



VILLAGE OF BISCAYNE PARK

Special Commission Meeting
Log Cabin – 640 NE 114th Street
Biscayne Park, FL 33161

Tuesday, November 14, 2017
7:30 PM

Mayor Tracy Truppman
Vice Mayor Jenny Johnson-Sardella
Commissioner Harvey Bilt
Commissioner Roxanna Ross
Commissioner William Tudor

Village Manager Krishan Manners
Village Attorney John Hearn
Village Clerk Marlen D. Martell
Chief Nicholas Wollschlager

REGULAR COMMISSION MEETING MINUTES

ROLL CALL OF THE CITY OFFICIALS:

The meeting was called to order at 7:30pm by Mayor Tracy Truppman. Present at the meeting were Mayor Tracy Truppman, Vice Mayor Roxanna Ross, Commissioner Harvey Bilt, Commissioner Jenny Johnson-Sardella and Commissioner William Tudor. Additional, staff in attendance were: Village Manager Krishan Manners; Village Attorney John Hearn; and Village Clerk Marlen D. Martell.

PLEDGE OF ALLEGIANCE: led by Mayor and Commissioners.

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.

Attorney Hearn suggested the Commission call a special meeting to clarify/rectify an action taken at the November 7th Commission meeting. A visioning presentation from approximately eight (8) residents took place at that meeting. The Commission approved to waive the Recreation Center fees for the group of residents that had made a presentation. The residents requested to use the center for two meetings. Attorney Hearn recommended that the Commission meet prior to the residents holding their first visioning meeting because it would be held prior to the next Regular Commission meeting. Therefore, a Special Meeting should be scheduled to discuss/clarify the Commission's intention concerning this citizen group. Further, if a board/committee is to be established, it needs to comply with Section 2-30 of the Village's

Special Commission Meeting
November 14, 2017

Code of Ordinances. If the Commission would like to establish a board or committee, we would also need to determine whether it be established as a regular board/committee, or as an ad hoc or one of a limited term or special purpose, and whether an ordinance should be created, consistent with non-ad hoc/special term boards. It was clear that neither the residents nor the Commission had any intent to establish an advisory/board/committee.

At the November 7th Commission meeting Attorney Hearn did not object to the waiver, but had concerns regarding the group's role, specifically reporting back to the Commission. This led him to request clarification from Pat Gleason, Special Counsel for Open Government at the Florida Attorney General's Office. Ms. Gleason confirmed that the actions taken by the group of residents did not fall under any Sunshine Law requirements. A group of residents can meet in private and come to the Commission with their ideas. This is not a violation of the Sunshine Law. However, she did say that providing the group of residents with free access to the Recreation Center would appear that the residents were operating with the support of the Commission and therefore the Sunshine Law would apply. Under the broad definition of the Florida Sunshine Law, Ms. Gleason believes the Attorney General's Office would consider this group to be an advisory/board/committee, if the fees are waived. Attorney Hearn's recommendation was for the Commissioners that made the motion to rescind the motion waiving the fees for the group.

An entire discussion went on about the definition of the group, a board, an advisory group, or a committee. In addition, discussion also took place regarding the steps to rectify the motion taken at the November 7th Commission meeting.

PUBLIC COMMENT

Mayor Truppmann opened the meeting for **Public Comment**.

The following person(s) made comments on the record:

Linda Dillon – disagreed

Art Gonzalez - disagreed

Nicole Susy - disagreed

David Raymond – agreed

Chuck Ross- disagreed

Fred Jones - disagreed

Ernesto Oliva – agreed

Mac Kennedy - disagreed

Jeffrey Jones – agreed

Amy Raymond – was present to obtain approval to host the 2nd annual Art Show on February 3, 2017 between 2-6PM, requesting to waive the use the log cabin.

Most residents were against rescinding the motion approved on November 7th, waiving the group the fees to use the Recreation Center. They stated they were not a board, committee or advisory group, but a group of concerned citizens looking to positively interact with the Commission to establish a common goal. They would not report back to the Commission, if that would

constitute the group to be viewed as a board/committee. The purpose of this group was to influence core values for the common good of the Village. Its intent was to share in the process, develop creativity and establish position dialog.

PUBLIC COMMENT CLOSED

Response to prior public comments and inquiries

Attorney Hearn was hopeful that the Attorney General would have agreed with his previous recommendation, but since the Attorney General's opinion was unfavorable it was his responsibility to advise the Commission and recommend that they rescind the previous motion otherwise the actions of the Commission could be construed as the group being supported by the Commission. Therefore, the Commission would inadvertently create an advisory or ad-hoc committee.

The Commission attempted to seek other options that would waive the fees for the group without giving the impression that they were in support of a non-conforming committee. Commissioner Tudor asked if any other alternatives would address this issue. Commissioner Johnson-Sardella was specific on the questions posed at the previous meeting. Vice Mayor Ross disagreed with the recommendation as other groups in the past served as fact finding task forces where fees had been waived and they were not subject to the Sunshine Law.

Attorney Hearn's legal opinion was to not waive the fee, thus avoiding any conflict.

Motion to rescind waiver of fee was made by Commission Johnson-Sardella, seconded by Commissioner Tudor. Motion passed 4-1. Vice Mayor Ross opposed.

Next item for consideration was the approval of the 2nd Annual Art Show.

Motion to approve the Public Art Advisory Board to conduct the 2nd Annual Art Show on February 3, 2018 by Vice Mayor Ross, seconded by Commissioner Johnson-Sardella. Motion passed 5-0.

Motion to approve the board to partner with Biscayne Park Foundation to fundraise was made by Vice Mayor Ross, seconded by Commissioner Johnson-Sardella. Motion passed 5-0.

Motion to approve the waiver of fees for the Log Cabin in order to authorize the board to conduct the 2nd Annual Art Show by Vice Mayor Ross, seconded by Commissioner Tudor. Motion passed 5.0.

ANNOUNCEMENTS:

NEXT REGULAR VILLAGE COMMISSION MEETING is scheduled for Tuesday, December 5, 2017.

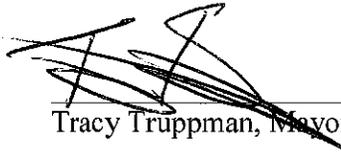
ADJOURNMENT

With no further items for discussion, meeting adjourned at 9:00 PM. Commissioner Tudor motioned for adjournment, seconded by Commissioner Johnson-Sardella.
MOTION PASSED 5-0.

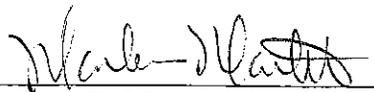
Commission approved on: 12-5-17

ATTEST:

(SEAL)



Tracy Truppman, Mayor



Marlen D. Martell, Village Clerk