



**MINUTES  
REGULAR COMMISSION MEETING  
TUESDAY, AUGUST 16, 2022 7pm**

**1. Call to Order**

A meeting of the Mayor and Village Commission of the Village of Biscayne Park, Florida was held on Tuesday, August 17, 2022, at 7 p.m. at the Log Cabin, 640 NE 114<sup>th</sup> St., Biscayne Park, FL in person and via **Zoom Meeting ID: 851 9808 2408**

The meeting was called to order at 7 p.m. by Mayor O'Halpin.

**2. Roll Call**

Village Clerk Shantay Bingham called the roll with the following Commission members were in attendance:

Commissioner Gonzalez  
Commissioner Hamelburg  
Commissioner Kennedy  
Vice-Mayor Samaria  
Mayor O'Halpin

**3. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Samaria.

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

Mayor O'Halpin requested to move 11b before 11a. Vice Mayor requested to add 911 Ceremony to the agenda. Commissioner Kennedy requested to have a conversation regarding tree selection on Griffing Blvd.

Vice Mayor Samaria motioned, seconded by Commissioner Gonzalez to accept the changes to the agenda. **All in favor 5-0**

**5. Presentations:**

**5. a 2022 Legislative Update Presentation with Rep. Dottie Jones**

**5.b Biscayne Park Flag Retirement Collection Box Program**

**6. Public Comments**

Mayor O'Halpin opened the Floor to Public Comments

**David Ashe**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Stephanie Scher**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Laura Caban**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Maria Goudoie**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Philip Alexander**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Drew Dillworth**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Barbara Safas**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Barbara Kuhl**- addressed the Commission regarding opposition to the SWALE Ordinance and the Great Waste contract.

**Gary Kuhl**- addressed the Commission regarding the SWALE ordinance, and landscaping and would like the Commission to enforce the current Ordinances before adopting a new one.

**Dan Keys**- addressed the Commission regarding the Great Waste Resolution.

**Gary Kuhl**- Explain the ramifications of HB 401

**Ricardo Guzman**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Mike Llevano**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Shawn O'Neil**- addressed the Commission regarding stray cats and would like the Commission to address the problem.

**Gage Hartung**- addressed the SWALE ordinance, McMansion Ordinance, selling of units, mentioned re-occupancy and would like the Village to enforce re-occupancy.

**Marisah Gruen**- addressed the Commission regarding her Board application to the Boards of Parks and Parkways.

**Dr. Marty Zaiac**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Janey Anderson**- addressed the Commission regarding opposition to the SWALE Ordinance. thanked Commissioner Kennedy for bringing up additional units

**Bob Anderson**- addressed the Commission regarding SWALES and landscaping

**Mario Carrizo**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Megan McGuinn**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Juan Di Polo**- addressed the Commission regarding opposition to the SWALE Ordinance.

**David Raymond**- addressed the Commission regarding opposition to the SWALE Ordinance.

**Amy Raymond**- addressed the Commission regarding opposition to the SWALE Ordinance.

The Village Clerk read the following comments into the record.

**Claire Abourizk**- emailed the Commission regarding opposition to the SWALE Ordinance.

**Eric Amsler**- emailed the Commission regarding opposition to the SWALE Ordinance.

**Matt Davis**- emailed the Commission regarding opposition to the SWALE Ordinance.

**Mariana Ferro & Amy Alonso**- emailed the Commission regarding opposition to the SWALE Ordinance.

**Sandor Scher**- emailed the Commission regarding opposition to the SWALE Ordinance.

## 7. Commission Reply to Comments

**Commissioner Hamelburg** addressed residents regarding the SWALE Ordinance. Mentioned that constant emails regarding safety are received, there was never a discussion regarding ripping out gardens, trying to make a safer space for people to step off the road.

**Commissioner Gonzalez**- echoed Commissioner Hamelburg's comments. Having heard from residents, changed my mind and am here to represent what the residents want. Addressed the stray cat issue.

**Commissioner Kennedy**- Thanked the Parks and Parkway board applicants, and addressed the stray cat situation, and will be bringing to an upcoming meeting a discussion about the Village's open feeding laws.

**Vice Mayor Samaria**- Thanked everyone for coming out. Addressed the SWALE ordinance comments and safety issues.

## 8. Reports

### **Commission Reports**

**Commissioner Hamelburg**- reported that she attended the BOD July 13<sup>th</sup> meeting. Follow up regarding a rapid transit Ordinance from 2021. Attended the Clean Campaign Seminar via Zoom. The August 16<sup>th</sup> meeting was postponed and cancelled due to the shooting of the police officer. Was scheduled to attend August 4<sup>th</sup> Board meeting as a result of being exposed to Covid.

**Commissioner Kennedy-** Congratulated Jill Grucan on being elected as the President of the Foundation, Thanked the Village Clerk for sharing election information, Parks and Parkways to populate the Board. Recruited Juan and Marisah to the Board. Asked the Commission to recruit members. Asked the Manager to provide an update on 826 NE 121 Street residents are asking for an update, thanked Commissioner Hamelburg for the update.

### **Village Manager's Report**

The Manager's report is submitted in writing. In response to commissioner Kennedy's request for an update. The property owner is going through the various steps with Planning and Code compliance. They are not working with the Village at this time. They have to meet their own requirements at this point.

Mayor O'Halpin asked for a motion to approve the Consent agenda. Vice Mayor Samaria moved, seconded by Commissioner Hamelburg to approve the Consent Agenda.

Consent agenda approved 5-0

#### 9.a [Advisory Board Minutes](#)

The item was approved on Consent

#### 9.b [Regular Commission Meeting Minutes](#)

The item was approved on Consent

### **10 Ordinances**

#### 10.a Amending Section 11.6 "Fences, Walls and Hedges." (First Reading)

Commissioner Hamelburg moved to approve the Ordinance as amended to provide for the 50 percent deterioration, seconded by Commissioner Gonzalez

**Public Comments:** There were no public comments

**Commission Comments:** Commissioner Hamelburg addressed the chain link fences If its' not metal? Commissioner Kennedy addressed letter I.

**Ordinance 2022-07 passes first reading 5-0**

### **11. Resolutions**

#### 11.b [Resolution No. 2022-38](#)

Vice Mayor Samaria moved, second by Commissioner Hamelburg.

Commissioner Kennedy thanked Village Attorney, Valerie good at adding non-discrimination language in all of our contracts to protect people regarding gender identity and sexual orientation. We need to protect all of folks in blue.

**Resolution passes 5-0**

11.b [Resolution No. 2022-34- Great Waste Agreement](#)

Vice Mayor Samaria moved to defer the item and bring back as an Ordinance, seconded by Commissioner Hamelburg.

Resolution passes 3-2

Commission Kennedy, no, Mayor O’Halpin- yes, Vice Mayor Samaria-no, Commissioner Gonzalez, yes, Commissioner Hamelburg, yes.

Village Attorney Valerie Vicente looked into both the Resolution and Ordinance that approved the award and also the franchise agreement, The recommendation would be to defer the item and will bring it 0back as an Ordinance which would require two readings. Asked for a consensus before making a motion to defer.

Vice Mayor Samaria made a motion to defer, Seconded by Commissioner Hamelburg.

The Village Manager gave an overview of the item.

The Commission discussed this at length.

Willie Hernandez addressed the Commission regarding the contract.

11.c [Resolution No. 2022-39 Awarding Request for Proposal No. 2022-005 to C. A. P. Government, Inc.](#)

Commissioner Hamelburg motioned, seconded by Commissioner Gonzalez.

The Village Manager gave an overview of the item.

Resolution passes 5-0

Commissioner Kennedy asked the Commission to commit to a discussion in October.

11.d [Resolution 2022-40- Appointment to the Parks and Parkway Board.](#)

Commissioner Kennedy motioned, seconded by Commissioner Hamelburg.

Resolution passes 5-0

12 Discussion- Old Business

12.a Commission Discussion- Amending Village Land Development Code to Address Single Family Residential Buildings From

Sylvia Vargas, Principal Planner, gave an update on the item.

The Manager gave an overview of the item.

Commissioner Hamelburg asked for the height issue to be addressed.

**Commissioner Kennedy** addressed Ms. Vargas. Mentioned being disappointed because not much as been addressed. The substantive things are not addressed. The height of the building and individual floors, here is what's not covered as other communities, the list was not addressed. Set back language (design choice of a straight-line home). Maximum lot size, balconies and living space, maximum square footage by lot size, windows and doors are addressed somewhat, landscaping and lot division.

**Gage Hartung**- regarding the height, bullet points were height. It was discussed, and hasn't made it to the current proposal. Mentioned that is more work to be done, a good start.

Commissioner Kennedy recommended sending back to Calvin Giordano. Commissioner Hamelburg rather see it done right. Commissioner asked if there would be another a chance to speak with the community for more input? Would like to do one more workshop.

Commissioner Kennedy mentioned that we should redesignate our planning board as an architectural review board to give them the ability to do certain things that will be in this code.

Valerie Vicente, Village Attorney addressed House Bill 401. Recommended creating a Design Review Board that basically the planning board services or for the comp plan. It would require two readings.

- Commissioner Samaria addressed the Commission regarding the 911 Collection September 1- September 30 to be held at the Recreation Center. Asked for permission to waive the fee and for permission to hold the presentation on 911 from 9-2pm.

#### 12.b Swales Item Discussion-

Village Attorney recommended that the Commission start with grandfathering items.

- The Commission discussed at length. Commissioner Kennedy showed a presentation regarding SWALES

#### 12.c Village Traffic Study

Moved to September meeting

### 13. Discussion- New Business

13.a Discussion of code regarding living/dwelling units a la Miami-Dade County code that applies only unincorporated MDC, and the tax implications of that section of the code.

13.b **BP Landscaping Requirements**  
Moved to the July Meeting

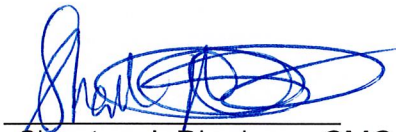
- 14. **Request for Placement of Items on Next Meeting Agenda**
- 15. **Announcements**

The Village Manager reported that the next Budget Workshop will be streamed to include the Manager's Evaluation and the Budget discussion, the Village received the water pump and is at Public Works.

- 16. **Adjournment**  
Commissioner Hamelburg motioned, seconded by Mayor O'Halpin to adjourn.  
meeting adjourned at 10:54pm

Respectfully submitted,

  
Virginia O'Halpin  
Mayor

  
Shantay J. Bingham, CMC  
Village Clerk