



MINUTES
REGULAR COMMISSION MEETING
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, June 6, 2017 at 7:00pm

1 Call to Order

Mayor Tracy Truppman called the meeting to order at 7:02pm.

2 Roll Call

Mayor Tracy Truppman - present

Vice Mayor Jenny Johnson-Sardella - present

Commissioner Harvey Bilt - present

Commissioner Roxanna Ross - present

Commissioner William Tudor - present

Present from staff were:

Village Manager Krishan Manners

Village Clerk Marlen D. Martell

Village Attorney John Hearn

Police Chief Nicholas Wollschlager

Public Works Cesar Hernandez

3 Pledge of Allegiance

Mayor requested a moment of silence, those individuals and their families exposed to terrorist acts.

4 Presentations

4.a State Representative Daphne Campbell was unable to attend, but will be presenting at a future meeting.

4.b County Commissioner Sally Heyman was unable to be present due to a conflict in schedule, but will update the Commission at a future meeting.

4.c Nicholas Wollschlager was sworn in as Police Chief by Commander Roy Camara.

4.d Manager Manners reported on a number of positive and progressive changes such as; the completion of the 2014/2015 CAFR, currently working on the 2015/2016 CAFR, possible candidate for parks and recreation manager, Zumba and Pilates programs will be offered at the recreation center.

Commissioner Ross made a motion to draft and adopt a resolution for the hiring of Chief Wollschlager, seconded by Commissioner Bilt.

Motion passed: 5-0

Chief Wollschlager announced Officer Dominguez was awarded for issuing the greatest number of "Click it or Ticket" citations. Median parking and traffic enforcement are constant issues and the concern is can you cite or do you have to give proper notice. Orange stickers have been purchased and will be placed on vehicles parked on the medians. Traffic maintenance has been notified to access our signage and determine if signs need to be replaced. Traffic calming can be achieved through "Click it or Ticket" or by recording the speed of drivers. Other agencies have been contacted to obtain surplus equipment to advise drivers of their speed, but it does not record their speed. The challenge is having sufficient personnel to ticket and record speeders throughout the Village. The solution is to continue recruiting Reserve and Full-time Police Officers. The force is being built, two additional officers will join the force next Monday. A 6 month comparison of last year's stats and traffic enforcement efforts report will be presented at the next Commission meeting.

5 Additions, Deletions or Withdrawals to the Agenda

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

No changes were made to the agenda.

6 Public Comments Related to Agenda Items / Good & Welfare

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

Dan Samaria: Consider identifying residents by providing decals that would go on their cars. A meet and greet is taking place tomorrow at the Recreation Center to welcome the Chief of Police and the Village Manager.

Ivan Parra: Needs help with the number of golf balls hitting the homes and damaging vehicles around golf course. Called the golf manager and his response was that the nice view comes with a risk, but that is not acceptable. In addition, children are playing outside and they could get hurt, asking for the Commissions help.

Mike Rothenburg: Received a courtesy notice for having wood and cement blocks on the curb. At the time when cement turtles were adopted to deter parking on the swale large trucks were not an issue. The corner of 7th Avenue and 113 Street is constantly being destroyed by moving trucks and large vehicles, the maintenance is costly. Requesting help from the Commission to consider alternatives to be placed on the swale to prevent damage from heavy trucks in the area.

Barbara Kuhl: The Chief recently took over and change is not immediate, but the concern is speeders and people running stop signs; this is dangerous. Before considering traffic calming alternatives allow the Police to enforce the law. Regarding the landlord inspections it was to be conducted by CAP and the cost passed to the owners. Also, not happy with Code Compliance the procedure is not being followed. Trash collection definitive explanation has not been clarified.

Gary Kuhl: To discuss the renegotiation with WastePro to have side yard pickup and increase size of yard trash pickup. Do not support paying for others that are not following the rules. Residents continue to place oversize loads and the result is that WastePro returns on Wednesday and removes the pile. Instead offenders should be cited daily for not adhering to the code. Otherwise, there is no incentive to comply. Information needs to be disseminated to the residents explaining the citation process, pick up times and restrictions.

Janey Anderson: Consideration to control traffic could be to take the extremely narrow streets and create one way streets. The increase in trash piles should be paid by those creating the piles not by the residents that do not put out anything. The issue of oversized piles should not be the burden of all but a solution would be a user fee. Side yard pickup may be a solutions for residents no bringing in their containers as required.

Dan Keys: No need to increase the current 2 cubic yard waste contract with WastePro. Any increase will become costly down the road when it is time to renegotiate the contract. A ticketing system is established, use that system. Supports the speed limit reduction, an example is the traffic study report adopted by Key Biscayne. This needs to be carefully considered before traffic calming devises are placed in every corner.

Chuck Ross: Does not support changing the yard trash collection size. Since a new board is being considered traffic calming could be their project. Traffic calming might be the first task for the new board to research. Miami Shores conducted a traffic study. It would be a traffic engineer to design that study. Some traffic study criteria are: number of crashes, permission of residents on that street to install calming devices, types of vehicles traveling, common intersection violations and the cost. In North Miami the construction alone of a traffic circle was \$250,000. Would place all items in 12.b on hold.

Bob Anderson: Regarding 9.a concerned with the job duties of the board, the qualifications. They do the research and the approximate cost is provided to the Manager and Commission to discuss if cost effective. They need structure.

Public Comment Closed.

6.a Response to prior public comments and inquires.

Mayor Truppman discussed problematic visibility stop sign lines with the Manager and the Chief. One way streets and wider streets create a counter problem because they now have the wider streets to speed on.

Commissioner Ross: Suggested to the resident having golf ball damage issues that the Manager can reach out to Miami Shores and see if they can come up with alternative suggestions once they are made aware of the impact they are having on surrounding properties. Additional, foliage might help to shield the impact of the golf balls. Regarding the Landlord/tenant inspection issue, originally the Building Official was to conduct those inspections. Later, the vendor determined the volume of inspections were not cost effective. Empathized and sympathized with the issue of damage to the swale. Swales receiving large amounts of water are severely damaged when large trucks or commercial trucks drive through those areas. This issue may require some brainstorming and consideration as to what can be put in place to prevent damage on the swales to limit creating undesirable curb appeals. In the past, the Village had "NO THRU TRUCK" signs. This may be a solution or deterrent.

Vice Mayor Johnson-Sardella: Noticed in the pictures produced that a truck almost hit a wire and signage may be a deterrent.

Mayor Truppman: Trash piles are being placed out on Saturdays. The website has an easy schedule showing the correct days and times to place and remove containers containing trash, garbage or recycling. Construction debris is not allowed.

Manager Manners: The Landlord Permit Inspection letters did not go out on time and now he is working on catching up on scheduling the inspections.

7 Information / Updates

- 7.a Financial Update provided by Village Manager Manners. All accounts are current and 2014/2015 CAFR will be forwarded to the State. Currently, working on 2015/2016 CAFR and preliminary budget.

8 Consent Agenda

- 8.a Approval of Minutes
Regular Commission Meeting - May 2, 2017

- 8.b Acceptance of Board Minutes
Planning & Zoning - April 17, 2017
Planning & Zoning - May 1, 2017
Code Compliance Board - May 8, 2017
Biscayne Park Foundation - May 8, 2017
Planning & Zoning - May 15, 2017

8.c Resolution 2017-28

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE A MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE CITY OF NORTH MIAMI, FLORIDA AND THE VILLAGE OF BISCAYNE PARK;** PROVIDING FOR AN EFFECTIVE DATE

8.d **Resolution 2017-29**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AND THE VILLAGE OF BISCAYNE PARK;** PROVIDING FOR AN EFFECTIVE DATE

8.e **Resolution 2017-30**

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE VILLAGE OF BISCAYNE PARK, AUTHORIZING THE CITY TO SELL AND DISPENSE DIESEL AND UNLEADED FUEL FOR SERVICE VEHICLES OWNED BY THE VILLAGE OF BISCAYNE PARK;** PROVIDING FOR AN EFFECTIVE DATE

8.f **Resolution 2017-33**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE AMENDMENT TO CONTROL AGREEMENT AND PLEDGE AND SECURITY AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND CITY NATIONAL BANK OF FLORIDA;** PROVIDING FOR AN EFFECTIVE DATE

Commissioner Ross motioned to approve the consent agenda, seconded by Commissioner Bilt. Motion passed 5-0.

9 **Ordinances**

9.a **Ordinance 2017-01**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **CREATING NEW SECCION 2-37 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED "PUBLIC SAFETY ADVISORY BOARD";** PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Public Comment was opened

Barbara Kuhl: This is a board that makes no sense. This should be handled by professionals not residents. This board can be combined with Crime Watch.

Janey Anderson: Was in favor of it last time, but when studying the board concerned about the roll and the additional work and cost involved. This board could turn into a wish list without financial means. The board needs direction and structure.

Dan Keys: Against the Ordinance, this board will not replace the consultants needed in the first place. The board can recommend to the Commission to hire a consultant to prepare a study, but this board is not going to have the ability to research and properly evaluate i.e.: traffic calming.

Gary Kuhl: In the past when Biscayne Park was mentioned the first thing said was "Don't even think about Speeding." Building up our Police force is the most effective and cost efficient method to improve traffic safety. Regarding the grant writing - volunteers are being asked to do the work where funds are not available especially when we are not able to contribute to matching fund grants. Professionals should be hired to identify and pursue these funds. Asking citizens to find this information becomes a burden on staff. Unless, somebody like the Village Manager or the Commission are the ones identifying grants that are worthwhile and will help the Village.

Judi Hamelburg: Have been on a number of boards and it is a lot of work and it gets frustrating. They require staff, minutes, notes, etc.... This requires giving the boards power and existing boards can be used to address these issues. Public safety should be left up to the police department.

Chuck Ross: Agreed with Dan the boards have no purpose if the funding is not available for the projects.

Public Comment Closed

Mayor and Commissioners discussed the concerns of the resident as well as the feasibility study produced by the Village Manager. The consensus of the Commission was to amend the Ordinance 2017-01 as follows: Sec. 2-37 b). The header will be changed to Board Membership/Qualification. It shall include a second sentence which will read: Though not required, experience in the fields of engineering, electrical, law enforcement, urban planning, construction and research/analytical experience is preferred. Sec. 2-37 d.1. will begin with, Upon Village Commission direction, the Public Safety Advisory Board shall...

Commissioner Tudor made a motion to approve and adopt Ordinance 2017-01 on second reading as amended, seconded by Commissioner Bilt.

All in favor: Mayor Truppman, Vice Mayor Johnson-Sardella, Commissioner Bilt and Commissioner Tudor.

Opposed: Commissioner Ross

Motion carried: 4/1

9.b **Ordinance 2017-02**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **CREATING NEW SECTION 2-38 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED "GRANT WRITING ADVISORY BOARD"; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

Public Comment was opened

Barbara Kuhl: Again feels this board is a waste of time. There are needs in this community such as roads, median improvements. Grants come with a price and the Village needs roads. Would rather spend tax dollars on a professional and not seek grants that are not what is needed or wanted. A 3 to 5 year plan needs to be implemented to fix the roads. Commissioners are elected to work and Managers are the ones to make the calls, not an advisory board. The qualifications are great but the current boards are not filled and if 5 residents apply for the board with or without qualifications they will be approved.

Dan Keys: Agreed with previous speaker. In the past a grant was available to install trees and shortly after reviewing the grant there were obligations that had to be met by the Village such as manpower. The Manager can seek volunteers in the Village to research grants. The idea of writing a grant without staff input is not going to happen. Boards are time consuming and take up staff time. If residents want to get involved make an individual responsible for signage and let that person go back and forth with the County.

Public Comments Closed

Commissioner Tudor stated the reason to create this board was for the board to be dedicated to recognizing and pursuing funding for the Village. This board will be given direction by the Commission on projects that need funding.

Manager Manners agreed the research of locating and reviewing grants would be helpful to fund projects that without the funding would not be possible. It will take staff time, but grant writers can detect grants that are feasible and beneficial for the Village.

The Mayor supports the opportunities a grant writing board could offer. The only down side is to apply and not get the grant. The language in the Ordinance is clear, the board will take direction from the Village Manager and the Commission.

Commissioner Ross was not in favor due to past experience when one individual was spearheading the grant and it divided the community. It consumed so much time from staff and residents to get nothing at the end. Recommended rather than establishing a board to introduce individuals in the community that are interested in helping the Village obtain grant funding. Would like the Commission to establish priorities to establish the base of what to support in order to invest time researching possible grants.

Vice Mayor Johnson-Sardella would like the board to be prompted by the discussion of priorities. Give specific direction from the Commission upon the need of the community.

Commissioner Bilt was supportive as long as the board was receiving direction from the Manager and Commission.

Attorney Hearn read the following amendment was as follows: Sec 2-38 d) first sentence shall read: The Grant Writing Board shall seek out grants upon Village Commission's request.

Commissioner Tudor made a motion to approve Ordinance 2017-02 as amended on second reading, seconded by Commissioner Bilt.

All in favor: Mayor Truppman, Vice Mayor Johnson-Sardella, Commissioner Bilt and Commissioner Tudor.

Opposed: Commissioner Ross

Motion carried: 4/1

10 Resolution

NONE

11 Old Business

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

NONE

12 New Business

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

12.a Approval of Village Manager's Contract

Resolution 2017-32

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE EMPLOYMENT AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND KRISHAN MANNERS APPOINTING KRISHAN MANNERS AS VILLAGE MANAGER OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn clarified the contract was negotiated with each Commissioner individually without violation of the Sunshine Law. This required working with the commissioners without advising them of the others changes/recommendation and coming up with a contract that all could agree upon.

Commissioner Ross requested to change the outside employment to be consistent with the probationary period.

Commissioner Ross motioned to approve the Village Manager Manners Contract as amended and to draft and adopt a resolution, seconded by Vice Mayor Johnson-Sardella. Motion passed 5-0.

Manager Manners thanked the Commission for their support.

12.b Discussion items requested by - Commissioner Harvey Bilt

Commissioner Bilt placed these items on the agenda to open a dialog among colleagues since the Sunshine Law prohibits them from speaking to each other about issues that relate or could relate to a vote.

- ◆ Lowering of speed limit to 20 mph - Traffic calming, bumps, humps, tables, cushions and semi circles- The Commission discussed a number of options/solutions/suggestions such as: seeking to reduce the speeding at viable locations where children gather, research Key Biscayne reduction of speed limit and what has been the pros/cons, visibility, signage throughout the Village and the discussion proceeded into the expansion of our law enforcement department and their ability to decrease speeding by having more boots on the ground and enforcing the law. The consensus of lowering the speed limit was mixed and a possibility was to look into other municipalities that have adopted this technique. In addition, working with surrounding municipality to work together to decrease the utilization of our streets for cutting through.

- ◆ Household trash side yard pickup - The residents are not retracting the cans in a timely manner causing an undesirable look. Side yard pickup might be the answer to avoid the cans remaining on the street for an extended time. Originally, the request for side yard pickup was available.

Kenny Rivera was present representing WastePro to discuss side yard service and oversized yard trash. The side yard service would be a major change to the contract. The contract was bid per specifications and side yard was limited in order to save cost, but the option is still available. Presently, there are 40 to 50 homes receiving side yard service. Changes to placing the containers inside the property behind a gate would also be a considerable change to the contract and the gate would need to be accessible prior to starting that service.

Attorney Hearn: The residents receiving side yard service would need to sign a liability release for the contractor to enter onto their property.

- ◆ Changing the amount of yard trash - The discussion was regarding the number of oversized yard trash being placed on the street and how some residents will adhere to the 2 cubic yard requirement and others do not. Seeking solutions to improve this situation.

Mr. Rivero: The Village receives quarterly bulk pickups generally scheduled on a Saturday. An increase in the cubic yard pickup would be a change to the contract. Most residents are complying with the guidelines while others are not. An effective tool is educating residents of what 2 cubic yards look like. Currently, there is a process to address oversized loads through WastePro and Code. What goes unmentioned is the unintentional pickups taking place on Wednesday when WastePro is picking up the identified piles, but will also see a pile and pick it up as well.

The consensus of the Commission was to direct Manager Manners to work with WastePro to decrease trash and containers on the streets.

Gary Kuhl: Oversized piles are not a citable offense. It becomes citable when placed or left out on the wrong pickup day. The process encourages residents because they have (2) additional days that the trash can remain on their property. They need to be cited everyday the trash is out there.

Dan Keys: Recommended to eliminate the special pickups on Saturday and instead grant residents (2) two oversized pickups per year.

Mr. Rivero: The rate structure is based on disposal cost. The cost applied has to be Village wide. The cost has to be implemented citywide. The eyesore is the placement of trash on the wrong days. The trash continues to be put out after the trash is picked up. It is very difficult to manage and report the violators since they are not in the Village daily.

The Commission reiterated the two major concerns: placing the pile out on the wrong day and oversized piles.

12.C Methods of improving communications and transparency with residents - Mayor Truppman

Mayor Truppman asked to table this item. The Commission did not object. The item will be forwarded to the July meeting.

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.

Budget issues - Finance and Village Manager

12.c Methods of improving communications and transparency with residents - Mayor Truppman

Trash issues report from WastePro and Village Manager

General overview (Priorities of the Commission) - Mayor

Driveway Ordinance - Commissioner Ross

Landscape Ordinance - Commissioner Ross

Southeast Florida Regional Climate Compact - Commissioner Ross

14 Reports

14.a Village Attorney: An executive session will be scheduled the last week of June to discuss PBA and Public Work Contracts.

14.c Board / Committee Reports: *No committee reports*

Biscayne Park Foundation

Parks & Parkway Advisory Board

Public Art Advisory Board

14.d Commissioner Comments: *No Commission reports*

Mayor Truppman

Vice Mayor Johnson-Sardella
Commissioner Bilt
Commissioner Ross
Commissioner Tudor

15 Announcements

Wednesday, June 7th - Meet and Greet Police Chief and Village Manager at 6:00pm
Ed Burke Recreation Center

Monday, June 12th - Code Compliance Meeting at 7:00pm

Monday, June 12th - Biscayne Park Foundation Meeting at 7:00pm

Wednesday, June 14th - Public Art Advisory Board Meeting at 6:00pm CANCELLED

Monday, June 19th - Planning and Zoning Board Meeting at 6:30pm

Wednesday, June 21st - Parks & Parkway Advisory Board Meeting at 7:00pm

Monday, July 3rd - Planning and Zoning Board Meeting at 6:30pm MOVED TO
WEDNESDAY JULY 5th

Tuesday, July 4th - Village Hall Departments are closed - Independence Day Holiday

Monday, July 10th - Code Compliance Meeting at 7:00pm

Monday, July 10th - Biscayne Park Foundation Meeting at 7:00pm

16 Adjournment:

Motion for adjournment made by Vice Mayor Johnson-Sadella, seconded by
Commissioner Bilt. All in favor. Motion carries: 5-0

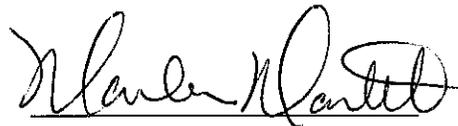
The meeting was adjourned at 10:18pm

Commission approved on : July 11, 2017

Attest:



Tracy Truppmann, Mayor



Marlen Martell, Village Clerk