuhl, Chairman: [Signature]



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**Item # 8.c**

**REGULAR MEETING**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Roseann Prado, Interim Village Manager

**DATE:** October 06, 2020

**TITLE:** **RESOLUTION 2020-50 - A RESOLUTION OF THE VILLAGE  
COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,  
AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE  
A LICENSE AND HOLD HARMLESS AGREEMENT FOR THE USE  
OF THE MEDLEY POLICE FIREARMS TRAINING CENTER;  
PROVIDING FOR AN EFFECTIVE DATE**

---

**Recommendation**

A revised Hold Harmless Agreement for the use of the Medley Police Firearms training Center between the Town of Medley and the Village of Biscayne Park is needed to continue the long term practice of the Town allowing the Village to utilize their facility for firearms training.

**Background**

**Resource Impact**

Budget FY 2020-2021 - Police Department training

**Attachment(s)**

- Resolution 2020-50
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Prepared by: Roseann Prado, Village Clerk

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**RESOLUTION NO. 2020-50**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE  
VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING  
THE INTERIM VILLAGE MANAGER TO EXECUTE A  
LICENSE AND HOLD HARMLESS AGREEMENT FOR THE  
USE OF THE MEDLEY POLICE FIREARMS TRAINING  
CENTER; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS the Village of Biscayne Park Police Department has effectively utilized the Town of Medley's firearms training range for police firearms training for over twenty (20) years; and

WHEREAS, the Town of Medley has provided and continues to provide valuable assistance in classroom and practical training, as well as valuable support and equipment and supplies; and,

WHEREAS, in consideration of the benefits provided by the Town of Medley to the Biscayne Park Police Department, the Village desires to renew the Town of Medley License and Hold Harmless Agreement for use of the Medley Police Firearms Training Center.

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

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

**Section 2.** The Village Manager is authorized to execute the Town of Medley License and Hold Harmless Agreement For Use of the Medley Police Firearms Training Center. The agreement, in substantial form, is attached and incorporated by reference into this resolution as exhibit 1.

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

**PASSED AND ADOPTED** this 6<sup>TH</sup> day of October, 2020.

The foregoing Resolution was offered by Commissioner Samaria, who moved its adoption. The motion was seconded by Commissioner Tudor, and upon being put to a vote the vote was as follows:

Virginia O'Halpin, Mayor  
MacDonald Kennedy, Vice-Mayor  
Roxanna Ross, Commissioner  
Dan Samaria, Commissioner  
Dan Samaria, Commissioner

VILLAGE OF BISCAYNE PARK

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Virginia O’Halpin, Mayor

ATTEST:

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Roseann Prado, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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Edward A. Dion, Village Attorney

**TOWN OF MEDLEY**  
**TEMPORARY LICENSE AND HOLD HARMLESS AGREEMENT**  
**FOR USE OF THE MEDLEY POLICE FIREARMS TRAINING CENTER**

THIS TEMPORARARY LICENSE AND HOLD HARMLESS AGREEMENT (this "Agreement") is made by and between **THE TOWN OF MEDLEY**, a Florida municipal corporation, herein referred to as the LICENSOR, and \_\_\_\_\_, hereinafter referred to as the LICENSEE, which term shall include, if applicable, the LICENSEE'S officers, agents, employees or representatives and who address is \_\_\_\_\_.

**WHEREAS**, the LICENSEE desires to use the facilities operated and maintained by the LICENSOR for the purpose of conducting firearms and other related training for its officers, agents, employees or representatives, and the LICENSOR has the appropriate facilities for such, which facilities are known as the **MEDLEY POLICE FIREARMS TRAINING CENTER** located at 9700 N.W. 97<sup>th</sup> Avenue, Medley, Florida 33178 (hereinafter the "Facility" or "Premises").

**THEREFORE**, the parties agree as follows:

1. **GRANT OF TEMPORARY LICENSE.** The LICENSOR hereby grants to the LICENSEE a temporary and revocable license to occupy and use, subject to all terms and conditions stated or referenced herein, and further subject to any other rules and regulations for use of the Facility as the LICENSOR may establish from time to time, the Premises, including available parking areas.
2. **TERM/USE OF PREMISES.** The Facility, its appurtenances and fixtures, may be temporarily occupied and used by the LICENSEE to conduct firearms training and other related activities during such days and dates as are mutually agreeable to the LICENSOR and LICENSEE. All dates and types of training shall be coordinated in advance with the LICENSOR who expressly reserves the right to restrict or modify the use, type, activity, duration or date of any such training as the LICENSOR deems reasonably necessary and/or appropriate.
3. **PAYMENT.** For the license granted by this Agreement, the LICENSEE will pay the LICENSOR the agreed upon rate as set forth in the **MEDLEY POLICE FIREARMS TRAINING CENTER FEE SCHEDULE** (the "Range Usage Fee Schedule") attached hereto and incorporated herein. Appropriate payment pursuant to the Range Usage Fee Schedule shall be promptly remitted and made payable to the Town of Medley Police

Department's Office without demand. Failure to remit payment within 30 days of use of the facility may result in the accrual of interest at the approved statutory rate and may result in the immediate suspension and/or termination of LICENSEE'S privileges herein.

4. **CONDITION OF PREMISES.** The LICENSEE acknowledges and agrees that it is temporarily using and occupy the Premises without any warranties or representations by LICENSOR as to the condition or suitability of the Premises for the uses intended, and agrees to maintain the Premises in a clean and usable condition and will be responsible for all reasonable necessary and/or appropriate clean up and restoration of the Premises after each use by the LICENSEE. If the Premises are not returned to a clean and usable condition, as determined in the sole discretion of the LICENSOR, the LICENSOR reserves the right to restore the Premises and the cost of such shall be paid by the LICENSEE.

5. **INDEMNITY/HOLD HARMLESS.**

a. If LICENSEE is a municipality, county, state or federal governmental entity, LICENSEE agrees to the extent permitted by F.S. § 768.28 or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. (FTCA) to indemnify and hold LICENSOR harmless from any damages sustained as a result of the LICENSEE's use of the Premises and the negligent or wrongful act or omission of LICENSEE's officers, agents, employees or representatives arising out of its use or occupancy of the Premises.

b. If the LICENSEE is a private or non-governmental agency, LICENSEE agrees, with the respect to its use and occupancy of the Premises to defend LICENSOR, its agents, servant, employees, officers and directors, against any, all and every demand, claim, assertion of liability, or action arising or alleged to have arisen out of any act or omission of LICENSEE, its officers, agents, employees or representatives, and to indemnify and hold LICENSOR harmless for any damages sustained as a result of LICENSEE'S use or occupancy of the Premises, including bodily injury and property damage .

c. The LICENSEE agrees to repair or replace any damage to the Premises and to any real or personal property of the LICENSOR or third parties caused by the acts or omissions of the LICENSEE and occurring while the Premises are under the control and use of LICENSEE, and further agrees to be solely responsible for any award or payment and expenses (including any right of subrogation) of any workers' compensation claim by any of the LICENSEE'S officers, employees or appointees that may result from the use of the Premises or activities thereon.

6. **THIRD PARTY.** LICENSEE shall not and is expressly prohibited from introducing, inviting or allowing any third parties into the Premises or Facility without the express consent of the LICENSOR. In the event LICENSEE does in fact allow or invite a third party or utilizes the services of a third party for training purposes, LICENSEE agrees to indemnify and hold harmless the LICENSOR from any damage or claims which may result from the acts or omissions of the third party. LICENSOR reserves the right to deny access to any third party, who, in the opinion of LICENSOR, is not qualified to provide such training.

7. **ASSUMPTION OF THE RISK.** Participation in the training and use of the Facility contemplated by this Agreement may carry certain inherent risks or dangers of which a reasonably prudent person would be aware. To that extent, LICENSEE acknowledges, agrees and hereby assumes the risks associated with all training and other related activities contemplated herein and the use of the Facility. Subject to the provisions and monetary limitations of Section 768.28(5), Florida Statutes. LICENSEE agrees to indemnify and hold LICENSOR harmless for any injuries that occur as a result of LICENSEE's use of the Facility. LICENSEE further acknowledges and agrees that LICENSOR does not and shall not provide supervision or control of the Premises during LICENSEE's use of and operations at the Facility, and that LICENSEE shall be solely responsible for all supervision, control, activities and safety of its officers, agents, employees or representatives during such use.

8. **TERMINATION.** This Agreement shall remain in full force and effect until terminated by any party hereto. This Agreement may be terminated, at will, by a party hereto giving written notice thereof to the other party. In the event that LICENSEE terminates this Agreement, LICENSEE shall remain responsible for payment of any outstanding amounts already due and payable to LICENSOR.

9. **REGULATION; COMPLIANCE WITH LAWS; PROHIBITION OF USE OF REAL PHOTOS OR IMAGES.** During the performance of this Agreement, the LICENSEE agrees to and shall comply with any and all administrative, operational and safety rules and regulations established by the LICENSOR, its agents, and/or employees, and all applicable federal, state and local laws, at all times during the use and operation of the Premises by the LICENSEE.

The use or application by LICENSEE, or its officers, agents, employees or representatives, of photographic investigative lineups or mug shots of suspects for training or other related activities, including target or shooting practice, shall be specifically and expressly prohibited at the Facility.

Any breach of any rule or regulation established by the LICENSOR, or applicable laws, shall result in the immediate termination of LICENSEE's use of the Premises and in the LICENSOR'S sole discretion, termination of this Agreement.

**IN WITNESS WHEREOF**, the parties have executed this Temporary License and Hold Harmless Agreement for use of the Medley Police Firearms Training Center on the day and year stated below.

**LICENSOR:**

**TOWN OF MEDLEY**, a Florida municipal corporation

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

Jeanette Said-Jinete, Chief of Police

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

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2020 by Jeanette Said-Jinete, as Chief of Police, of the Town of Medley, Florida, a Florida municipal corporation, who is personally known to me or who has produced his/her driver's license and who did/did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large

**LICENSEE:**

\_\_\_\_\_

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

Print Name: \_\_\_\_\_

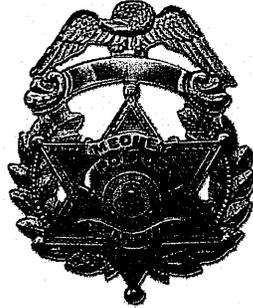
Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_ [insert name of agency], as \_\_\_\_\_ [insert title], of \_\_\_\_\_ [Insert name] who is personally known to me or who has produced his/her driver's license and who did/did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large

**Medley Police Firearm Training Center  
 October 2019 - September 2020  
 Fee Chart**



<b>Range Usage</b>	<b>Day Time Fee 07:00 - 15:00</b>	<b>Night Time Fee 15:00 - 23:00</b>	<b>Minimum Usage</b>
<b>Full Day</b>	<b>\$420.00</b>	<b>\$420.00</b>	<b>8 hours</b>
<b>Half Day</b>	<b>\$210.00</b>	<b>\$210.00</b>	<b>4 hours</b>
<b>Cancellation</b>	<b>\$75.00</b>	<b>\$75.00</b>	<b>Two Day Notice</b>
<b>Classroom</b>	<b>\$100.00</b>	<b>\$100.00</b>	<b>4/8 hours</b>
<b>No Show</b>	<b>\$100.00</b>	<b>\$100.00</b>	<b>No Call</b>

**\*\* NO WEEKEND RANGE RENTALS**

**\*\*NO SHOOTING AFTER 10:00 PM PERMITTED**



**VILLAGE OF BISCAYNE PARK  
Village Commission Agenda Report**

**Item # 8.d**

**REGULAR MEETING**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Rox Ross, Commissioner

**DATE:** October 6, 2020

**TITLE:** **RESOLUTION 2020-51 – Recognizing Florida City Government Week, October 19-25, 2020, and Encouraging All Citizens to Support the Celebration and Corresponding Activities.**



**Recommendation**

Approval of the above-referenced resolution, including posting this information prominently on the Village website, as a regular agenda item for public discussion and within Village services in as many outreach venues as possible.

**Background**

Through “Florida Government Week” initiative the League of Cities Florida City Government Week helps municipalities foster civic education, collaboration, volunteerism and engagement. This year, “MY VILLAGE: I’m Part of It, I’m Proud of It,” is an opportunity to recognize that cities provide a higher level of local service than most government agencies, and generally cities receive higher levels of approval ratings than most government agencies. Still, many residents are unaware of how city/village services impact our daily lives.

By way of celebrating MY VILLAGE: I’m Part of It, I’m Proud of It, I submit for consideration that we join together in recognizing and thanking our loyal employees and volunteer boards, who dedicate their time for the betterment of the Village. Residents are encouraged to support Village service workers, attend Village meetings, particularly now that meetings are accessible online through Zoom, learn more about MY VILLAGE: I’m Part of It, I’m Proud of It, and be involved in local government.

It is essential to keep in mind purpose of local government when we approach ballot measures during elections this November to protect local decision-making, preserve unique characteristics and sustain the quality of life that make each city, town or VILLAGE special to its residents.

**Fiscal / Budget Impact**

The fiscal impact of approving the attached resolution, incorporating references and information concerning MY VILLAGE campaign on the Village website is nominal.

**Attachment**

Resolution 2020-51  
FLC My City Government Booklet

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Prepared by: Rox Ross

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**RESOLUTION NO. 2020-51**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RECOGNIZING OCOBER 19-25, 2020 AS “FLORIDA CITY GOVERNMENT WEEK” AND ENCOURAGING VILLAGE RESIDENTS TO SUPPORT THIS CELEBRATION AND CORRESPONDING ACTIVITIES.**

**WHEREAS**, city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

**WHEREAS**, municipal government provides services and programs that enhance the quality of life for residents, making their city their home; and

**WHEREAS**, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

**WHEREAS**, city government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

**WHEREAS**, Florida City Government Week offers an important opportunity for elected officials and city staff to spread the word to all citizens of Florida that they can shape and influence this branch of government; and

**WHEREAS**, the Florida League of Cities and its member cities have joined together to teach citizens about municipal government through a variety of activities; and

**WHEREAS**, the Village of Biscayne Park wishes to take these opportunities to participate in this celebration of city government, of Home Rule, of local services and collaborations toward the betterment of the Village.

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

**Section 1.** That the Village of Biscayne Park encourages all city government officials, employees, volunteers and citizens to participate in events that recognize and celebrate Florida City Government Week.

1           **Section 2.** That the Village of Biscayne Park encourages educational partnerships between city  
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3 government and schools, as well as civic groups and other organizations.

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5           **Section 3.** That the Village of Biscayne Park supports the tradition of local decision-making in  
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7 Florida as essential to protect each municipality’s ability to preserve and enhance the myriad  
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9 characteristics that make each one uniquely special.

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11           **Section 4.** That the Village of Biscayne Park will include this information on its website, as a  
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13 regular agenda item for public discussion and within Village services in as many outreach venues as  
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15 possible.

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17           **PASSED AND ADOPTED** on October 6, 2020.



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

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29 Virginia O’Halpin, Mayor

30           Mayor O’Halpin:                     \_\_\_\_\_  
31           Vice Mayor Kennedy:                 \_\_\_\_\_  
32           Commissioner Ross:                    \_\_\_\_\_  
33           Commissioner Samaria:                \_\_\_\_\_  
34           Commissioner Tudor:                 \_\_\_\_\_

35           Attest:  
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45 Roseann Prado, Village Clerk

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45 Edward A. Dion, Village Attorney



# #FLCityWeek Goes Virtual: *Tips for Celebrating Your City Virtually*

**OCTOBER 19-25, 2020**

- ▶ **Adopt a resolution.** Share the resolution on various communications platforms.
- ▶ **Post videos.** Share videos on your social media platforms and website about various municipal-related topics, such as the city's history or frequently asked questions.
- ▶ **Coordinate a story hour.** Have an elected or appointed official read the second edition of "The City That Talks," the children's book distributed by the Florida League of Cities in April as part of President Isaac Salver's Readers2Leaders initiative. Have the official read the book virtually on a live platform, or record the book reading and post it on the city's Facebook page and website. A complimentary copy of the book was sent to each elected municipal official, city manager and city clerk in Florida. To purchase more hard copies or access digital versions of the book in English, Spanish and Creole, visit [readers2leaders.com](http://readers2leaders.com).
- ▶ **Host a social media trivia game.** Post daily questions, and ask residents to respond.
- ▶ **Partner with a local radio station.** Host a karaoke hour at the same time every day. Ask residents to vote for their favorite song via social media, and have a different elected official introduce the song each day.
- ▶ **Host a photo contest.** Post submitted photos on social media, and ask residents to vote for their favorite photo.
- ▶ **Hold a virtual town hall.** Address current and future city projects, and seek citizen input. Allow citizens to ask questions.
- ▶ **Highlight employees.** Highlight them on social media and the city's website. Include their job description, and ask employees to share why they love their city.
- ▶ **Sponsor an essay contest for students.** Connect with local schools to share the criteria and rules.
- ▶ **Offer a virtual tour of city hall.** Have the tour guide (an elected official or staff person) visit different departments and interview employees or showcase city equipment. Host on a live platform so residents can ask questions.
- ▶ **Host a virtual citizens academy.** Choose a variety of municipal topics, and ask participants to watch live presentations with a Q&A session at the end of each topic. At the end of the academy, ask participants to share what they learned on social media.
- ▶ **Recognize city volunteers.** Recognize the residents who volunteer with your city by posting a video or photo.
- ▶ **Create a social media filter.** Encourage residents to use and post photos with the filter throughout the week.

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## NOTES:

- ▶ Please tag @FLCities and include the hashtag #FLCityWeek in your social media posts.
- ▶ Make it a competition! Whatever activity your city chooses, encourage residents to share their participation on social media by tagging your city. Ask local businesses to sponsor prizes.
- ▶ For more information on Florida City Government Week, please visit [flcityweek.com](http://flcityweek.com). If you have additional ideas on how to celebrate virtually, please share them by emailing Eryn Russell at [erussell@flcities.com](mailto:erussell@flcities.com).



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**Item # 8.e**

**REGULAR MEETING**

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**TO:** Honorable Mayor & Members of the Village Commission

**FROM:** Rox Ross

**DATE:** October 6, 2020

**TITLE:** **RESOLUTION 2020-52 - A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE DONATION OF \$2,500 FOR FISCAL YEAR 2020-2021 TO THE NORTH MIAMI FOUNDATION FOR SENIOR SERVICES, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**Recommendation**

Approval of the attached resolution providing for ratification of the allocated donation to North Miami Foundation for Senior Citizens' Services, Inc.

**Background**

An allocation of \$2,500 under General Administration is part of the budget unanimously approved for fiscal year 2020-2021, reaffirming support for this non-profit organization that provides valuable services to the elderly, including Village residents.

The mission of the North Miami Foundation For Senior Citizens' Services, Inc. is to maximize the opportunities for the elderly of Northeast Miami-Dade County to maintain their personal and to enhance their quality of life by providing a broad array of social services.

While this pandemic crisis is difficult for everyone, it is even more difficult for frail seniors. North Miami Foundation for Senior Citizens' Services is worthy of Village support to adjust services and meet the community's changing needs.

<https://www.northmiamifoundationforseniors.org/>

The Village Charter, at Sec. 7.04 requires that charitable contributions to any person or entity be made only upon approval by four Commissioners. This Resolution is brought to ratify and authorize distribution as contemplated by the approved budget.

**Resource Impact**

This \$2,500 allocation is provided for under the approved budget.

**Attachment**

Proposed draft Resolution 2020-52

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Prepared by: Rox Ross

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**RESOLUTION NO. 2020-52**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE DONATION OF \$2,500 FOR FISCAL YEAR 2020-2021 TO THE NORTH MIAMI FOUNDATION FOR SENIOR SERVICES, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, North Miami Foundation for Senior Citizens Services, Inc., (“Foundation for Seniors Citizens”) is a non-profit organization which provides a wide range of assistance for the elderly, including services to support independent living for the elderly, including residents of the Village of Biscayne Park; and,

**WHEREAS**, the Village Commission believes it to be in the best interests of its citizens and desires to support the Foundation for Senior Citizens as it is a valuable resource for elderly residents; and,

**WHEREAS**, the allocation made as part of the budget unanimously adopted for fiscal year 2020-2021 is \$2,500 in General Administration, consistent with donations made by the Village in previous years.

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

**Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

**Section 2. Ratification.** The Village Commission of the Village of Biscayne Park hereby ratifies the \$2,500 donation to the North Miami Foundation for Senior Citizens Services, Inc., and authorizes immediate payment thereof.

**Section 3. Severability.** If any section, sentence, clause or phrase herein is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of October, 2020.

The foregoing Resolution was offered by Commissioner Samaria, who moved its adoption. The motion was seconded by Commissioner Tudor, and upon being put to a vote the vote was as follows:

1  
2 Virginia O'Halpin, Mayor  
3 MacDonald Kennedy, Vice-Mayor  
4 Roxanna Ross, Commissioner  
5 Dan Samaria, Commissioner  
6 Dan Samaria, Commissioner  
7

8 VILLAGE OF BISCAYNE PARK  
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12 Virginia O'Halpin, Mayor  
13

14 ATTEST:  
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18 Roseann Prado, Village Clerk  
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22 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
23 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:  
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27 Edward A. Dion, Village Attorney  
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**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 8.f**

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**TO:** Honorable Mayor & Members of the Village Commission

**FROM:** Rox Ross, Commissioner

**DATE:** October 6, 2020

**TITLE:** **RESOLUTION 2020-53 - A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO RECOGNIZE AND WORK TO ACHIEVE BROADBAND ACCESS AND AFFORDABILITY; SUPPORTING INCLUSION OF BROADBAND INFRASTRUCTURE IN FEDERAL INFRASTRUCTURE INVESTMENTS; AND AFFIRMING SUPPORT FOR LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**Recommendation**

Approval of the attached resolution urging Congress to recognize and work to achieve broadband access and availability.

**Background**

As is the regular practice of The Florida League of Cities, at the 2020 Annual Conference (this year virtual online) the voting delegates approved certain resolutions at its Business Session. One of the approved resolutions urged Congress to recognize and work to achieve broadband access and affordability, and further to include broadband infrastructure in federal planning and investment.

The attached Resolution 2020-53 is based on the FLC's version, with few local identifying deviations.

**Resource Impact**

The fiscal impact of approving, distributing and incorporating the proposed Resolution into Village records is minimal.

**Attachment**

Proposed draft Resolution # 2020-53

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Prepared by: Rox Ross

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**RESOLUTION NO. 2020-53**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO RECOGNIZE AND WORK TO ACHIEVE BROADBAND ACCESS AND AFFORDABILITY; SUPPORTING INCLUSION OF BROADBAND INFRASTRUCTURE IN FEDERAL INFRASTRUCTURE INVESTMENTS; AND AFFIRMING SUPPORT FOR LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, broadband infrastructure has become an economic necessity for Florida cities, driving education, health care, public safety, economic growth and operating efficiency in a 21<sup>st</sup> Century economy; and

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**WHEREAS**, sufficient broadband infrastructure has become increasingly necessary to support all forms of infrastructure, from smart-meter electrical grids and connected traffic management networks to sensor-enabled water and sewer systems; and

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**WHEREAS**, robust broadband is needed to support the deployment of advances in smart city technologies as well as autonomous vehicles and unmanned aerial systems (drones); and

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**WHEREAS**, a competitive and sustainable broadband industry is driving innovations, community and economic development, educations, healthcare and government services; and

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**WHEREAS**, millions of American workers, students and patients staying home to help combat the novel coronavirus (COVID-19) highlights the importance of broadband infrastructure and connectivity for the transition to remote workforce, education and healthcare systems; and

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**WHEREAS**, access to broadband can increase residential property values, increase commercial business activity and spur viable employment options in isolated communities; and

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**WHEREAS**, universal access to affordable broadband should be considered essential infrastructure that contributes to economic health and survival of communities across Florida; and

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**WHEREAS**, the availability and adoption of quality broadband service can vary dramatically from one neighborhood to another, even in heavily populated urban areas; a substantial number of individuals in poor and rural communities have limited internet access; and where broadband access is limited, citizen have limited access to information, education and tools for economic independence; and

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**WHEREAS**, historically, local governments have ensured access to essential services not offered by the private sector by banding together to provide those services at a reasonable and competitive cost; and

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**WHEREAS**, attempts continue to be made to limit or stop further local government deployment of municipal broadband services which has the potential of reducing the ability of local government to provide important information and services to their citizens in a timely, efficient and cost-effective manner; and,

1  
2       **WHEREAS**, local governments should not be preempted by the federal or state government from  
3 being able to offer broadband services, high-speed internet and other communications services that could  
4 advance the deployment of broadband throughout our nation; and  
5

6       **WHEREAS**, the Federal Communications Commission (FCC) has enacted regulations that  
7 substantially limit the traditionally held authority of local governments over the placement of wireless  
8 infrastructure and local governments' ability access fair compensation to taxpayers for use of public  
9 property, subsidizing wireless carriers' development while undermining local efforts to expand broadband  
10 access; and  
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12       **WHEREAS**, the economic health of municipalities depends on public and private investment to  
13 connect their communities; and  
14

15       **WHEREAS**, the Coronavirus Aid, Relief, and Economic Security (CARES) Act includes funding  
16 for the transition to remote life among its many relief provisions with specific funding for broadband  
17 connections, distance learning, telehealth and telework including \$100 million to the U.S. Department of  
18 Agriculture's Rural Utility Service (RUS) for its Reconnect Pilot Program, which provides grants for the  
19 costs of construction, improvement or acquisition of facilities and equipment needed to provide broadband  
20 service in eligible rural areas.  
21

22 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**  
23 **VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**  
24

25       **Section 1.**    **Recitals.** The above recitals are true and correct, and incorporated herein by this  
26 reference and are hereby adopted as the legislative and administrative findings of the Village Commission.  
27

28       **Section 2.**    **Prioritize.** The Village Commission of the Village of Biscayne Park urges the  
29 federal government to prioritize efforts to provide affordable and competitively priced broadband access;  
30 provide appropriate standards for broadband speed, reliability and connectivity that allow Floridians to  
31 compete in the global economy; and open more opportunities to deliver robust service more economically  
32 and universally.  
33

34       **Section 3.**    **Protect.** The Village Commission of the Village of Biscayne Park urges Congress  
35 and the Federal Communications Commission (FCC) to protect traditionally held authority of local  
36 governments over the placement of wireless infrastructure.  
37

38       **Section 4.**    **Support.** The Village Commission of the Village of Biscayne Park urges Congress  
39 to support policies that promote municipal broadband, preserve the authority of local governments to act  
40 in the interest of their citizens by offering high-speed internet and other communications services, and  
41 preempt states from barring local governments from offering such services in their communities.  
42

43       **Section 5.**    **Incorporate.** The Village Commission of the Village of Biscayne Park urges  
44 Congress to incorporate federal investment in broadband in any federal infrastructure proposal to  
45 strengthen the nation's infrastructure network while promoting economic development in our  
46 municipalities.  
47

48       **Section 6.**    **Clear.** The Village Commission of the Village of Biscayne Park calls on the FCC  
49 to examine all best practices and potential obstacles to expanded broadband deployment and adoption

1 including obstacles created by federal or industry practices that stymie local and consumer efforts to  
2 expand broadband access, and clear the path toward affordable access.

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4 **Section 7. Severability.** If any section, sentence, clause or phrase herein is held to be invalid  
5 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the  
6 remaining portions of this Resolution.

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8 **Section 8. Effective Date.** This Resolution shall become effective immediately upon its  
9 adoption.

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11 **Section 9. Distribution.** A copy of this resolution shall be sent to President Donald Trump,  
12 the Florida Congressional Delegation, the National League of Cities, the Florida League of Cities and the  
13 Miami Dade County League of Cities.

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16 **PASSED AND ADOPTED** this 6<sup>th</sup> day of October, 2020.

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19 The foregoing Resolution was offered by Commissioner Samaria, who moved its adoption. The  
20 motion was seconded by Commissioner Tudor, and upon being put to a vote the vote was as follows:

- 21
- 22 Virginia O’Halpin, Mayor
- 23 MacDonald Kennedy, Vice-Mayor
- 24 Roxanna Ross, Commissioner
- 25 Dan Samaria, Commissioner
- 26 Dan Samaria, Commissioner
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28 VILLAGE OF BISCAYNE PARK

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32 Virginia O’Halpin, Mayor

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34 ATTEST:

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38 Roseann Prado, Village Clerk

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42 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
43 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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47 Edward A. Dion, Village Attorney



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**Item # 8.g**

**REGULAR MEETING**

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**TO:** Honorable Mayor & Members of the Village Commission

**FROM:** Rox Ross

**DATE:** October 6, 2020

**TITLE:** **RESOLUTION 2020-54 - A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**Recommendation**

Approval of the attached resolution urging Congress to Reauthorize the National Flood Insurance Program.

**Background**

As is the regular practice of The Florida League of Cities, at the 2020 Annual Conference (this year virtual online) the voting delegates approved certain resolutions at its Business Session. One of the approved resolutions urged Congress to reauthorize the National Flood Insurance Program, to balance of the fiscal solvency of the program, and to provide sufficient resources for FEMA to utilize the best technology and methodology available to improve the mapping process that impacts on zoning and risk rating.

The attached Resolution is based on the FLC's version, with few local identifying deviations.

**Resource Impact**

The fiscal impact of approving, distributing and incorporating the proposed Resolution into Village records is minimal.

**Attachment**

Proposed draft Resolution 2020-54

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Prepared by: Rox Ross

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**RESOLUTION NO. 2020-54**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE  
VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS  
TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE  
PROGRAM; PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, floods are the most common and destructive natural disasters in the United States and Florida; and

**WHEREAS**, Congress created the National Flood Insurance Program (NFIP) in 1968 to make affordable flood insurance available to homeowners, renters and business owners in exchange for using the United States Department of Homeland Security Federal Emergency Management Agency (FEMA) generated Flood Insurance Rate Maps for floodplain management by participating communities; and

**WHEREAS**, the Flood Disaster Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of federal or federal-related financial assistance for acquisition or construction purposes with respect to the insurance of buildings; and

**WHEREAS**, the NFIP provides affordable flood insurance to property owners by encouraging local governments to adopt and enforce flood plan and water management regulations, best practices and techniques; and,

**WHEREAS**, the Village of Biscayne Park participates in the Community Rating System (CRS) promulgated under the auspices of FEMA, the Insurance Services Office, Inc., and NFIP; and,

**WHEREAS**, these mitigation efforts reduce and prevent flooding on new and improved structures, thereby saving lives and reducing injuries, reducing economic losses, maintaining and protecting critical infrastructure, and reducing the liability borne by local governments and their elected officials; and,

**WHEREAS**, flooding is a serious risk in Florida due to the state's geography and proximity to water, both coastal and inland; and,

**WHEREAS**, this issue is a critical concern for our state as Florida has the largest number of participants in the NFIP with more than 1.7 million policies in force; and,

**WHEREAS**, lack of a long-term reauthorization causes uncertainty for beneficiaries and providers; and,

**WHEREAS**, there is no viable private market for homeowners and businesses to acquire sufficient flood insurance coverage; and,

**WHEREAS**, accurate mapping is fundamental for local governments to assess and communicate risk to their communities and property owners, but the current mapping process is faulty and often results in artificially inflated risk or communities not being aware that they are at risk of flooding; and

**WHEREAS**, it is incumbent upon all of us to have a long-term, sustainable and viable NFIP with rates that are affordable; and,

1  
2       **WHEREAS**, bi-partisan legislation has been introduced in the House and Senate titled the  
3 National Flood Insurance Program Reauthorization and Reform Act of 2019 (NFIP-RE), H.R. 3872 and  
4 S. 2187, which would reauthorize the NFIP program for five years; and,

5       **WHEREAS**, this legislation includes provisions to cap annual rate increases to 9 percent, fund  
6 resiliency and mitigation programs, and modernize mapping; and,

7  
8       **WHEREAS**, FEMA has scheduled to launch a new risk rating system called Risk Rating 2.0 to  
9 address deficiencies in the traditional mapping process that was originally scheduled to go into effect  
10 October 1, 2020; and,

11  
12       **WHEREAS**, FEMA postponed the launch of Risk Rating 2.0 until October 1, 2021, to allow  
13 additional time to conduct a comprehensive analysis of the proposed rating structure to protect  
14 policyholders and minimize any unintended negative effects of the transition.

15  
16 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**  
17 **VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

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19       **Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this  
20 reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

21  
22       **Section 2. Reauthorization.** The Village Commission of the Village of Biscayne Park  
23 supports H.R. 3872 and S. 2187 and urges Congress to reauthorize the NFIP and to keep flood insurance  
24 rates affordable for primary, non-primary and business properties while balancing the fiscal solvency of  
25 the program. The Village Commission also expresses appreciation to Senator Marco Rubio (R-FL) and  
26 Representatives Debbie Mucarsel-Powell (D-26-FL), Charlie Christ (D-13-FL), Stephanie Murphy (D-  
27 7\_FL) and Alcee Hastings (D-20-FL) for co-sponsoring this legislation.

28  
29       **Section 3. Support.** In order for local governments to help their communities and property  
30 owners to adequately prepare for risk, Congress should provide additional resources to FEMA to utilize  
31 the best technology and methods available to improve the mapping process, including seeking the input  
32 from local government officials prior to approving any flood map that could impact local zoning rules.

33  
34       **Section 4. Severability.** If any section, sentence, clause or phrase herein is held to be invalid  
35 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the  
36 remaining portions of this Resolution.

37  
38       **Section 5. Effective Date.** This Resolution shall become effective immediately upon its  
39 adoption.

40  
41       **Section 6. Distribution.** A copy of this resolution shall be sent to President Donald Trump,  
42 the Florida Congressional Delegation, the National League of Cities, the Florida League of Cities and the  
43 Miami Dade County League of Cities.

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46       **PASSED AND ADOPTED** this 6<sup>th</sup> day of October, 2020.  
47  
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49

1 The foregoing Resolution was offered by Commissioner Samaria, who moved its adoption. The  
2 motion was seconded by Commissioner Tudor, and upon being put to a vote the vote was as follows:

3  
4 Virginia O’Halpin, Mayor  
5 MacDonald Kennedy, Vice-Mayor  
6 Roxanna Ross, Commissioner  
7 Dan Samaria, Commissioner  
8 Dan Samaria, Commissioner  
9

10 VILLAGE OF BISCAYNE PARK

11  
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13 \_\_\_\_\_  
14 Virginia O’Halpin, Mayor  
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16  
17 ATTEST:

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20 \_\_\_\_\_  
21 Roseann Prado, Village Clerk  
22

23  
24 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
25 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:  
26

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28 \_\_\_\_\_  
29 Edward A. Dion, Village Attorney  
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**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

Item # 8.h

**REGULAR MEETING**

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**TO:** Honorable Mayor & Members of the Village Commission

**FROM:** Roseann Prado, Interim Village Manager

**DATE:** October 6, 2020

**TITLE:** **RESOLUTION 2020-55 - A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN MIAMI SHORES VILLAGE AND THE VILLAGE OF BISCAYNE PARK; AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE JOINT DECLARATION; PROVIDING FOR AN EFFECTIVE DATE.**

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**Recommendation**

Approval of the attached Resolution 2020-55 and mutual aid agreement.

**Background**

The Mutual Aid agreement which exists between the Miami Shores Police Department and the Biscayne Park Police Department is set to expire.

Both Police Departments from Miami Shores and Biscayne Park are committed to provide adequate levels of police services to address any foreseeable routine or emergency situations. Small municipalities such as Biscayne Park and Miami Shores rely heavily on assistance from other police departments within Miami-Dade County to respond to natural and man-made disasters and emergency situations.

**Resource Impact**

None

**Attachment**

- Resolution 2020-55
- 

Prepared by: Roseann Prado, Village Clerk

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**RESOLUTION NO. 2020-55**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN MIAMI SHORES VILLAGE AND THE VILLAGE OF BISCAYNE PARK; AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE JOINT DECLARATION; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS the Village of Biscayne Park Police Department is committed to providing the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and,

WHEREAS, smaller municipalities such as Biscayne Park rely heavily on assistance from other police departments within Miami-Dade County to respond to both foreseeable and unforeseeable natural and man-made disasters and emergency situations; and,

WHEREAS, in order to ensure the preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating municipalities; and,

WHEREAS, the participating Miami-Dade County municipalities have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a Mutual Aid Agreement; and,

WHEREAS, in consideration of the benefits provided by the Mutual Aid Agreement, the Village desires to execute the Mutual Aid Agreement and Joint Declaration between Miami Shores Village and the Village of Biscayne Park.

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

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

**Section 2.** The Village Manager is authorized to execute the Mutual Aid Agreement between Miami Shores Village and the Village of Biscayne Park; the Chief of Police is authorized to execute the Joint Declaration. The agreement and declaration, in substantial form, are attached and incorporated by reference into this resolution as exhibit 1.

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

**PASSED AND ADOPTED** this 6<sup>th</sup> day of October, 2020.

1 The foregoing Resolution was offered by \_\_\_\_\_, who moved its adoption. The  
2 motion was seconded by \_\_\_\_\_, and upon being put to a vote the vote was as follows:

- 3
- 4 Virginia O'Halpin, Mayor
- 5 MacDonald Kennedy, Vice-Mayor
- 6 Roxanna Ross, Commissioner
- 7 Dan Samaria, Commissioner
- 8 Dan Samaria, Commissioner
- 9

10 VILLAGE OF BISCAYNE PARK

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13 \_\_\_\_\_  
14 Virginia O'Halpin, Mayor

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17 ATTEST:

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20 \_\_\_\_\_  
21 Roseann Prado, Village Clerk

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24 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
25 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

26  
27  
28 \_\_\_\_\_  
29 Edward A. Dion, Village Attorney



*"Dedicated To Your Safety"*

## Miami Shores Police Department

9990 N.E. Second Avenue  
Miami Shores, Florida 33138  
(305) 759-2468  
(305) 795-2212 Fax

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**Kevin Lystad**  
Chief of Police

October 25, 2019

Chief Luis Cabrera  
Biscayne Park Police Department  
600 N.E. 114th Street  
Biscayne Park, Florida 33161

Re: Mutual Aid Agreement

Dear Chief Cabrera:

The Mutual Aid Agreement, which exists between the Miami Shores Police Department and the Biscayne Park Police Department, is set to expire. We have enclosed two original Mutual Aid agreements for your review and approval by your appropriate authorities to ensure continued mutual support as described in Chapter 23, Florida Statutes, Florida Mutual Aid Act.

If the enclosed Mutual Aid Agreements meet the requirements of your municipality, please effect the execution, as appropriate, of the two original documents. Please retain one original copy of the agreement for your record and return one original signed document to:

Jennifer Spotts  
Miami Shores Police Department  
9990 N.E. 2<sup>nd</sup> Avenue  
Miami Shores, FL 33138

Upon receipt of the executed agreement, it will be considered effective as described in the document and will supersede all prior mutual aid agreements with our agency. Our agency shall file the necessary paperwork with the Florida Department of Law Enforcement as required by Florida Statute. If you have any questions concerning the mutual aid agreement, please contact my Executive Assistant, Jennifer Spotts, at (305) 759-2468.

Sincerely,

Kevin Lystad  
Chief of Police

# MUTUAL AID AGREEMENT

Between Miami Shores Village  
and the Village of Biscayne Park

**Whereas**, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the Miami Shores Police Department or the Biscayne Park Police Department; and

**Whereas**, Miami Shores Village and the Village of Biscayne Park are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to intensive situations, including, but not limited to, natural or manmade disasters or emergencies as defined under § 252.34, Florida Statutes; and,

**Whereas**, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating municipalities; and,

**Whereas**, Miami Shores Village and the Village of Biscayne Park have the authority under § 23.12, Florida Statutes, *et seq.*, the Florida Mutual Aid Act, to enter into a mutual aid agreement for law enforcement service which provides for rendering of assistance in a law enforcement emergency.

**NOW, THEREFORE**, Miami Shores Village, a Florida municipal corporation, and the Village of Biscayne Park in consideration for mutual promises to render valuable aid in time of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

**SECTION I: SHORT TITLE:** Mutual Aid Agreement

## **SECTION II: DESCRIPTION**

Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23 Florida Statutes.

## **SECTION III: DEFINITIONS**

- a. **Joint Declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by concerned agency heads, the joint declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this agreement. Said declaration may be amended or

supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.

- b. Agency or participating law enforcement agency: Either the Miami Shores Police Department or the Biscayne Park Police Department.
- c. Agency Head: Either the Chief of the Miami Shores Police Department, or Chief's designees; and the Chief of the Biscayne Park Police Department, or the Chief's designees.
- d. The participating police department: The police department of any municipality in the State of Florida that has approved and executed this Agreement upon the approval of the governing body of that municipality.
- e. Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

#### **SECTION IV: OPERATIONS**

- a. In the event that a party to this agreement is in need of assistance as set specified in the applicable joint declaration, an authorized representative of the agency requiring assistance shall notify the agency head or his/her designee from whom such assistance is requested. The agency head or authorized agency representative whose assistance is sought shall evaluate the situation and the agency's available resources, consult with his/her supervisors if necessary, and will respond in a manner he/she deems appropriate.
- b. The agency head in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates. The agency head's decision in these matters shall be final.
- c. Each party to this Agreement agrees to furnish necessary personnel, equipment, facilities and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to unreasonably deplete its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid, as determined by the furnishing party.
- d. The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency. However, each employee shall also be subject to the personnel rules, regulations, procedures, and policies applicable to his or her employing agency.

- e. The personnel and equipment that are assigned by the assisting agency head shall be under the immediate command of a supervising officer designated by the assisting agency head. Such supervising officer shall be under the direct supervision and command of the agency head or his/her designee of the agency requesting assistance.
- f. Whenever an officer or other employee is rendering assistance pursuant to this agreement, the officer or employee shall abide by and be subject to the rules and regulations, personnel policies, general orders and standard operating procedures of his/her own employing agency. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, personnel policy, general order or procedure shall control and shall supersede the direct order.
- g. Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this agreement, the agency head or his/her designee of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:
  - 1. The identity of the complainant.
  - 2. An address where the complaining party can be contacted.
  - 3. The specific allegation.
  - 4. The identity of the accused employee(s) without regard to agency affiliation.

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

## **SECTION V: POWERS, PRIVILEGES, IMMUNITIES, COSTS**

- a. All employees of the participating police department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.
- b. The political subdivision having financial responsibility for the law enforcement agency providing services, personnel, equipment, or facilities pursuant to the provisions of this

Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.

- c. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of the rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
- d. All exemptions from ordinance and rules, and all pension, insurance, relief, disability, workers' compensation salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorially under the provisions of the Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.
- e. Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.
- f. Nothing in this agreement is intended or is to be construed as any transfer or contracting away of the powers or functions of one party hereto to the other.
- g. This agreement creates no rights or benefits in favor of any third parties and there are no intended third party beneficiaries with regard to the provisions herein.

#### **SECTION VI: INDEMNIFICATION**

- a. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement, agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes.
- b. Each party engaging in any mutual cooperation or assistance, pursuant to this agreement, agrees to assume responsibilities for the acts, omissions, or conduct of such party's own employees while engaged in rendering aid pursuant to this Mutual Aid Agreement, subject to the provisions of § 768.28, Florida Statutes.

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

## **SECTION VII: FORFEITURES**

- a) In the event that a participating agency seizes any real property, vessel, motor vehicle, aircraft, currency or other property pursuant to the Florida Contraband Forfeiture Act during the performance of this agreement, the agency requesting assistance in the case of requested operational assistance and the seizing agency in the case of voluntary cooperation shall be responsible for maintaining any forfeiture action pursuant to Chapter 932, Florida Statutes. The agency pursuing the forfeiture action shall have the exclusive right to control and the responsibility to maintain the property in accordance with Chapter 932, Florida Statutes, to include, but not be limited to, the complete discretion to bring the action or dismiss the action.
- b) All proceeds from forfeited property seized as a result of or in accordance with this agreement shall be divided in proportion to the amount of investigation and participation performed by each agency, less the costs associated with the forfeiture action.

## **SECTION VIII: CONFLICTS**

Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23 Florida Statutes.

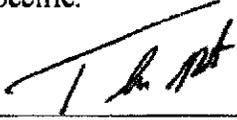
## **SECTION IX: EFFECTIVE DATE**

This agreement shall take effect upon execution and approval by the hereinafter named officials and shall continue in full force and effect until **January 1, 2025**. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

## **SECTION X: CANCELLATION**

Any party may cancel its participation in this agreement upon sixty (60) days written notice to the other party or parties. Cancellations will be at the discretion of any subscribing party.

IN WITNESS WHEREOF, the parties hereto cause these presents to be signed on the date specific.



\_\_\_\_\_  
Thomas Benton  
Village Manager  
Miami Shores Village, FL

\_\_\_\_\_  
Roseann Prado  
Interim Village Manager  
Village of Biscayne Park

Date: 9-28-2020

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

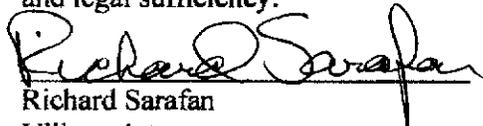
Attest:



\_\_\_\_\_  
Ysabely Rodriguez  
Village Clerk  
Miami Shores Village, FL

\_\_\_\_\_  
Roseann Prado  
Village Clerk  
Village of Biscayne Park

Approved as to form  
and legal sufficiency:



\_\_\_\_\_  
Richard Sarafan  
Village Attorney  
Miami Shores Village

Approved as to form  
and legal sufficiency:

\_\_\_\_\_  
Edward A. Dion  
Village Attorney  
Village of Biscayne Park

***Filing the mutual aid agreement: section 23.1225(4), Florida statutes, requires the filing of a copy of the signed mutual aid agreement with FDLE within 14 days after signature. Filing may be accomplished by either mailing to FDLE, P.O. Box 1489, Tallahassee, FL 32302, attention: mutual aid, or fax to 904-488-1760.***

JOINT DECLARATION OF THE CHIEF OF THE  
MIAMI SHORES POLICE DEPARTMENT  
AND THE CHIEF OF THE BISCAYNE PARK POLICE DEPARTMENT  
PURSUANT TO MUTUAL AID AGREEMENT

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when:

- participating in law enforcement activities that are pre-planned and approved by each respective agency head or his/her designee; or
- appropriately dispatched in response to a request for assistance from the other law enforcement agency; or
- spontaneous response where assistance or aid is apparent (see #9 below)

In compliance with, and under the authority of, the Mutual Aid Agreement, heretofore entered into by Miami Shores Village and the Village of Biscayne Park, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time, as needs dictate by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural, technological or man-made disaster.
4. Incidents which require rescue operations, crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing persons calls.

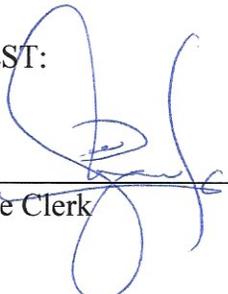
9. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners. Traffic stops near municipal boundaries, request for back-up assistance and no local unit is available or nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
10. Enemy attack.
11. Transportation of evidence requiring security.
12. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
13. Security and escort duties for dignitaries.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
16. Joint training in areas of mutual need.

DATE: 10/29/2019

DATE: \_\_\_\_\_

  
 \_\_\_\_\_  
 Kevin Lystad  
 Chief of Police  
 Miami Shores Police Department

\_\_\_\_\_  
 Luis Cabrera  
 Chief of Police  
 Biscayne Park Police Department

ATTEST:   
 \_\_\_\_\_  
 Village Clerk

ATTEST:  
 \_\_\_\_\_  
 Village Clerk



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 10.a**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Roseann Prado, Village Clerk

**DATE:** October 6, 2020

**TITLE:** Selection of Planning & Zoning Board Member

---

**Planning & Zoning Board**

Following a resignation of Planning & Zoning board member Art Gonzalez in August 2020 qualified for candidate of Village commissioner on the November 03, 2020 general election, the board has currently one (1) vacant seat.

Applications for Planning & Zoning board members were made available to anyone expressing an interest in becoming a board member.

The applications are provided here for the Commission's consideration. The Village Commission will select (1) one board member with term expiring on May 2023.

- Aleksandr Bernhard – 1015 NE 120<sup>th</sup> Street
- Edward Levya – 12015 Griffing Boulevard

Applicants were verified to be both a resident and property owner.

**Attachment**

- Applications
- Resolution 2020-56

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Prepared by: Roseann Prado, Village Clerk

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**RESOLUTION NO. 2020-56**

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

WHEREAS, Chapter 13 of the Village's Land Development Code establishes the Planning Board, and Article III, Section 2-30 of the Biscayne Park Code governs the rules, policies and procedures of the Planning Board; and,

WHEREAS, these provisions of our Code establish the selection, appointment and term of office of the members of the Planning Board; and,

WHEREAS, on August, 2020, one board member resigned. Currently Planning & Zoning board has (1) one vacant seat; and

WHEREAS, the term of board member that resigned expires on May 2023; and

WHEREAS, Village residents interested in serving on or continuing to serve on the Planning Board have submitted a board application for the Commission's consideration; and

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

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

**Section 2.** Consistent with the Village's Code of Ordinances, the Village Commission hereby appoints \_\_\_\_\_ to serve on the Planning & Zoning Board until his term expires in May, 2023.

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

**PASSED AND ADOPTED** this 6<sup>TH</sup> day of October, 2020.

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

1 Virginia O’Halpin, Mayor  
2 MacDonald Kennedy, Vice-Mayor  
3 Roxanna Ross, Commissioner  
4 Dan Samaria, Commissioner  
5 Dan Samaria, Commissioner

6  
7 VILLAGE OF BISCAYNE PARK  
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10 \_\_\_\_\_  
11 Virginia O’Halpin, Mayor  
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14 ATTEST:  
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17 \_\_\_\_\_  
18 Roseann Prado, Village Clerk  
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21 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
22 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:  
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25 \_\_\_\_\_  
26 Edward A. Dion, Village Attorney  
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## 13.2. - Planning board.

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

13.2.2 *Composition.* The five-member board shall be appointed by the village commission. Members of the planning board shall be property owners and residents of the Village of Biscayne Park. Residents who are not property owners may be appointed by the village commission by at least a four-fifths super majority vote.

13.2.3 *Term of office.* The initial appointments to the planning board and the alternate members shall be as follows:

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

Thereafter, all appointments shall be made for a term of three (3) years and shall take effect on May 1 of the year the appointment is made. A member may be reappointed upon approval of the village commission. Appointments to fill any vacancy on the planning board shall be for the remainder of the unexpired term of office. For an excused absence, a board or committee member must advise the village clerk prior to the meeting of the fact that they will be absent and provide a reason for that absence. The board or committee may vote to excuse the requested absence at the same meeting the board or committee member is absent. The absence, and whether or not the absence is excused or unexcused, is to be reflected in the minutes.

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

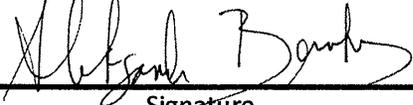
13.2.4 *Application fees.* The village commission shall adopt by resolution a schedule of application fees for functions performed by the planning board in response to applications submitted by any person, corporation, organization or governmental entity.

(Ord. No. 2015-03, § 2, 5-5-15; Ord. No. 2015-09, § 3, 12-1-15)



## Village of Biscayne Park Board Member Application

Last Name <b>Bernhard</b>		First Name <b>Aleksandr</b>		M.I.
Home Address <b>1015 NE 120th St</b>		City <b>Biscayne Park</b>	State <b>FL</b>	Zip Code <b>33161</b>
Principal Business Address <b>9700 Collins Ave</b>		City <b>Bal Harbour</b>	State <b>FL</b>	Zip Code <b>33154</b>
Home Telephone Number <b>504-261-8486</b>	Cell Number <b>Same as Home</b>		Work Number <b>305-439-1150</b>	
E-Mail Address <b>aleks.bernhard@gmail.com</b>			Are you a registered voter? Yes or No <b>Yes</b>	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference. <b>Planning and Zoning</b>				
List all Village Boards on which you are currently serving or have previously served. Please include dates. <b>None</b>				
Educational qualification. <b>Bachelors Degree in Mechanical Engineering</b>				
List any related professional certifications and licenses which you hold. <b>LEED Green Associate Trained Six Sigma Black Belt (Project Management / Process Improvement / Statistical Analysis)</b>				
Give your present, or most recent employer, and position. <b>Chanel Inc, Sales Advisor Fashion / Watches and Fine Jewelry</b>				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) <b>As a Mechanical Engineer having experience in various capacities including design, manufacturing, and project management, I believe I would bring a unique perspective to this board. Additionally, from the perspective of home building, I am well versed in the basics of construction through apprenticeship with my father who is a carpenter and whom I assisted in completing renovations and construction of residential properties. I went through the entire LEED Green Associate coursework (Although I never got around to taking the test for official certification.) I have been through the Biscayne Park permit approval process on two occasions.</b>				

<p>I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.</p> <p>I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.</p>	
 <hr style="width: 100%;"/> Signature	<b>08/04/2020</b> <hr style="width: 100%;"/> Date

## VILLAGE OF BISCAYNE PARK BOARDS & COMMITTEES

**Planning & Zoning Board** - The duties and responsibilities of this board are to assure development compliance with the Village's Code of Ordinances and Comprehensive Plan. Building permit applications are reviewed by the board for approval prior to the issuance of a building permit. The board also serves as the local planning agency for the Village, review variance applications, and provide a recommendation to the Village Commission. Appointments are made on the basis of experience or interest, and when possible, the inclusion of architects, attorneys, business persons, engineers, general contractors or subcontractors, and licensed real estate persons are encouraged. The Planning & Zoning Board meets on the first and third Monday of each month at 6:30pm.

**Note:** *In order to be a member of the Planning & Zoning Board you are required to be both a resident and property owner in the Village of Biscayne Park.*

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**Code Compliance Board** - The Village Code of Ordinances sets forth procedures for enforcement of its codes, and provides an equitable, expeditious, effective and inexpensive method for enforcing the codes and ordinances. If a resident is given a citation for a code violation, the case is brought before this board by the Code Compliance Officer. This board is granted the authority to then impose administrative fines and other no criminal penalties for violations of said codes and ordinances. Appointments are made on the basis of experience or interest, and when possible, the inclusion of architects, attorneys, business persons, engineers, general contractors or subcontractors, and licensed real estate persons are encouraged. The Code Compliance Board meets on the second Monday of each month at 7:00pm.

**Note:** *In order to be a member of the Code Compliance Board you are required to be both a resident and property owner in the Village of Biscayne Park.*

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# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 10/1/2020

Property Information	
Folio:	17-2229-052-0310
Property Address:	1015 NE 120 ST Biscayne Park, FL 33161-6451
Owner	ALEKSANDR BERNHARD MONICA CIFFONI
Mailing Address	1015 NE 120 ST BISCAYNE PARK, FL 33161 USA
PA Primary Zone	5900 DUPLEXES - >1200 SQFT/BLD
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 1 / 0
Floors	1
Living Units	1
Actual Area	1,306 Sq.Ft
Living Area	1,178 Sq.Ft
Adjusted Area	1,182 Sq.Ft
Lot Size	10,200 Sq.Ft
Year Built	1947



Assessment Information			
Year	2020	2019	2018
Land Value	\$216,750	\$198,900	\$198,900
Building Value	\$82,267	\$82,267	\$82,267
XF Value	\$4,825	\$4,880	\$4,919
Market Value	\$303,842	\$286,047	\$286,086
Assessed Value	\$292,626	\$286,047	\$286,086

Benefits Information				
Benefit	Type	2020	2019	2018
Save Our Homes Cap	Assessment Reduction	\$11,216		
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
PRIORS 1ST ADDN TO BISCAYNE PARK
ESTS PB 45-57
LOT 15 BLK 2
LOT SIZE 75.000 X 136
OR 21053-0183 02 2003 4

Taxable Value Information			
	2020	2019	2018
<b>County</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$242,626	\$236,047	\$236,086
<b>School Board</b>			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$267,626	\$261,047	\$261,086
<b>City</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$242,626	\$236,047	\$236,086
<b>Regional</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$242,626	\$236,047	\$236,086

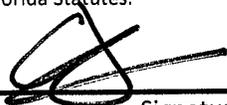
Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/28/2016	\$390,000	29986-4917	Qual by exam of deed
04/01/2004	\$255,000	22194-2082	Sales which are qualified
02/01/2003	\$0	21053-0183	Sales which are disqualified as a result of examination of the deed
08/01/1998	\$0	18236-2018	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>



## Village of Biscayne Park Board Member Application

Last Name <b>Leyva</b>		First Name <b>Edward</b>		M.I. <b>V.</b>
Home Address <b>12015 Griffing Blvd</b>		City <b>Biscayne Park</b>	State <b>FL</b>	Zip Code <b>33161</b>
Principal Business Address <b>1691 Michigan Ave, Suite 440</b>		City <b>Miami Beach</b>	State <b>FL</b>	Zip Code <b>33139</b>
Home Telephone Number <b>NA</b>	Cell Number <b>(786) 223-8069</b>		Work Number <b>(305) 531-1234</b>	
E-Mail Address <b>edward@morabitoproperties.com</b>			Are you a registered voter? Yes or No <b>Yes</b>	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.  <b>Planning &amp; Zoning Board</b>				
List all Village Boards on which you are currently serving or have previously served. Please include dates.  <b>NA</b>				
Educational qualification. 2016: MIT Center for Real Estate, Certificate Program in Real Estate Finance and Development 2001-2003: The Architectural Association, Graduate School of Architecture, Masters of Arts in Histories + Theories of Architecture 1993-1998: University of Florida, College of Architecture, Bachelor of Design in Architecture				
List any related professional certifications and licenses which you hold. Certified General Contractor - State of Florida - License # CGC1526416 Architectural Professional Registration - State of Florida - License # AR99190 Architectural Professional Registration - State of New York - License # 033688				
Give your present, or most recent employer, and position. <b>Morabito Properties LLC - COO / Managing Director</b>				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) <b>20+ years of experience in Architecture, Construction, and Real Estate Development. See attached resume.</b>				

<p>I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.</p> <p>I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.</p>	
 <hr style="width: 100%;"/> Signature	<b>07/16/1975</b> <hr style="width: 100%;"/> Date

## RESUME

### EDUCATION

- 2016 **MIT Center for Real Estate, Massachusetts Institute of Technology**  
Certificate Program in Real Estate Finance and Development
- 2001 – 2003 **The Architectural Association, Graduate School of Architecture, London, UK**  
Master of Arts in Histories + Theories of Architecture with Distinction (2004)
- 1998 – 2001 **Columbia University, School of General Studies, New York, NY**  
Bachelor of Arts in Philosophy  
Magna Cum Laude (with Departmental Honors), Honor Society, Dean's List
- 1993 – 1998 **University of Florida, College of Architecture, Gainesville, FL**  
Bachelor of Design in Architecture  
Honors, Florida Academic Scholar, Dean's List

### LICENSES & ACCREDITATIONS

- May 2018 **Certified General Contractor** – State of Florida – License No. CGC1526416
- January 2018 **Architectural Professional Registration** – State of Florida – License No. AR99190
- November 2017 **National Council of Architectural Registration Boards Certification** – No. 89229
- November 2009 **American Institute of Architects** – Miami, Florida Chapter
- October 2009 **Architectural Professional Registration** – State of New York – License No. 033688
- June 2009 **LEED Accredited Professional** (Leadership in Energy and Environmental Design) – USGBC

### PROFESSIONAL EXPERIENCE

- Oct 2013 – present **Morabito Properties, Miami Beach, FL**  
COO / Managing Director
- May 2004 – Oct 2013 **Arquitectonica International, Miami, FL**  
Vice President (Oct 2012)  
Senior Associate (Nov 2008)  
Associate (Dec 2005)
- Jan 2003 – May 2003 **GMP; Von Gerkan, Marg und Partner Architekten, Hamburg, Germany**  
Intermediate Architect Intern
- Oct 2001 – Sep 2002 **APA; Andrew Pilkington Architect RIBA, London, UK**  
Intermediate Architect Intern
- Sep 1998 – July 2001 **SOM; Skidmore, Owings & Merrill LLP, New York, NY**  
Intermediate Architect Intern

### ACADEMIC EXPERIENCE

- June 2006 – 2012 **Adjunct Professor**, School of Architecture and Interior Design  
Miami Dade College, Miami, FL

900 biscayne blvd unit 4304 miami fl 33132  
tel 786.223.8069  
edward.v.leyva@gmail.com

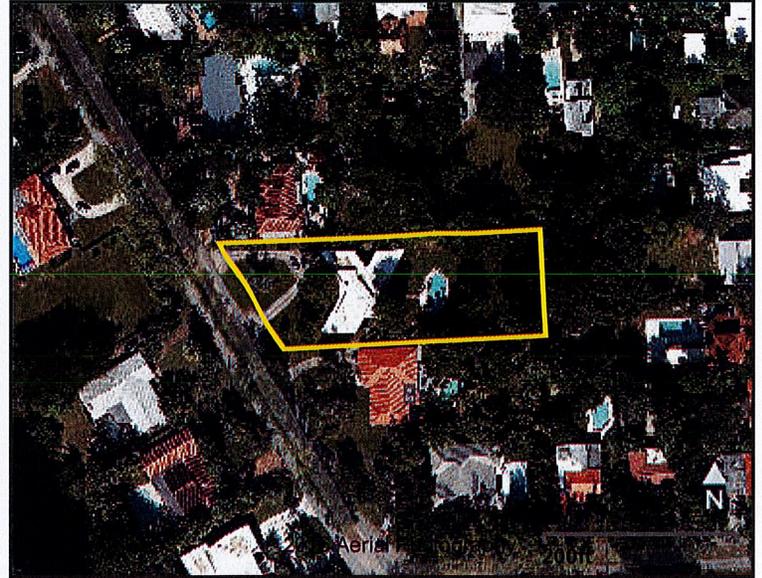


# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 10/1/2020

Property Information	
Folio:	17-2230-031-0650
Property Address:	12015 GRIFFING BLVD Biscayne Park, FL 33161-6246
Owner	EDWARD VINCE LEYVA
Mailing Address	12015 GRIFFING BLVD BISCAYNE PARK, FL 33161 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 2 / 0
Floors	1
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	3,333 Sq.Ft
Lot Size	29,870 Sq.Ft
Year Built	1951



Assessment Information			
Year	2020	2019	2018
Land Value	\$592,920	\$564,543	\$564,543
Building Value	\$208,779	\$208,779	\$208,779
XF Value	\$18,350	\$18,501	\$18,652
Market Value	\$820,049	\$791,823	\$791,974
Assessed Value	\$250,199	\$244,574	\$240,014

Benefits Information				
Benefit	Type	2020	2019	2018
Save Our Homes Cap	Assessment Reduction	\$569,850	\$547,249	\$551,960
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
BISCAYNE PARK ESTS BLKS 8 9 10 11 PB 5-107 LOT 29 BLK 9 LOT SIZE 101.600 X 294

Taxable Value Information			
	2020	2019	2018
<b>County</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$200,199	\$194,574	\$190,014
<b>School Board</b>			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$225,199	\$219,574	\$215,014
<b>City</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$200,199	\$194,574	\$190,014
<b>Regional</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$200,199	\$194,574	\$190,014

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/05/2020	\$734,000	32007-0108	Qual by exam of deed
09/04/2013	\$100	29860-0476	Corrective, tax or QCD; min consideration
08/07/2009	\$100	26988-2179	Trustees in bankruptcy, executors or guardians

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidadegov/info/disclaimer.asp>

Version:

**BALLOT TALLY - PLANNING & ZONING BOARD**

	<b>Mayor O'Halpin</b>	<b>Vice Mayor Kennedy</b>	<b>Commissioner Ross</b>	<b>Commissioner Samaria</b>	<b>Commissioner Tudor</b>	
						<b>Totals</b>
Aleksandr Bernhard						
Edward Leyva						
						<b>Votes</b>



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 10.b**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Roseann Prado, Village Clerk

**DATE:** October 6, 2020

**TITLE:** Selection of Biscayne Park Foundation Board Member

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**Biscayne Park Foundation**

The Foundation currently has one (1) vacant seat following the former member Marie Smith moving out of the Village of Biscayne Park.

Applications for Biscayne Park Foundation member were made available to anyone expressing an interest in becoming a Foundation member.

One (1) application was submitted as follows:

- Rafael Ciordia – 11340 NE 8<sup>th</sup> Court

Applicant was verified to be both a resident and property owner.

**Attachment**

- Application
  - Resolution 2020-57
- 

Prepared by: Roseann Prado, Village Clerk

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**RESOLUTION NO. 2020-57**

**A RESOLUTION OF THE VILLAGE COMMISSION OF  
THE VILLAGE OF BISCAYNE PARK, FLORIDA,  
RATIFYING THE SELECTION AND APPOINTMENT  
OF THE MEMBER TO THE BISCAYNE PARK  
FOUNDATION; PROVIDING FOR AN EFFECTIVE  
DATE.**

WHEREAS, the Biscayne Park Foundation currently has (1) one vacant seat following a long term board member moving out of Village of Biscayne Park; and,

WHEREAS, the provisions of our Code establish the selection and appointment of the members of the Biscayne Park Foundation by the Village Commission; and,

WHEREAS, One (1) Village resident interested in serving on the Biscayne Park Foundation have submitted application for the Commission's consideration; and

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

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

**Section 2.** Consistent with the Village's Code of Ordinances, the Village Commission hereby appoints Rafael Ciordia to serve on the Biscayne Park Foundation.

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

**PASSED AND ADOPTED** this 6<sup>TH</sup> day of October, 2020.

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

Virginia O'Halpin, Mayor  
MacDonald Kennedy, Vice-Mayor  
Roxanna Ross, Commissioner  
Dan Samaria, Commissioner  
Dan Samaria, Commissioner

1 VILLAGE OF BISCAYNE PARK

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5 Virginia O’Halpin, Mayor

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8 ATTEST:

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11 \_\_\_\_\_  
12 Roseann Prado, Village Clerk

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15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
16 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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19 \_\_\_\_\_  
20 Edward A. Dion, Village Attorney



Village of Biscayne Park
BISCAYNE PARK FOUNDATION

A 501 (c) (3) Charitable Foundation
600 NE 114th Street
Biscayne Park, FL 33161
Tel: 305 899 8000 Fax: 305 891 7241

Dear Village of Biscayne Park Residents:

We are seeking Village residents to serve on the board of the Biscayne Park Foundation. This 501 (c) (3) charitable foundation is a not for profit organization that is the Village's fundraising arm.

Our volunteer residents that serve in our Boards and Committees are vital to our Village, and we are so grateful to the dedicated individuals that are truly making a difference in our community.

If you have any questions and/or inquiries call us at 305-899-8000. We look forward to hearing from you.

Submit completed application form either by fax, mail or in person:
By fax: 305 891 7241
By e-mail: villageclerk@biscayneparkfl.gov
In person: Village Hall, 600 NE 114th Street (Mon-Fri 9AM - 5PM)

BISCAYNE PARK FOUNDATION BOARD MEMBER APPLICATION

[X] Yes, I am interested in serving as a board member for the Biscayne Park Foundation.

Resident Name: Rafael Ciordia (Please print)
Address: 11340 NE 8th Ct
City: Biscayne Park, FL 33161
Telephone: (305) 301-6280 Best time of day to reach you: Any
E-Mail Address: rafaelciordia@gmail.com

Do you have fund raising experience? [X] Yes ( ) No If yes, please describe: University of Miami Band Alumni Association (band scholarship committee).

Do you have grant writing experience? ( ) Yes [X] No If yes, please describe: However, the business plan writing aspect of grant writing is a skill I would bring to the role.

Please describe your participation in community service: Former Vice President Fort Worth Avenue Development Group (Dallas, TX); UM Band Alumni Board

Other information related to your field expertise or pertinent experience: Masters of Business Administration; skilled at writing business plans seeking budget allocation which is the same skill set as needed in grant writing. (Resume attached). Thank you for your consideration. (Attach additional page if necessary.)

---

# RAFAEL CIORDIA

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+1 305.301.6280 | rciordia@icloud.com | Miami, FL

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## Education

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Data Sciences Certificate  
UC Berkley  
Haas Business School, 2019

MBA  
University of Dallas  
Graduate School, 1998

Bachelor of Arts  
University of Miami, 1986

## Specialties

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Multi-lingual marketing communications, planning, process optimization, product launches, strategy, budgeting, team development, data driven insights, privacy and security, change management

## Technical Skills

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Pages, Numbers, Keynote  
Word, Excel, Powerpoint  
SQL, Adobe analytics, data visualization, advanced presentation and public speaking, training and curriculum development

Professional level bilingual  
English/Spanish;  
conversational in Portuguese

## Apple, Inc., Coral Gables, FL – 2005 to present

As **Managing Producer, Interactive**, I lead teams of employees and production agencies in creating amazing Apple digital communications including all new product introductions under extraordinary secrecy and short timelines across all lines of business (hardware, software and services). I serve as connection point between numerous worldwide groups and Latin America. As a member of the leadership team, I ensure the studio is running efficiently by maintaining the culture and high standards that are uniquely Apple in tight coordination with colleagues in Corporate Communications, Sales, Education, Enterprise, Legal and Product Marketing. Highlights include:

- Opening 4 Apple Retail stores in Mexico and Brazil
- Launching Apple TV+ and Arcade Services
- Launching both HomePod and AirPods
- Launching the original Apple Watch through Series
- Launching all Mac products and macOS including the 2006 conversion from PowerPC to Intel x86 processors.

As **Senior Interactive Producer**, I led the launches of Mexico and Brazil's Apple online stores, launched both iPhone and iPad as new lines of business in Latin America, and scaled teams and processes to expand impact with very small team.

Hired as a **Direct Marketing Specialist**, I worked in customer database segmentation and strategy and was responsible for all Apple direct demand generation.

## American Airlines, Ft Worth TX – 1987 to 2004

As **Manager, Corporate Citizenship and Diversity Strategies** I led a team dedicated to fostering inclusion and diversity in the culture of the company. My team provided governance over 15 unique diversity councils as well as pairing employees with volunteer opportunities and being the company representative for the National Parks Foundation in Washington DC.

In my role as an **Advantage Program Communications Specialist** I was asked to convert members from print/mailed monthly statements to the Advantage eSummary. In addition to growing the distribution list from 2M subscribers in an English-only format to 6M subscribers in 4 languages, we reduced print/mail costs by 50 percent.

As a **Customer Loyalty Strategist** in Marketing Planning, I analyzed customer purchase behavior across diverse industries (retail, travel and financial services) to propose product and service changes for premium customers in the elite levels of the Advantage program .

As a **Curriculum Specialist and Training Delivery** in HR Services, I developed detailed processes and designed curriculum, as well as delivered integrated systems training to call center and store employees for the start-up of Sprint PCS. *Sprint PCS, LLC hired the AMR Training and Consulting Group and its large training facility for the opening of its call center and retail stores.*

As the **Menu Designer for Latin America** in Marketing Planning, I managed a \$56M annual budget and all aspects of in-flight dining service for international routes to Latin America. Role included culinary research, menu translations, catering vendor compliance and audits in 15 countries.

As an **International Procedures Analyst**, Flight Service I developed safety and service procedures for flight crews in compliance with Federal Aviation Administration policy and practices, and all customs and immigration requirements for all countries served by the airline.

As a **Flight Service Manager, Flight Service** I supervised performance and attendance for over 175 unionized flight attendants, as well as managing airport operations for the Miami hub during its expansive years after acquiring Eastern Airlines routes to Latin America and Europe.

As **Regional Training Manager**, Flight Service I hired instructors, developed curriculum and maintained records for Miami and San Juan based crew member's FAA certifications.

As a **Purser** I coordinated the efforts of flight crews in the delivery of all scheduled services while executing the FAA required safety duties onboard international flights.

References upon request

[linkedin.com/in/rciordia/](https://www.linkedin.com/in/rciordia/)



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 10/1/2020

Property Information	
Folio:	17-2231-003-2151
Property Address:	11340 NE 8 CT Biscayne Park, FL 33161-6326
Owner	RAFAEL CIORDIA JTRS EDDIE D BRIDGES JTRS
Mailing Address	11340 NE 8 CT BISCAYNE PARK, FL 33161 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 2 / 0
Floors	1
Living Units	1
Actual Area	1,659 Sq.Ft
Living Area	1,345 Sq.Ft
Adjusted Area	1,497 Sq.Ft
Lot Size	8,625 Sq.Ft
Year Built	1957



Assessment Information			
Year	2020	2019	2018
Land Value	\$194,494	\$194,494	\$194,494
Building Value	\$106,796	\$107,664	\$108,532
XF Value	\$365	\$370	\$374
Market Value	\$301,655	\$302,528	\$303,400
Assessed Value	\$174,904	\$170,972	\$167,785

Benefits Information				
Benefit	Type	2020	2019	2018
Save Our Homes Cap	Assessment Reduction	\$126,751	\$131,556	\$135,615
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
31 52 42 PB 14-1
GRIFFING BISC PK EST AMD PL
LOT 44 BLK 24
LOT SIZE 75.000 X 115
OR 17617-3119 0497 1

Taxable Value Information			
	2020	2019	2018
<b>County</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$124,904	\$120,972	\$117,785
<b>School Board</b>			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$149,904	\$145,972	\$142,785
<b>City</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$124,904	\$120,972	\$117,785
<b>Regional</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$124,904	\$120,972	\$117,785

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
08/30/2012	\$205,000	28275-3319	Qual by exam of deed
12/01/2005	\$450,000	24134-2868	Sales which are qualified
04/01/1997	\$117,000	17617-3119	Sales which are qualified
05/01/1992	\$84,000	15527-0658	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

<b>BALLOT TALLY - BISCAYNE PARK FOUNDATION</b>						
	<b>Mayor O'Halpin</b>	<b>Vice Mayor Kennedy</b>	<b>Commissioner Ross</b>	<b>Commissioner Samaria</b>	<b>Commissioner Tudor</b>	
						Totals
Rafael Ciordia						
						Votes



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**Item # 10.c**

**REGULAR MEETING**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Edward A., Dion, Village Attorney

**DATE:** October 6, 2020

**TITLE:** Resolution No. 2020-58  
Approving Rules of Procedure for hybrid meetings/hearings

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**Recommendation**

Adopt the Resolution.

**Background**

On March 9, 2020, the Governor of the State of Florida issued Executive Order No. 20-52, declaring a state of emergency for the entire State of Florida. Said order was issued in response to the Coronavirus/COVID-19 emergency. Coronavirus/COVID-19 spreads easily from person-to-person. Consequently, the Center for Disease Control and Prevention issued guidelines in order to slow the spread of the virus. Said guidelines advised that individuals should adopt far-reaching social distancing measures.

However, adhering to social distancing poses a problem for government bodies as it is well established in opinions issued by the Florida Attorney General that in order to establish a quorum, the requisite number of members must be physically present in the room. Florida Attorney General opinions further provide that if a quorum is physically present, the participation of an absent member by telephone/video is permissible due to extraordinary circumstances.

Recognizing the need for a local government body to meet while still adhering to principles of social distancing, on March 20, 2020, the Governor issued Executive Order No. 20-69, suspending the present-in-the-room quorum requirement and expressly allowing for local government bodies to utilize telephonic/video conferencing to hold meetings. Executive Order No. 20-69 requires that local government bodies adopt rules of procedure for virtual meetings in accordance with section 120.54(5)(b)(2), F.S. At the April 22nd Village Commission meeting, the Commission adopted Rules of Procedure for virtual meetings. Executive Order No. 20-69 has been extended numerous times and is currently set to expire on November 1st.

In light of the impending expiration of Executive Order No. 20-69, the proposed procedural rules are established for hybrid meetings/hearings of the Village Commission (in both its legislative and quasi-judicial capacity) as well as for its advisory and quasi-judicial boards, wherein a quorum will be maintained in-person, but the remaining members of the governing body and the public will appear virtually. This resolution ratifies and adopts Rules of Procedure for hybrid meetings/hearings

**Resource Impact**

- Unknown.

**Attachment(s)**

- Resolution
- Rules of Procedure for Hybrid Meetings/Hearings

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Prepared by: Edward A. Dion, Village Attorney

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**RESOLUTION NO. 2020-58**

**A RESOLUTION OF THE VILLAGE COMMISSION OF  
THE VILLAGE OF BISCAYNE PARK, FLORIDA,  
ADOPTING RULES OF PROCEDURE FOR HYBRID  
MEETINGS OF THE VILLAGE COMMISSION AND  
VILLAGE BOARDS THAT TAKE PLACE DURING THE  
PENDENCY OF THE STATE OF EMERGENCY DUE TO  
THE CORONAVIRUS/COVID-19 PANDEMIC.**

**WHEREAS**, on March 9, 2020, the Governor of the State of Florida issued Executive Order No. 20-52, declaring a state of emergency for the entire State of Florida and said order was issued in response to the Coronavirus/COVID-19 pandemic; and

**WHEREAS**, the Center for Disease Control and Prevention has advised that in order to slow the spread of the Coronavirus/COVID-19, individuals should adopt far-reaching social distancing measures; and

**WHEREAS**, finding it necessary and appropriate to take action to ensure that Coronavirus/COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure, on March 20, 2020, the Governor of the State of Florida issued Executive Order No. 20-69 (“Order”) suspending any Florida Statute, “that requires a quorum to be present in person or requires a local government body to meet at a specific public place;” and

**WHEREAS**, the Order also expressly permits local government bodies to utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)(2), F.S.; and

**WHEREAS**, the Order does not waive any other requirement under the Florida Constitution or “Florida’s Government in the Sunshine Law,” including Chapter 286, F.S.; and

**WHEREAS**, the Order requires that local government bodies adopt rules of procedure for virtual meetings, in accordance with section 120.54(5)(b)(2), F.S.; and

**WHEREAS**, on April 22<sup>nd</sup>, the Village Commission adopted Rules of Procedure for virtual meetings and the Village Commission has been meeting in a fully virtual format since that time; and

**WHEREAS**, the Village Commission finds that if a member of the Village Commission feels unsafe attending the Commission meeting in person due to the risks associated with the Coronavirus/COVID-19 pandemic, and instead wishes to attend the meeting virtually or telephonically, that is considered an “extraordinary circumstance” thereby allowing the member to attend the meeting in that fashion so long as there is a physical quorum present in the room; and

**WHEREAS**, the Order (as amended) is set to expire on November 1<sup>st</sup> and if it is not extended by the Governor, it will require the Village Commission to meeting in person with a quorum present in the room; and

1           **WHEREAS**, the Village Commission wishes to adopt Rules of Procedure for hybrid meetings of  
2 the Village Commission and other Village boards.

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

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

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10           **Section 2.**     That in accordance with the Order, Chapter 252, F.S., and Section 120.54, F.S.,  
11 the Village Commission hereby adopts the Rules of Procedure attached hereto as Exhibit A for hybrid  
12 Village Commission meetings that take place during the pendency of the state of emergency declared in  
13 the Governor's Executive Order 20-52. The Village Attorney is authorized to make changes to the  
14 rules, consistent with the Commission's intent and in order to comply with best practices, as they are  
15 developed.

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17           **Section 3.**     This Resolution shall become effective upon adoption.

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19           **PASSED AND ADOPTED** this 6<sup>TH</sup> day of October, 2020.

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

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25                                 Virginia O'Halpin, Mayor  
26                                 MacDonald Kennedy, Vice-Mayor  
27                                 Roxanna Ross, Commissioner  
28                                 Dan Samaria, Commissioner  
29                                 Dan Samaria, Commissioner

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32 **VILLAGE OF BISCAYNE PARK**

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36 \_\_\_\_\_  
37 Virginia O'Halpin, Mayor

38  
39 **ATTEST:**

40  
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42 \_\_\_\_\_  
43 Roseann Prado, Village Clerk

1  
2 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
3 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:  
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7 \_\_\_\_\_  
8 Edward A. Dion, Village Attorney  
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**RULES OF PROCEDURES FOR HYBRID MEETINGS/HEARINGS**  
**OF THE VILLAGE OF BISCAYNE PARK COMMISSION**  
**(LEGISLATIVE AND QUASI-JUDICIAL) CORONAVIRUS/COVID-19**

These rules are established in accordance with Chapter 252 and Section 120.54(5)(b)(2), F.S. These rules are established for hybrid meetings of the Village Commission where a quorum of the members of the Village Commission is present in the room<sup>1</sup> while applicants and the public attend the meeting virtually. These rules apply to all Village Commission meetings and are intended to address both legislative and quasi-judicial items. These rules shall also apply to all Village board meetings, including advisory board meetings and quasi-judicial board meetings, who shall be required to meet in person with a quorum present in the room and the public attending virtually. This action is taken in response to the Coronavirus/COVID-19 pandemic in order to comply with social distancing recommendations intended to protect the life and safety of individuals in the community. Accordingly, Village Hall shall remain closed to the public when these meetings are conducted.

**PLATFORM:**

The video conference platform Zoom will be used for public participation in hybrid Village Commission meetings as it was for virtual Village Commission meetings. The Village has a subscription with Zoom and it is the platform used by the Village Clerk for live remote public comments during traditional Village Commission meetings. In accordance with Section 2.02 of the Village Charter, the Mayor presides at the meetings of the Village Commission and serves as the Chair for the purpose of conducting quasi-judicial hearings of the Commission. Furthermore, in accordance with Section 2-30(e)(1) of the Village Code, each board and committee of the Village shall have a Chairperson. Therefore, the Mayor/Chairperson will administer any meetings conducted pursuant to these procedures with technical assistance from the Village Clerk..

Additionally, a Zoom conference number will be available so that any individual who does not wish (or is unable) to use Zoom video conference may listen to and participate in the meeting via phone.

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<sup>1</sup> While the Village remains in a State of Emergency due to the COVID-19 pandemic, the existence of the pandemic is hereby determined to constitute an “extraordinary circumstance.” (See AGO 03-41)

**NOTICE:**

The hybrid meeting/hearing will be noticed in the same manner and at the same locations as all Village Commission meetings/hearings are noticed (including mailed notice, as may be required by the Village Code or Zoning Code). The Zoom conference number (along with instructions) will be published on the Village Commission agenda and will be included everywhere that the meeting/hearing is noticed. The phone number for phone participation will also be included on the Village Commission agenda and everywhere that the meeting/hearing is noticed. Additionally, instructions on how to provide a comment via e-comment and an email address will be provided everywhere that the meeting/hearing is noticed.

All notices will make clear that Village Hall (and other meetings spaces where advisory or quasi-judicial meetings/hearings may be held) are closed to the public.

All notices will provide that any person needing an accommodation in order to listen to or participate in the meeting should contact the Village Clerk at 305-899-8000, TTY 305-893-4427 no later than 48 hours prior to the proceedings.

**STAFF/PUBLIC PARTICIPATION:**

Members of Village staff presenting an item on the agenda will do so virtually via Zoom.

The public may comment during the “Open Public Comment” portion of the meeting or on an item on the agenda using the Zoom platform. The public may also comment using the dedicated phone number provided for anyone wishing to comment, via telephone, on an item on the agenda. Members of the public who attend the meeting by phone must keep their line muted at all times, except when acknowledged by the Mayor/Chairperson to speak on a particular agenda item.

In addition, comments to be considered during the hearing may be provided prior to the beginning of the meeting, by emailing [VillageClerk@biscayneparkfl.gov](mailto:VillageClerk@biscayneparkfl.gov).

Before each item is voted on, the Mayor/Chairperson will allow for public comment using Zoom or the telephone line provided. When the Mayor/Chairperson acknowledges those on the phone line that wish to speak, only one individual will be permitted to speak at a time.

In addition, the Mayor/Chairperson will request that the Village Clerk read any e-comments or emails relating to that particular item into the record.

The Mayor/Chairperson may exercise his or her authority to limit the length of time provided to an individual for public comment.

A phone number and email address will be provided for individuals who may have questions on how to access the meeting or participate in the meeting/hearing, prior to the date of the meeting.

**QUASI-JUDICIAL HEARINGS:**

Hybrid quasi-judicial hearings shall be conducted in the same manner as traditional quasi-judicial hearings with the following stipulations that account for the virtual nature of a portion of the hearing:

Exhibits: For all quasi-judicial hearings except appeals, a list of all proposed exhibits and a copy of the proposed exhibits shall be provided to the Village Clerk/board liaison, five (5) days prior to the hearing, in a format that is easily viewable on the Zoom platform. All exhibits shall be clearly labeled to allow for efficient retrieval and display on the Zoom platform during the hearing. All exhibits will be posted online, as is customary.

Testimony/Public Participation: The applicant shall present via Zoom. A list of all individuals who will be called as witnesses during the hearings, shall be provided to the Village Clerk/board liaison, five (5) days prior to the hearing.<sup>2</sup> At the beginning of the hearing, the Village Clerk/board liaison shall call each witness by name, one-by-one, in order to swear each person in. Any witness who wishes to testify during the hearing and is not included in the previously-provided witness list, shall be sworn in after all witnesses on the list are sworn in and prior to the beginning of the hearing. All witnesses providing testimony must appear by video conference. The Village Clerk or court reporter shall administer the oath to any individual who is appearing by video conference and shall establish the identity of the witness on the record as well as the witness's consent for the hearing to be recorded.

In addition, comments to be considered during the hearing may be provided prior to the beginning of the meeting, by emailing [VillageClerk@biscayneparkfl.gov](mailto:VillageClerk@biscayneparkfl.gov).

The Mayor/Chairperson will allow for public comment using Zoom after the parties have concluded the presentation of their cases and before a vote is taken. In addition, the Mayor/Chairperson will request that the Village Clerk or board liaison read any e-comments or emails sent about the matter that is the subject of the hearing into the record. However, those comments standing alone are not sworn and do not qualify as competent substantial evidence on which the quasi-judicial board may rely, except that they may be considered if they support sworn testimony that is considered competent substantial evidence. The failure to read a comment shall not have any impact on the validity of the final determination.

The Mayor/Chairperson may exercise his or her authority to limit the length of time provided to an individual for public comment.

A phone number and email address will be provided for individuals who may have questions on how to access the meeting or participate in the meeting/hearing, prior to the date of the meeting.

**MINUTES:**

Minutes and a recording of the meeting will be kept as customary.

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<sup>2</sup> This requirement shall not apply to objectors at a zoning hearing



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 11.a**

---

**TO:** Honorable Members of the  
Biscayne Park Village Commission

**FROM:** Rox Ross<sup>1</sup>

**DATE:** October 6, 2020

**TITLE:** Follow-up on 06/16/2020 Agenda Item 6.b. concerning Police Chief  
Position

---

**Recommendation**

Accepting for the record the Village Attorney's analysis and recommendations by Resolution.

**Background and Fiscal Impact**

At the June 16, 2020 meeting Commission discussed Item 6.b. Employment Agreement for the Chief of Police. The topic started with a proposal to enter into an employment agreement with the police chief, a concept that comes up from time to time. The discussion progressed from a contract to a policy statement to protect the person in the position of chief from improper termination. In the end Commission directed the Interim Village Attorney to draft a policy or resolution to effectively prohibit interference with the Village Police Chief and Police Department.

Our new Village Attorney recently provided us with a reasoned analysis and recommendations, which are attached for reference.

I agree with the Village Attorney's opinion that state, county and village provisions already offer protections, including protection from Commission interference in administrative functions; an employment agreement would undermine the Village manager's authority as outlined by the Charter.

It would serve the Village well to adopt this Village Attorney memo as a policy statement by resolution so that we do not have to revisit the issue (and incur related expenses) in a few years.

**Attachment**

- 9/24/2020 Nabors Giblin & Nickerson, P.A. Memorandum

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<sup>1</sup> This item was originally brought by Commission Dan Samaria. I bring it back as a follow-up to establish a record or stated policy and to bring closure to the issue.

PLANTATION  
8201 Peters Road  
Suite 1000  
Plantation, Florida 33324  
(954) 315-0268 Tel



TAMPA  
2502 Rocky Point Drive  
Suite 1060  
Tampa, Florida 33607  
(813) 281-2222 Tel  
(813) 281-0129 Fax

TALLAHASSEE  
1500 Mahan Drive  
Suite 1500  
Tallahassee, Florida 32308  
(850) 224-4070 Tel  
(850) 224-4073 Fax

## MEMORANDUM

To: Village Mayor and Commission  
Roseann Prado, Village Clerk and Interim Village Manager

From: Edward Dion, City Attorney

Subject: Item 6.b. on Commission Agenda of June 16, 2020

Date: September 24, 2020

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Below please find our legal analysis and recommendations concerning Item 6.b. that was discussed on June 16, 2020, wherein this Honorable Commission directed the then Interim Village Attorney to draft an agreement, policy, resolution, or ordinance which would have the effect of prohibiting interference with the Village of Biscayne Park's ("Village") Police Chief and Police Department.

Section 4.02. of the Village Charter, titled "Prohibitions" provides in pertinent part:

(B) Interference with administration.

- (1) It is the express intent of this Charter that individual Commissioners make any recommendations for improvement in Village operations to the Manager only. Individual Commissioners may discuss any matter of Village business with the Manager but are strictly prohibited from directing or otherwise ordering the Manager to take any particular action.
- (2) Except for the purpose of inquiries and investigations made in good faith, the Commission and its members shall deal with Village officers and employees who are subordinate to the Manager solely through the Manager. Neither the Commission nor its members shall give orders directly to any such officer or employee, either publicly or privately.
- (3) Any willful violation of this Section by any member of the Commission shall be grounds for removal from office by an action brought by the State Attorney of Miami-Dade County.

Pursuant to the express Charter language cited above, elected officials are already strictly prohibited from giving orders directly to any officer or employee of the Village, either publicly or privately, which would include the Chief of Police and his personnel. Therefore, the adoption of policies and procedures to that effect are not necessary, and in fact, would be duplicative.

Furthermore, both the Florida Statutes and the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance prohibit public officers and employees from using their position to secure special privileges or exemptions for him or herself.

Specifically, Section 112.313, Florida Statutes, titled, “Standards of conduct for public officers, employees of agencies, and local government attorneys” provides in pertinent part:

(6) MISUSE OF PUBLIC POSITION.—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

Additionally, Sec. 2-11.1. of Miami-Dade County Conflict of Interest and Code of Ethics Ordinance provides:

(g) Exploitation of official position prohibited. No person included in the terms defined in subsection (b)(1) through (6) and (b)(13)<sup>1</sup> shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

Therefore, there are both State and County laws that prohibit elected officials and employees from using their positions to secure special privileges or exemptions, which would include inappropriately directing the Police Chief or any police department personnel to take some action that would inure to the benefit of themselves or others.

For all of the foregoing reasons, it is our opinion that a policy, resolution, or ordinance is unnecessary as there are already multiple laws that prohibit the type of conduct the Village is seeking to regulate.

Furthermore, to the extent that the Commission is seeking to dictate the terms of the relationship between a Village Manager and a Village officer or employee, such as the Chief of Police, by way of directing that an employment agreement be entered into, or dictating the terms of an agreement, said action is likewise prohibited by the Village Charter.

Section 3.01(C) of the Village Charter, sets forth the duties of the Village Manager, which include the following:

- (1) Be responsible for the hiring, supervision and removal of all Village employees;
- (2) Direct and supervise the administration of all departments and offices [...].

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<sup>1</sup> For brevity, only the positions are listed; however, each position is further defined in Section 2-11.1: (1) Commissioners (2) autonomous personnel (3) quasi-judicial personnel (4) advisory personnel (5) “departmental personnel” shall refer to the Manager, his or her department heads, the County Attorney and all Assistant County Attorneys (6) “employees” [...] (13) contract staff

Those provisions, taken together with Sections 4.02.(B)(1) and (2) of the Village Charter cited above, make clear that the Village Manager is responsible for the terms of the employment of his/her employees, free of interference of the Village Commission. While the Commission may make any recommendations for improvement in Village operations to the Manager, it is strictly prohibited from directing or otherwise ordering the Manager to take any particular action. Any change in that policy would require a Charter amendment.

If we misunderstood the intent or the direction of the Village Commission, and some other action is being requested, we remain available to discuss the policy direction of the Commission and will make every reasonable effort to prepare legally permissible legislation that effectuates that direction.



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**Item # 6.b**

**REGULAR MEETING**

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**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Dan Samaria, Commissioner

**DATE:** June 16, 2020

**TITLE:** Employment Agreement for the Chief of Police

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**Recommendation:** It is my recommendation that we adapt this resolution with regard to the Chief of Police Employment agreement based upon the demonstrated ability of the Chief of Police to deliver effective police and crime prevention services to the Village of Biscayne park, consistent with policies and direction from the Village Manager and Commissioners.

It is the best interest of the department and the Village focus on the ability of the Chief of Police to lead and manage the department and its resources to meet the expected needs of the department and the Village over the next five years, and to inspire confidence in the Department as an effective, community based policing organization.

**Background:** Luis E. Cabrera has held the position as Chief of Police for two years.

During his tenure at the Biscayne Park Police Department he has been able to meet the goals and objectives he set forth for the department to include but not limited to the following:

**1. VISION AND LEADERSHIP**

- The Chief has developed an overall vision and image of the Biscayne Park Police Department that enhances its accountability, integrity and professionalism.
- Has had the vision to communicate to the employees of the organization with respect to their roles in implementing the goals and objectives.
- He has established himself as a trusted and respected leader with the Police Department, with the Commission and the community.
- He had identified and prioritized specific polices and actions to achieve his vision and the image of the Biscayne Park Police Department

## **2. CONTROL AND PREVENTION OF CRIME:**

- He has created, implemented and evaluated strategies to deal with current, emerging and anticipated criminal activities and trends.
- He has created, implemented and evaluated strategies to deal with major events such as COVID-19 and Hurricane season.

## **3. MANAGEMENT:**

### **Fiscal Management**

- The Chief has developed the annual budget for the past two years that maximized the departments resources, enhanced its revenue and reflected the priorities set forth by the Mayor, Commissioners and the Village Manager.
- Has addressed the departments critical needs.
- He ensures the expenditures are proper.

### **Planning/Goals**

- Chief has achieved the goals set by the mayor, Commissioners and the Village manager during the past two years.
- The Chief has implemented in the past two years his initial vision and continues to implement procedures, and specific actions.
- The Chief's policies, procedures and specific actions have been effective.
- The Chief revised, modified and or adjusted the goals to comply with local, State and Federal Laws.
- The Chief made the reduction of crime his priority.
- The Chief provided innovation, leadership and direction in organizing, deploying and equipping the department personnel with updated technology and emerging techniques for dealing with criminal activity.
- The Chief implemented a plan to identify state of the art equipment to include non-lethal use of force devices and systems to enhance Patrol officers' safety and the Department's ability to handle trends in serious crimes.
- The Chief planning has been proactive rather than reactive in crisis situation.

#### **4. POLICE REFORM:**

- The Chief embraced police reform including, but not limited to, the implementation training to include diversity training?

#### **5. STRATEGIES FOR COMMUNITY POLICING**

- The chief implemented several programs such as the Village Resource Officer, Police Athletic League Officer (PAL) as tools for crime prevention.
- The Chief implemented a community-policing model for the department.

#### **6. COMMUNICATIONS**

- The Chief has maintained communication with in the Department with the rank and file.
- The Chief has maintained clear, consistent, accurate and timely communication between the department, the Mayor, Village Manger and the Commission.
- The Chief maintained clear, consistent, accurate and timely communications between the department and other law enforcement entities including state and federal police and prosecutors.
- The Chief has maintained informative and consistent communication with the village community at large.

#### **7. PERSONNEL ADMINISTRATION AND EMPLOYEE RELATIONS**

##### **Recruitment**

- The chief has provided leadership and creative solutions towards solving recruitment problems.
- The Chief recruitment goals were accomplished. His recruitment has been successful and the department now employees 10 full time officers including the staff, 4 part-time officers and 25 reserve officers.

##### **Retention**

- The Chief's leadership has improved morale.
- The Chief's proposed plan for retention in maximizing the number of active police officers in the village has been accomplished.
- The chief has provided opportunities for promotions within the Department.



## EMPLOYMENT AGREEMENT

This CHIEF OF POLICE GENERAL AGREEMENT (hereafter referred to as the "Agreement") is made and entered into between the Village of Biscayne Park, Biscayne Park, Florida, hereinafter referred to as "Village", hereinafter referred to as "Chief of Police".

### **WITNESSETH:**

**WHEREAS**, the VILLAGE desires the service of a Chief of Police for the Village of Biscayne Park Police Department, and the Chief of Police desires to provide services to the Village of Biscayne Park.

**NOW, THEREAFTER**, the parties agree as follows:

### **SECTION 1: EMPLOYMENT OF THE CHIEF OF POLICE**

- 1.1 Employment of the Chief of Police: The Village shall employ a Chief of Police to provide services to the Village subject to the terms and conditions of this Agreement.
- 1.2 Duties and Responsibilities: The Chief of Police shall perform such duties and responsibilities as are required of him pursuant to the Charter of the Village of Biscayne Park, Biscayne Park, Florida, the Code or Ordinances of the Village of Biscayne Park, Florida, approved resolutions by the Village Commission and all applicable local, state and federal laws or regulations. The Chief of Police is hired, terminated, and supervised by the Village Manager.

### **SECTION 2: COMPENSATION, BENEFITS AND PERFORMANCE REQUIREMENTS**

- 2.1 The City Manager reserves the right to increase the annual base salary or benefits if desired.
- 2.2 The Chief of Police shall provide to the Village Manager with yearly goals and objectives for the Police Department.
- 2.2. Benefits: The Village will agree to benefits for the Chief of Police as set forth on current Police Benevolent Association hereafter known as Police Benevolent Association contract.
- 2.3 Performance Requirements. The Chief of Police is responsible to administer and manage the Village of Biscayne Park Police Department in a manner consistent with Village policies as prescribed by the City Manager, to include:
  - a. Implement yearly goals and objectives for the Village of Biscayne Park Police Department.
  - b. Enhance, maintain and increase public safety, community relations and the delivery of superior policing services.

- c. Provide training annually to support the functions within the department to include but not limited to the Florida Department of Law Enforcement hereinafter referred to as "FDLE" Mandatory Retraining, FDLE Mandatory Firearms Qualification, etc.

2.4 Business Training Expenses and Indemnification. As the Village's Chief of Police, the Village agrees to budget and pay for the Chief of Police travel, lodging, registration fees and subsistence expenses for professional development, training, accreditation, ceremonies, seminars and conferences that are related to his official capacity as Chief of Police. All travel and expenses are subject to budget approval by Village Manager.

On behalf of the Chief of Police, the Village shall comply with all the provisions of Chapter 111.07 and 111.071 Florida States in regard to defense in civil actions against public officers, employees or agent and payment of judgements or settlements against public officers or employees.

2.5 Retirement.

- A) The Village shall be responsible for contributions to the Chief of Police, Florida Retirement Program from date of hire.
- B) The Village shall be responsible for the withholding or otherwise deducting of federal income tax, deferred compensation or social security.

### **SECTION 3: TERMS**

- A) The Chief of Police is responsible for the daily management, functions, administration, operations and investigations of the Village Biscayne Park Police Department without impediment from political leaders, resident's, or employees.
- B). Nonresidents, residents, political leaders or village manager shall not provide directives to police employees or the Chief of Police that are Illegal, unethical, amoral, violates the Charter Village of Biscayne Park or that weaponizes the police department against residents, political leaders or advisories.
- C) Nonresidents, residents, political leaders, employees and the village manager shall not hinder or impede the Police Department or the Police Chief or any police employee regarding any ongoing investigations.
- D) The Chief of Police has the authority and duty to report any crimes or violations listed above in section (3). The Chief will report such matters to any appropriate government agencies without fear of retaliation or termination of employment. Any retaliation for reporting inappropriate, unethical or unlawful acts will violate the terms and conditions of this general agreement. In the event the Village Manager terminates the employment of the Chief of Police.

- E) The Village Manager will give the Chief of Police a thirty-day (30) notice prior to termination. The Chief of Police will request in writing a public hearing within (15) days of the notice of termination. The Commission by majority vote will determine if the termination was unlawful.
- F) Nothing in this notice period shall be construed to limit, in any way, in the Village's ability to recruit or hire a new Chief of Police.
- G) If terminated without cause the Chief of Police will be entitled to (4) four weeks of severance pay.
- H) The Chief of Police shall be entitled to holidays, floating holidays and birthday as any other police Village employee.
- I) The Village Manager reserves the right to require the Chief of Police to work any State of Emergency.
- J) The Chief of Police will be entitled to set his/her work schedule based on the operational, departmental, and Village needs.
- K) The Chief of Police will be assessable (on call) to the Village of Biscayne Park seven (7) days a week, twenty-four (24) hours a day.

#### **SECTION 4: HEALTH AND INSURANCE**

- 4.1 The Village shall provide health insurance for the Chief of Police (single coverage) at one hundred (100) percent cost to the Village or reimbursement as set forth by PBA contract if the Chief of Police elects not join the Village Health and Insurance coverage plan.

#### **SECTION 5: GENERAL PROVISIONS**

- 5.1 The text herein shall constitute the entire agreement between the parties. If any provisions, or any portion thereof contained in the Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.
- 5.2 All notices, requests, and other communications required or permitted to be given under this Agreement shall be in writing (including telefax or teletype) and shall be sent by certified mail, postage paid, return receipt requested, or shall be hand delivered by a recognized national overnight courier service or shall be sent by electronic communication, whether by telefax or teletype, addressed as follows:

If to Chief of Police: Chief of Police  
Village of Biscayne Park Police Department  
600 Northeast 114<sup>th</sup> Street  
Biscayne Park, Florida 33161

If to Village: Village Manager  
Village of Biscayne Park  
600 Northeast 114<sup>th</sup> Street  
Biscayne Park, Florida 33161

- 5.3 This Agreement shall be construed pursuant to the laws of the State of Florida. For any litigation pertaining to this Agreement, the parties agree to venue in Circuit Court in Miami Dade County, Florida.



- Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)  
 **West Palm Beach Office** · 560 Village Boulevard · Suite 340 · West Palm Beach, FL 33409 · 561.684.6161(p) · 561.684.6360(f)

Date: September 28, 2020

To: Roseann Prado, Interim Village Manager

From: Xavier R. Falconi, PE, Director, Traffic Engineering Department

Subject: Lane Repurposing for NE 6<sup>th</sup> Avenue (NE 113<sup>th</sup> Street to NE 121<sup>st</sup> Street)

Project: 18-1041.1

CC: Alex A. David, AICP, Director of the Miami Dade Office

## INTRODUCTION

On September 14, 2020, the Village of Biscayne Park reconvened a meeting to discuss the possibility of applying for a Lane Repurposing study for NE 6<sup>th</sup> Avenue from NE 113<sup>th</sup> Street to NE 121<sup>st</sup> Street. Attending the meeting were Vice Mayor MacDonald Kennedy, Interim Village Manager Roseann Prado, and Cesar Hernandez with the Public Works Department, representing the Village of Biscayne Park. Also, in attendance were Alex David, Director of the Miami-Dade Office, and I with Calvin, Giordano and Associates (CGA).

The request was for CGA to present the following items at the October 6<sup>th</sup> Village Commission meeting:

1. Price to submit a Lane Repurposing study application to FDOT on behalf of the Village of Biscayne Park
2. Price to conduct a Lane Repurposing study for the Village if FDOT approves the study application
3. Verification if CITT will allow any funds to be used to pay for either or both, the Lane Repurposing application, and the study
4. CGA's professional opinion on the feasibility of the Village of Biscayne Park obtaining approval of the application and/or final request for lane repurposing for NE 6<sup>th</sup> Avenue within the limits indicated. This should include consideration of the Village's Comprehensive Plan, projected impacts on the Village (traffic congestion, pushing traffic to the side streets, aesthetics, etc.), and other considerations that were not discussed during the September 14<sup>th</sup> meeting.

## BACKGROUND

Based on the request from the Village of Biscayne Park, CGA proceeded to gather and review information related to the current FDOT project on NE 6<sup>th</sup> Avenue from NE 113<sup>th</sup> Street and NE 121<sup>st</sup> Street. It is our understanding that the scope of the project includes the following:

- Sidewalk improvement project
- New lighting system to replace the current
- Incidental drainage system due to the new sidewalk
- Upgrade crosswalks and pedestrian signalization features at NE 113<sup>th</sup> Street
- Landscape modifications within the FDOT right-of-way



Following are some relevant dates from the FDOT presentation conducted for the NE 6<sup>th</sup> Avenue project on July 22, 2020:

- Design Start Date: November 2019
- Letting Date: July 2021
- Construction Start: November 2021
- Construction End: June 2022
- Cost of Construction: \$2.6 Million (including cost difference for decorative lighting)

On August 4, 2020, the Village Commission approved Resolution No. 2020-35 requesting FDOT suspend all further design and development work on the proposed modifications of SR 915/NE 6<sup>th</sup> Avenue to allow the Village Commission to develop, with resident's input, alternate design proposals for the proposed modifications consistent with the Village's community character. As a result of this Resolution, FDOT has stopped working on this project and the schedule indicated at the July 22 presentation will be modified.

Following on the request from the Village for the consideration of a Lane Repurposing study, CGA proceeded with reviewing the NE 6<sup>th</sup> Avenue project background information as provided by the Village. CGA also set up a virtual meeting with FDOT to discuss the process to apply for Lane Repurposing along NE 6<sup>th</sup> Avenue as well as to determine any relevant information from the project that could be utilized for the Lane Repurposing application and study. Another goal of the meeting was to find out specific FDOT requirements to initiate the application and subsequently the technical information that will need to be provided as part of the study.

On September 22, Diana White, PE (Assistant Director, Traffic Engineering Department) and I from CGA met with FDOT District 6 representatives to discuss the Lane Repurposing option for NE 6<sup>th</sup> Avenue. The Village Interim Manager was also invited but was unable to attend. The following were some relevant items discussed at the time:

- FDOT indicated that the NE 6<sup>th</sup> Avenue project is currently on hold pending response from the Village as to how to proceed.
- Results of the Ped Study for NE 6<sup>th</sup> Avenue at NE 115<sup>th</sup> Street and NE 119<sup>th</sup> Street (June 2014).
- Results of the Signal Warrant Study for the intersection of NE 6<sup>th</sup> Avenue at NE 119<sup>th</sup> Street (February 2018)
- FDOT indicated that the Department will be facing some reductions on their Work Program that could potentially impact the future of the NE 6<sup>th</sup> Avenue project.
- Coordination of the Lane Repurposing study in addition to FDOT should include the Miami Dade Transportation Planning Organization (TPO), Miami Dade County, Miami Dade Transit, and neighboring cities.
- As part of the analysis for the Lane Repurposing study, traffic modeling for NE 6<sup>th</sup> Avenue and the adjacent transportation system within the Village will need to be included.
- FDOT will provide Level of Service map, Context Sensitive Classification map for FDOT District 6, an example of a similar Lane Repurposing study and available traffic counts for NE 6<sup>th</sup> Avenue.
- Procedure for the Lane Repurposing application and study according to FDOT. On August of this year, FDOT released the Lane Repurposing Guidebook outlining the application and study review process.
- Some of the documents that should be evaluated as part of this Lane Repurposing study should include travel demand, impacts on surrounding network, assessment of where traffic is going to be distributed to, any bridges, and review of the language on the Village Comprehensive Plan related to the proposed Lane Repurposing.
- Development of the Lane Repurposing study methodology.
- FDOT indicated that there needs to be a reason for the Lane Repurposing study within the Village of Biscayne Park.



## ANALYSIS

Following are some key findings from reviewing prior FDOT studies for NE 6<sup>th</sup> Avenue:

- The 85<sup>th</sup> percentile is 39 mph. With the posted speed at 30 mph, it appears that the 85<sup>th</sup> percentile is nine miles over the posted speed limit, indicating that speeding is a concern along NE 6<sup>th</sup> Avenue. A mitigation measure mentioned in the reports indicates that marking the posted speed limit on the NE 6<sup>th</sup> Avenue road surface could serve as a reminder to drivers to obey the 30 mph. Also, there is a reader board that alerts drivers of the speed at which they are driving that appeared to be in the need of repair at the time of the field observation. Speed reader boards could also serve as a good reminder to drivers to maintain the posted speed limit while driving along NE 6<sup>th</sup> Avenue in the Village.
- Field observations from the studies indicate that there appears to be limited sight distance for drivers approaching from the side streets that can be mitigated by clearing some vegetation. This creates a situation where drivers exiting the side streets may be pulling further into the intersection to be able to see oncoming traffic before making turns onto NE 6<sup>th</sup> Avenue.
- The results of the pedestrian study conducted in 2014, indicate that crosswalks at the intersections of NE 115<sup>th</sup> Street and NE 119<sup>th</sup> Street at NE 6<sup>th</sup> Avenue did not meet the criteria for installation of crosswalks. Also, the signal warrant study at the intersection of NE 119<sup>th</sup> Street and NE 6<sup>th</sup> Avenue conducted in 2018, concluded that this intersection did not meet the criteria for a traffic signal installation.
- Additional field observations conducted as part of the studies revealed that because of the long waiting time for drivers attempting to turn from the side streets, drivers appear to take chances by proceeding with the turn as soon as there is a gap in traffic moving on NE 6<sup>th</sup> Avenue. This creates a situation where vehicles will have to wait at the median opening to complete the turn. This is further complicated due to the narrow width of the roadway median, which is only eight feet and not enough to safely store a vehicle. These turning vehicles then obstruct the free flow of traffic on the inside lanes of NE 6<sup>th</sup> Avenue, which in turn creates congestion and delays.
- Additionally, prior field observations showed that vehicles traveling northbound and southbound along NE 6<sup>th</sup> Avenue can experience some delays as some vehicles attempt to turn left onto the side streets and obstruct the free flow of vehicles. Currently NE 6<sup>th</sup> Avenue does not have any designated left turning lanes north of NE 113<sup>th</sup> Street to NE 121<sup>st</sup> Street.

## CONCLUSION AND RECOMMENDATIONS

After reviewing all the information presented, CGA recommends the following in order to proceed with the application for the Lane Repurposing of NE 6<sup>th</sup> Avenue:

1. In coordination with FDOT the Village should proceed with the implementation of the mitigation measures recommended in the studies previously conducted for NE 6<sup>th</sup> Avenue. After the implementation of the mitigating measures, FDOT should continue monitoring the vehicular speed along NE 6<sup>th</sup> Avenue within the limits of the Village.
2. Define the purpose and goals of the proposed Lane Repurposing project because this will guide the evaluation criteria before and after the project is completed. In discussions with FDOT District 6 representatives, they indicated that the purpose of the project would have a major bearing in determining if the Lane Repurposing application should proceed. In general, as part of the statewide and regional transportation policies, transportation projects must include a multimodal component, that is the inclusion of facilities that address circulation of pedestrians, bicyclists and transit users are an important component of any new transportation project on a state roadway.
3. The coordination of the application for a Lane Repurposing project should include other stakeholders such as Miami Dade County, the Miami Dade Transportation Planning Organization (TPO), the neighboring cities of North Miami and Miami Shores, FDOT District 6, Miami Dade Transit as well as public input. Determining the



## Memorandum

funding for the implementation of the Lane Repurposing project is crucial for this application to proceed for further consideration.

4. FDOT has indicated that the deterioration of the level of service (typically A-F with A being the best and F the worse), would be a concern in considering the Lane Repurposing application for approval. From field observations from prior studies, it appears that there are already some delays caused by turning vehicles from the side streets and storing on the median prior to completing the turn. With the elimination of one lane on each direction of travel along NE 6<sup>th</sup> Avenue, this situation would only get worse as drivers would continue to look for gaps to complete their turning movements. Any deterioration of the level of service of NE 6<sup>th</sup> Avenue could have the potential to impact the adjacent local streets within the Village. There are several bus stops located along NE 6<sup>th</sup> Avenue that need to be accounted for as part of a consideration for the Lane Repurposing.
5. The potential for left turns from NE 6<sup>th</sup> Avenue should also be another consideration in proceeding with the Lane Repurposing application. This situation would increasingly get worse with the implementation of the Lane Repurposing project since there would not be another travel lane that drivers could use to continue traveling northbound or southbound along NE 6<sup>th</sup> Avenue.
6. Another concern mentioned by FDOT District 6 representatives during our meeting is related to the consideration of maintaining the standards for the flow of traffic for not only NE 6<sup>th</sup> Avenue but also the entire transportation corridor (SR 915), a state roadway that serves as the main route of access for the neighboring cities of North Miami, Miami Shores and beyond.
7. After inquiring about the potential to utilize funding from the Office of the Citizens' Independent Transportation Trust (CITT) to conduct a Lane Repurposing study, the response was that those funds can be used for this purpose. It needs to be charged to the Transportation portion of the Village's surtax use. It cannot be charged to the 20% Transit side.
8. The total preliminary cost to assist the Village of Biscayne Park with the application process and attending the initial meeting with FDOT would be approximately \$15,000.
9. The total anticipated cost to proceed with the development of the Lane Repurposing study would be approximately \$380,000. This figure could be modified based on the first meeting with FDOT District 6 after reviewing the application. In terms of schedule, it is anticipated that the completion of the study could take as long as a year. A more definite schedule will be determined after the initial application meeting with FDOT.

Please let me know if you need additional information. Thank you for the opportunity to assist the Village of Biscayne Park during this preliminary evaluation of a Lane Repurposing for NE 6<sup>th</sup> Avenue and provide our preliminary recommendations.



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 11.c**

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**TO:** Mayor & Members of the Biscayne Park Village Commission

**FROM:** MacDonald Kennedy, Vice Mayor

**DATE:** October 6, 2020

**TITLE:** FAA/NextGen Action Plan

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**Background**

At the July 7, 2020, commission meeting, Resolution 2020-31 was passed unanimously urging the FAA to modify flight paths back to pre-NextGen patterns that were at much higher altitudes over Biscayne Park and with fewer flights directly over the village. Other Miami-Dade County municipalities have passed similar resolutions, and groups of community activists continue to press the matter in advance of the Summer 2021 final decision by the FAA. Locally, village residents continue to complain on social media and to me directly about the noise and sightings of low-flying flights. Biscayne Park's lobbyist, Dave Caserta, has assisted in our effort by engaging with county, state, and federal officials, including State Senator Jason Pizzo and State Representative Dotie Joseph, both of whom attended our September 1 meeting to voice support of our efforts. At that meeting, **Dave Caserta requested that the village collect resident testimonials** that will serve as evidence for his ongoing efforts.

**Recommendation**

**I am recommending that the commission formalize a simple action plan** to engage village residents on the matter of FAA/NextGen and to encourage them to provide testimonials on how the new flight paths are impacting their quality of life.

1. The village clerk will have our IT firm make a **separate email address to collect testimonials**: [StopFAA@biscayneparkfl.gov](mailto:StopFAA@biscayneparkfl.gov).
2. **Monday, October 12: village clerk communicates the effort to residents** via email, Nextdoor post, and wwwBP.
  - a. Updated emails to be sent every two weeks: October 26, November 9, November 23, December 7.
  - b. The communications will provide: an explanation of FAA/NextGen; the process to date of stopping the new flights paths; next steps in the process; and instructions for the testimonials (name/address/cell, how flights are impacting quality of life with noise, soot, seeing low-flying planes, dates/times, etc.) with special encouragement to attach dated photos and videos of low-flying planes and screenshots of altitudes from the app FlightRadar24. (That app tracks flights and shows their altitudes as they

pass overhead live.)

3. Each commissioner will also proactively engage with residents to encourage them to submit testimonials. **Commissioner engagement will be key to the success of collecting testimonials.** Commissioners to determine how they will engage with residents: email, texts, social media posts, personal meetings, etc.
4. **Friday, December 11: deadline for testimonials** (two-month effort).
5. **Friday, December 18: village clerk forwards all testimonials to Dave Caserta.**
6. At the request of the village clerk, I will write all the communications (email blasts, Nextdoor post, wwwBP post).

### **Resource Impact**

Minimal: cost of setting up new village email address: StopFAA@biscayneparkfl.gov

### **Attachment(s)**

- Village Resolution 2020-31 (Urging FAA to Modify Flight Paths)
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Prepared/Sponsored by: MacDonald Kennedy, Vice Mayor

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**RESOLUTION NO. 2020-31**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE FEDERAL AVIATION ADMINISTRATION (FAA) TO MODIFY FLIGHT PATHS AND ALTITUDES IMPOSED BY NEXTGEN AIR TRANSPORTATION TO PRE-NEXTGEN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the Federal Aviation Administration (FAA) has imposed new flight patterns over the Village of Biscayne Park ("Village") as a part of its NextGen Air Transportation System ("NextGen"); and

**WHEREAS**, the resulting changes in flight paths and altitudes has a negative impact on the quality of life for a large number of Miami-Dade County residents, including those in the Village; and

**WHEREAS**, the Village has received numerous complaints and has monitored social media comments from concerned residents directly affected by the change in flights patterns, with neighborhoods increasingly affected by noise, light and air pollution from low-flying aircraft for almost 24 hours a day; and

**WHEREAS**, any savings realized through NextGen should be balanced against the growing negative impact on the Village and its residents; and

**WHEREAS**, the Village urges the FAA to revisit the NextGen flight pattern plan and revert to the former flight paths as soon as possible; and

**WHEREAS**, the Village Commission directs the Village Clerk to forward a copy of this Resolution to all United States Representatives from Miami-Dade County, Florida's United States Senators, FAA Administrator Stephen Dickinson, and FAA Regional Administrator Michael O'Harra.

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

**Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

**Section 2. Flight Patterns over the Village.** The Mayor and Commission of the Village of Biscayne Park, Florida, hereby urge the FAA to modify flight paths and altitudes imposed by NextGen to pre-NextGen flight paths and altitudes.

1           **Section 3. Severability.** If any section, sentence, clause or phrase herein is held to be invalid  
2 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the  
3 remaining portions of this Resolution.

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5           **Section 4. Effective Date.** This Resolution shall become effective immediately upon its  
6 adoption.

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8           PASSED AND ADOPTED this 7<sup>th</sup> day of July, 2020.

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10           The foregoing Resolution was offered by Vice-Mayor Kennedy, who moved its  
11 adoption. The motion was seconded by Commissioner Tudor, and upon being put to a vote  
12 the vote was as follows:

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14	Virginia O'Halpin, Mayor	<u>Yes</u>
15	MacDonald Kennedy, Vice Mayor	<u>Yes</u>
16	Daniel Samaria, Commissioner	<u>Yes</u>
17	Roxanne Ross, Commissioner	<u>Yes</u>
18	William Tudor, Commissioner	<u>Yes</u>
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22 VILLAGE OF BISCAYNE PARK

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26 Virginia O'Halpin, Mayor  
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30 ATTEST:

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34 Roseann Prado, Village Clerk  
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37 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
38 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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42 John R. Herin, Jr., Interim Village Attorney  
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## Roseann Prado

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**Subject:** update on FAA issue

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**From:** flagovernment@aol.com <flagovernment@aol.com>

**Sent:** Wednesday, September 30, 2020 1:48 PM

**To:** Roseann Prado <villageclerk@biscayneparkfl.gov>

**Subject:** Re: update on FAA issue

Hi Roseann

On Tuesday, September 29, Miami Dade County Commissioner Steve Bovo and Commissioner Sally Hayman held a zoom meeting in the sunshine to discuss the current flight pattern proposals from the FAA. The meeting was a result of concerns and efforts from the north Dade communities of the potential negative impacts by the new proposal. The effort has been spearheaded by Mike Eaton and Karen Deleon, who continue to educate our State, local and Federal officials. Many representatives and local officials from the various communities attended the meeting.

It appears that our efforts are gaining some traction. As a result of our outlined concerns and a recent limited response by the FAA to those concerns, both Commissioner Bovo and Hayman have agreed to work together to issue a resolution to the FAA requiring them to be transparent and provide all facts and evidence supporting their decision to move the flight patterns over populated areas. They will be asked to address, before any decision is made, all relevant areas including environmental issues, noise, fuel dumping and overall reasoning for the changes .

It was encouraged that we continue to stay organized and provide any relevant information that may support our concerns.

I will keep you informed as things progress on this issue.

*David Caserta*

David T. Caserta Government Relations, Inc.  
15165 NW 77th Avenue 1001  
Miami Lakes, Florida 33014

305-463-8808 Off  
305-401-3006 Cell  
800-579-0383 Fax

[flagovernment@aol.com](mailto:flagovernment@aol.com)



**South-Central Florida Metroplex  
Information on North Miami  
September 2020**

The FAA developed this document to correct misperceptions about current flight procedures and how the South-Central Florida Metroplex will affect flights over North Miami.

**Background**

The South-Central Florida Metroplex is a comprehensive proposal to improve the flow of air traffic into and out of 21 airports in Florida by making the airspace safer and more efficient. The project proposes to add new, more efficient air traffic procedures. Most are satellite-based but several are conventional procedures based on radar and other ground-based navigational aids. Many of the current air traffic procedures in Florida are outdated. They are safe, but some are inefficient because they rely on ground-based systems, which limit available flight paths, require inefficient climbs and descents, or occupy the same airspace. Satellite-based procedures allow for fixed routes, altitudes, and aircraft speed. Precise flight tracks help keep routes automatically separated from one another.

The initiative focuses on four major international airports, where operations have a direct effect throughout the National Airspace System (NAS): Miami (MIA), Fort Lauderdale-Hollywood (FLL), Orlando (MCO) and Tampa (TPA) international airports. It also includes smaller reliever and satellite airports.

The FAA began working on the South-Central Florida Metroplex in 2012, and after a pause to reevaluate the project scope, resumed work in 2017. The agency gathered public input on the project at 17 public workshops in the study area in spring 2019. Four of the meetings were in Miami, including a workshop in North Miami on April 30, 2019.

*1. Inaccurate: The FAA has already implemented Metroplex procedures over Florida.*

**Accurate: The FAA has not implemented new air traffic control procedures proposed under the South-Central Florida Metroplex.**

The FAA has not yet approved the South-Central Florida Metroplex Project, and if it does, implementation of the Project will not happen immediately. The FAA is still in the process of reviewing any anticipated environmental impacts. The FAA released the Draft Environmental Assessment (EA) and opened a 60-day public comment period on May 11, 2020. The agency extended the comment period to July 24, 2020, for a total of 74 days for the public to comment on the project.

The agency is reviewing public comments on the Draft EA and will consider those comments before publishing a Final Environmental Assessment, which FAA expects to release in fall 2020. The FAA cannot implement new procedures until it completes the Final EA and signs the Record of Decision. After the FAA completes the environmental review process, the agency must take several other steps before the procedures can be used. The procedures must be flown by FAA pilots and published on aeronautical charts used by pilots. Air traffic controllers must be trained in the new procedures. FAA anticipates implementing the procedures in spring/summer 2021 if the overall conclusions about environmental effects in the Draft EA do not change.

*2. Inaccurate: The FAA moved traffic in late 2019 to reset the noise baseline ahead of the Metroplex project.*

**Accurate: Flight tracks have remained the same over South Florida since 2006.**

The FAA's baseline data for the Metroplex environmental analysis relied on a year of flight tracks from June 1, 2017 to May 30, 2018 (as documented on page 1-24 of the [Draft EA](#) published on May 11, 2020.)

The agency did not make changes to flight procedures in 2019. Any procedure changes would have required the agency to first comply with the National Environmental Policy Act (NEPA) and applicable agency orders. NEPA requires federal agencies to notify the public about proposed actions that may have significant environmental effects.

*3. Inaccurate: The FAA has “shifted” flights over North Miami.*

**Accurate: Neither flights nor flight tracks have been modified over the North Miami area (North Miami, Miami Shores, El Portal, Biscayne Park, Normandy Isles, North Bay Village and North Miami Beach). The last modification to MIA departure procedures occurred in 2006.**

When FAA reviewed the WINCO and HEDLY procedures specifically, the agency found that pilots were consistently using the procedures for between 40 and 41 percent of the departure flights in 2017, 2018 and 2019 when the airport was operating in an east flow. Data indicates the airport operated in an east flow about 10 percent more between December 2019 and February 2020 than it did during the same months in the previous year. The increase was due to prevailing wind conditions around the airport. The percentage of east operations on those routes remained steady between 39 and 41 percent.

Specifically, FAA analysis of flight track data over Keystone Point from peak traffic months shows the average altitude is increasing for flights over the area:

- In February 2015, an average of 138 aircraft per day flew over the area at an average altitude of 4,800 feet.
- In February 2017, an average of 162 aircraft per day flew over the area at an average altitude of 4,829 feet.
- In February 2020, an average of 164 aircraft per day flew over the area at an average altitude of 5,246 feet.

This analysis showed an average daily increase of two flights over the Keystone Point area between 2017 and 2020, while the average altitude increased by 417 feet.

Neither the FAA nor MIA have identified any data to support complaints of increased noise in North Miami. There are no recent records of North Miami residents filing aviation noise complaints before February 2020.

*4. Inaccurate: Under the South Central Florida Metroplex project, the FAA is proposing to move flights away from Miami Beach to overfly North Miami.*

**Accurate: The FAA proposed flight tracks would shift some flights that currently overfly Miami Beach over Virginia Key and then over the ocean.**

Under Metroplex proposed procedures, when flights are departing from MIA to the east, some traffic bound for the New York area and international destinations will fly southeast over water and less populated areas like Virginia Key water treatment plant. This enhances safety and efficiency by segregating these flights from the northbound traffic flying up Biscayne Bay. Today, much of this traffic flies due east from the airport over Miami Beach.

5. *Inaccurate: Aircraft did not overfly North Miami before late 2019.*

**Accurate: Aircraft have flown over North Miami for many years, and historic flight track data proves this. Residents may be more aware of aircraft overflights because they are spending more time at home or in their communities due to the COVID-19 public health emergency.**

6. *Inaccurate: The FAA can move all northbound departures from MIA over the ocean before turning north.*

**Accurate: The proposed Metroplex procedures generally follow existing flight tracks. The proposed satellite-based procedures will ensure that departures will fly the current noise abatement procedures and keep the flights over Biscayne Bay. The procedures do not move flights away from existing flight paths and over new areas.**

Flights departing from parallel runways must maintain lateral separation by flying 15 degree divergent headings for safety and efficiency. Airport capacity will be significantly reduced if departures fly the same headings.

7. *Inaccurate: Current and forecasted aircraft noise levels are higher over North Miami than Miami Beach.*

**Accurate: FAA noise modeling data indicate that current and forecasted aircraft noise levels are slightly higher over Miami Beach. North Miami noise level is 47 to 48 day-night average sound level (DNL). Miami Beach noise level is 50 DNL.**

The DNL noise metric is used to reflect a person's cumulative exposure to sound over a 24-hour period, expressed as the noise level for the average day of the year on the basis of annual aircraft operations. The DNL noise metric provides a mechanism to describe the effects of environmental noise in a simple and uniform way. DNL is the standard noise metric used for all FAA studies of aviation noise exposure in airport communities.

8. *Inaccurate: The FAA did not engage with the public about Metroplex in 2019 and 2020.*

**Accurate: FAA significantly exceeded the federal requirements for community involvement in the Metroplex project. The agency met with elected officials, airport officials and community roundtables, held public workshops and conducted extensive media outreach on Metroplex.**

- On Dec. 10, 2018, the FAA posted a news release, [FAA Starting Outreach for Metroplex Project in Florida](#).
- On April 5, 2019, the FAA posted a news release, [FAA Sets Public Workshops for South-Central Florida Metroplex](#), which announced 17 public workshops in Palm Beach,

Tampa/St. Pete, Orlando, and Fort Lauderdale. The agency held four of the workshops in Miami, including one in North Miami. The agency posted social media messages about the announcements and placed articles about the project in major newspapers in the study area including *The Miami Herald* and *The Sun Sentinel* in South Florida.

- The agency continued to post reminder messages about the upcoming meetings on social media throughout April 2019 until the final workshop on May 2, 2019.
- In April and May 2019, one year before the EA began, the FAA held 17 public workshops in the study area. The FAA designed the workshops to gather input from the public on the proposed new procedures before beginning the EA. Four of these workshops were held in Miami, and 142 people attended. The agency received a total of 287 comments about proposed procedures for Miami, and adjusted multiple procedures as a result of public comments received in the workshops.
- As a result of our public engagement in the 2019 workshops, FAA altered proposed Metroplex procedures to direct flights over the center of Biscayne Bay and routed arrivals over parks instead of residential areas. The agency also changed the proposal to direct some flights over uninhabited Virginia Key as their route to Europe and the Northeastern U.S. begins over the Atlantic Ocean. FAA worked to keep flights over water to the extent possible. FAA proposed Metroplex procedures do not include changes requested by one community at the expense of another community.
- On July 25, 2019, the FAA sent a letter notifying 590 federal, state, regional and local government agencies, elected officials and Native American tribes of the agency's intent to prepare an EA of the proposed Metroplex procedures.
- On July 28, 2019, the agency published a legal notice in English and Spanish in major newspapers in the study area to notify the public of the FAA's intent to prepare an Environmental Assessment of the proposed Metroplex procedures.
- On May 11 2020, the FAA established [FloridaMetroplexWorkshops.com](https://www.faa.gov/air-traffic-control/flight-procedures/metroplex-workshops) where it posted the Draft EA and hosted 12 virtual public workshops in June 2020. The agency accepted public comments on the document for 74 days, which ended on July 24, 2020. The FAA also posted the news release, [FAA Posts Draft EA for South-Central Florida Metroplex Project](#).
- On May 28, 2020, FAA issued the news release, [FAA to Hold Virtual Public Workshops](#), and posted social media messages reminding the public about the opportunity to participate until the final workshop ended.
- The FAA notified 800 elected officials about the opportunity to participate in the workshops and FAA sent them a one-page flyer with a request to post on personal, municipal, airport and other websites. FAA also invited Congressional officials and city and county local elected officials from the Miami area to pre-briefings on May 21 and 28.
- In June 2020, the FAA held 12 virtual public workshops to brief the public about the Draft EA and answer questions about the study and the proposed procedures. FAA hosted

the workshops on Zoom and livestreamed them on FAA YouTube, Facebook and Twitter platforms. The agency received more than 119,000 views across the state. Three Miami workshops had 28,000 views and generated approximately 2,500 comments. The agency recorded the workshops and posted on YouTube and FloridaMetroplexWorkshops.com for later viewing.

- FAA engaged on multiple occasions with the Miami Noise Abatement Advisory Board (NAAB) regarding this project, receiving generally favorable feedback on proposed changes. The NAAB chairman acknowledged that aviation noise can't be eliminated, but this project includes many beneficial improvements to the noise footprint in Miami.
- Appointments to the NAAB are outside the authority of the FAA, but the agency encourages community leaders to contact the Miami International Airport Noise Abatement and Wildlife Manager by email at [noise@miami-airport.com](mailto:noise@miami-airport.com) for more information about NAAB meetings and/or community representation.
- After the 2020 workshops, the FAA met with U.S. Representatives and staff as well as local elected officials on June 22, July 7 and 8, August 5 and September 2 and 10.

*9. Inaccurate: The FAA's Draft EA did not adequately study the effects of aircraft noise.*

**Accurate: FAA conducted the EA of this project in accordance with the NEPA and agency environmental orders. The Draft EA indicated no significant environmental impact in any environmental category, including noise.**

The Draft EA studied 14 environmental categories including aircraft noise. It modeled aircraft noise at 117,424 points spaced out across South Central Florida and determined that implementation of the proposed new procedures would result in no significant impact in any environmental category – including aircraft noise.

When a Draft EA refers to “significant impact” (or in the case of this project, “no significant impact”), it is a reference to an objective legal standard that is defined by federal law, using scientific metrics and noise levels that apply nationwide.

The environmental justice analysis in the Draft EA considered whether a proposed action may have disproportionately high and adverse human health or environmental effects on minority and low-income populations. The analysis showed that no neighborhoods within the project study area would experience significant impacts to air quality or noise, including members of minority and/or low-income populations.

FAA also consulted with the National Park Service regarding the potential noise impacts to national parks, national wildlife refuges and historic sites including Biscayne National Park, which is identified as a Section 4(f) resource in the General Study Area. Through this consultation, the Draft EA determined that aircraft noise exposure resulting from the proposed procedures would not substantially change the noise environment.

*10. Inaccurate: Reports of increased soot and engine emissions are the result of flight path changes.*

**Accurate: This is false. The FAA has not implemented the South Central Florida Metroplex. Reports of increased soot issues cannot be attributed to this project.**

In general, particulate matter consists of a mixture of solid particles and liquid droplets found in the air. While most particles form in the atmosphere as a result of complex reactions of pollutants emitted from power plants, industries and automobiles, some solid particles are also emitted as by-products of combustion. Like all combustion sources, aircraft engines also produce black carbon non-volatile particles that are solid at the engine exhaust. Compared to traditional diesel engines, gas turbine engine non-volatile particles are typically smaller in size, and are too small to be seen with the human eye. The national ambient air quality standard regulates the mass of particles less than 2.5 micrometers (PM2.5) in diameter (1 micrometer = 1/1,000 millimeter).

Aviation's contribution to the ambient concentrations of PM2.5 remains small compared to other sources such as road transport and power plants, and fleet changes routinely improve the overall efficiency of aircraft engines. A recent study showed that aircraft contributed to 0.2 percent to the PM2.5 concentrations in the Northern Hemisphere.<sup>[1]</sup> Air Quality impacts from the top 66 airports that accounted for more than 80 percent of the total fuel burn in the U.S. were investigated by another study.<sup>[2]</sup> Results from this study showed that the aviation PM2.5 contribution in each of these individual airports remained well below 0.2 percent of the total PM2.5 contribution from all sectors. A 2020 study concluded that aviation landing take-off emissions contributed to 0.3 percent of total air quality impacts within the United States in 2018.<sup>[3]</sup>

In light of these research results, it is highly unlikely that aircraft operations are the source for particle deposits observed. The vast majority of the deposited particles are likely to be much larger in size than those emitted by aircraft engines.

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<sup>[1]</sup> Vennam et al. (2017) <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017JD026598>

<sup>[2]</sup> Penn et al. (2017) <http://dx.doi.org/10.1016/j.envres.2017.04.031>

<sup>[3]</sup> Dedoussi et al. (2020) <https://doi.org/10.1038/s41586-020-1983-8>

*11. Inaccurate: FAA modeling does not account for the more precise flight paths proposed under the Metroplex project.*

**Accurate: The FAA’s model specifically accounts for the anticipated concentration of flight tracks from the new procedures. It also accounts for some percentage of continued dispersion and the fact that some aircraft will remain on conventional procedures.**

The baseline data for the Metroplex environmental analysis was a year of flight tracks from June 1, 2017 to May 30, 2018 (as documented on page 1-24 of the [Draft EA](#) published on May 11, 2020). The baseline data includes all weather and wind conditions. The Draft EA compared baseline data with forecast traffic, including how aircraft will fly the new procedures. FAA modeling also considers that some flights will continue to fly conventional procedures. Noise modeling also accounts for concentrated flight tracks and some continued dispersion. This analysis is based on science and the most effective noise metric.

Chapter 5 of the Draft EA indicates that changes in noise exposure levels may occur as a result of flight path concentration. However, the results of the noise modeling analysis indicate that the South-Central Florida Metroplex Project would not exceed the thresholds of significance for changes in aircraft noise exposure when compared to the No Action Alternative.

*12. Inaccurate: Changes to the FAA’s preferential route database show changes to aircraft routes in Miami, as reported by The Miami Herald on July 17, 2020.*

**Accurate: The Miami Herald article mischaracterized data from the FAA’s preferential route database. This database does not affect how air traffic directs flights over Biscayne Bay. The agency uses accurate radar track data to analyze flight paths.**

The database is a national traffic management tool to ensure expeditious movement of traffic during heavy demand periods. It is a flight planning tool primarily used for air carrier and business aviation. Preferred IFR Routes are established only when air traffic density and/or safety make preferential routes necessary. The database has more than 10,000 routes, and 122 of the routes are Miami “city pair” routes to 73 destinations.

The article, “Beach, Bay Harbor pushed back on jets overhead. They may go to North Miami, Miami Gardens,” published on July 17, 2020 in The Miami Herald incorrectly analyzed Preferred IFR Routes. FAA’s preferential route database was updated to reflect high altitude structure changes above 18,000 feet, and new routes from Puerto Rico along the entire east coast.

*13. Inaccurate: All aviation noise over North Miami comes from flights at MIA.*

**Accurate: Traffic at Opa Locka Executive Airport has grown from 130,000 in 2016 to 170,000 in 2019, a 30.7 percent increase. Many of these flights operate over North Miami. The FAA does not control the number of flights at any airport.**

# MEMORANDUM

Agenda Item No.11(A)(22)

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**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

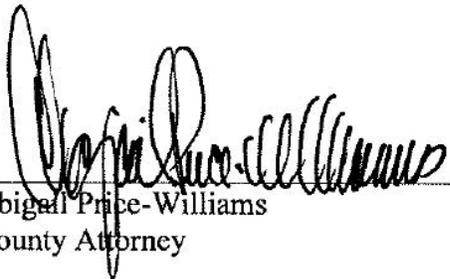
**DATE:** October 6, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Federal Aviation Administration (FAA) to provide the County with all data and other evidence demonstrating the benefits of the South-Central Florida Metroplex Project and its associated modifications to the existing flight departure and arrival procedures for Miami International Airport; and urging the FAA to provide such data and other evidence as soon as possible but, in any event, prior to implementation of the project

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The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman, Commissioner Esteban L. Bovo, Jr. and Commissioner Barbara J. Jordan.

  
Abigail Price-Williams  
County Attorney

APW/smm



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** October 6, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(22)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(22)

Veto \_\_\_\_\_

10-6-20

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FEDERAL AVIATION ADMINISTRATION (FAA) TO PROVIDE THE COUNTY WITH ALL DATA AND OTHER EVIDENCE DEMONSTRATING THE BENEFITS OF THE SOUTH-CENTRAL FLORIDA METROPLEX PROJECT AND ITS ASSOCIATED MODIFICATIONS TO THE EXISTING FLIGHT DEPARTURE AND ARRIVAL PROCEDURES FOR MIAMI INTERNATIONAL AIRPORT; AND URGING THE FAA TO PROVIDE SUCH DATA AND OTHER EVIDENCE AS SOON AS POSSIBLE BUT, IN ANY EVENT, PRIOR TO IMPLEMENTATION OF THE PROJECT

**WHEREAS**, the Federal Aviation Administration (the “FAA”) has announced that it plans to implement new aircraft departure and arrival procedures for Miami International Airport (“MIA”) as part of a project known as the South-Central Florida Metroplex Project (the “Metroplex Project”); and

**WHEREAS**, as part of the Metroplex Project, the FAA plans to modify the existing aircraft departure and arrival procedures for MIA, and such modifications will, for some portions of the County, result in a higher concentration of air traffic than currently exists; and

**WHEREAS**, the FAA has stated that there are numerous benefits to implementation of the Metroplex Project, including, but not limited to, (1) decreasing congestion at airports and in the air, (2) enhancing the safety and efficiency of air traffic flows, and (3) benefitting the environment by reducing fuel burn and carbon emissions; and

**WHEREAS**, some residents of the County have voiced opposition to the FAA’s anticipated implementation of the Metroplex Project on the basis that it will have detrimental environmental and noise impacts to portions of the County; and

**WHEREAS**, as such, this Board wishes to urge the FAA to provide to the County all data and other evidence that demonstrate the benefits of implementation of the Metroplex Project to MIA and the County,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the FAA to provide to the County all data and other evidence that demonstrate the benefits of implementation of the Metroplex Project to MIA and the County.

**Section 2.** Urges the FAA to provide such data or other evidence as soon as possible but, in any event, prior to the FAA's implementation of the Metroplex Project.

**Section 3.** Directs the Clerk of the Board to transmit certified copies of this Resolution to the Florida Congressional Delegation, the secretary of the U.S. Department of Transportation, and the FAA Administrator.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Sally A. Heyman, Commissioner Esteban L. Bovo, Jr. and Commissioner Barbara J. Jordan. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 6<sup>th</sup> day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

RCZ

Ryan C. Zagare