



# *The Village of Biscayne Park*

600 NE 114th St., Biscayne Park, FL 33161  
Telephone: 305 899 8000 Facsimile: 305 891 7241

## AGENDA REGULAR VIRTUAL REGULAR COMMISSION MEETING TUESDAY, JULY 6, 2021 – 7:00 PM

**1. Call to Order**

**2. Roll Call**

Mayor Virginia O'Halpin  
Vice-Mayor Judi Hamelburg  
Commissioner Art Gonzalez  
Commissioner MacDonald Kennedy  
Commissioner Dan Samaria

**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 Moment of Silence

**Please stand silently for a moment of reflection and respect. Words cannot express the grief our community has experienced over the tragedy of the Champlain Towers' collapse on June 24, 2021. We mourn the tragic loss of lives and injuries, and our deepest sympathies go out to the victims, their families, and friends. Likewise, we commend the heroic actions and courage of the rescue workers, volunteers, and government officials.**

5.b Proclamation - Independence Day

[Proclamation Independence Day 2021.pdf](#)

5.c Isabella Martinez - Girl Scout Silver Award Project "Scout Park"

5.d Introduction of new Public Works Manager, Albert Dominguez, P.E.

5.e Certificate of Recognition to Jocelyn Morffi - by Commissioner Kennedy

[Item 5.d - by Commissioner Kennedy - Jocelyn Morffi Certification of Recognition.pdf](#)

**6. Public Comments related to the Agenda items**

**7. Commission Reply to Comments**

## 8. Reports

### 8.a - Village Commission's Reports

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

### 8.b - Village Board's Reports

### 8.c - Village Attorney's Reports

### 8.d - Village Manager's Reports

## 9. Consent Agenda

### 9.a Acceptance of Commission Minutes

- Regular Commission Meeting 06/01/2021
- Special Commission Meeting 06/10/2021
- Special Commission Meetings 06/22/2021

[Item 9.a - COMMISSION minutes.pdf](#)

### 9.b Board Minutes

#### Acceptance on Consent Agenda

- Code Compliance Board Minutes 05 10 2021
- Code Compliance Board Minutes 05 27 2021
- Biscayne Park Foundation Minutes 05 13 2021
- Planning & Zoning Board Minutes 04 19 2021
- Planning & Zoning Board Minutes 05 03 2021
- Planning & Zoning Board Minutes 05 17 2021

[Item 9.b - BOARD minutes.pdf](#)

### 9.c Resolution 2021-36 - Supporting Ordinance of Miami-Dade County re Municipal Positions

Support Adoption of Miami-Dade County Ordinance Item Regarding Official Municipal Positions on County Board or Committee Agenda Items (County legislative file number 211306)

[RESO 2021-36 - Supporting Ordinance of Miami Dade County re Municipal Positions \(file no. 211306\).pdf](#)

### 9.d Resolution 2021-37 - Supporting the Adoption of a Miami-Dade County Resolution Creating a Septic to Sewer Task Force

Support County Commissioner Raquel A. Regalado of District 7 efforts to create a County task force for septic to sewer conversions.

[RESO 2021-37 - Support Adoption of Miami-Dade County Creating a Septic to Sewer Task Force.pdf](#)

### 9.e Resolution 2021-40 - Recognizing and Designating Juneteenth as a paid Village's Holiday

APPROVAL OF A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RECOGNIZING AND DESIGNATING JUNETEENTH

AS A PAID VILLAGE HOLIDAY TO BE OBSERVED ON JUNE 19<sup>TH</sup> OF EACH YEAR FOR NON-BARGAINING EMPLOYEES AND ALL OTHER EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

[RESO 2021-40 - Recognizing and Designating Juneteenth as a paid Village's Holiday.pdf](#)

- 9.f Resolution 2021-41 - National Night Out  
APPROVAL OF A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK SUPPORTING NATIONAL NIGHT OUT 2021 FOR THE PURPOSE OF PROMOTING POLICE-COMMUNITY PARTNERSHIPS; PROCLAIMING THE FIRST TUESDAY OF EVERY AUGUST AS "NATIONAL NIGHT OUT" IN THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

[RESO 2021-41 - National Night Out.pdf](#)

## 10. Ordinances

- 10.a Ordinance 2021-07 - Pool Water Maintenance and Covering - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 11.9 "SWIMMING POOLS" OF CHAPTER 11 "ACCESSORY STRUCTURES" OF THE BISCAYNE PARK LAND DEVELOPMENT CODE TO PROVIDE FOR MAINTENANCE STANDARDS AND REQUIREMENTS FOR SWIMMING POOL WATER; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR THE IMPOSITION OF LIENS; PROVIDING FOR ABATEMENT; AMENDING SECTION 18.3 "RESPONSIBILITIES OF OWNERS, OCCUPANTS AND USERS, OF CONSTRUCTION SITES FOR SECURITY AND MAINTENANCE" OF CHAPTER 18 OF THE BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "CONSTRUCTION," TO REQUIRE THAT ALL SWIMMING POOLS LOCATED ON AN UNOCCUPIED PROPERTY WITHIN A CONSTRUCTION SITE BE COVERED BY A WOOD COVER, AND ELIMINATING THE ABILITY FOR SAID SWIMMING POOLS TO BE MAINTAINED DURING CONSTRUCTION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR THE IMPOSITION OF LIENS; PROVIDING FOR ABATEMENT; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comments on Ordinance 2021-07 - First Reading

[ORD 2021-07 - Pool Water Maintenance and Covering.pdf](#)

- 10.b Ordinance 2021-08 - Demolition Permits - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 16.3 "BUILDING PERMITS" OF CHAPTER 16 "PERMITS AND CERTIFICATES" OF THE BISCAYNE PARK LAND DEVELOPMENT CODE TO REQUIRE APPROVED BUILDING PERMITS FOR A NEW DWELLING BEFORE A DEMOLITION PERMIT IS APPROVED TO DEMOLISH AN EXISTING DWELLING; TO REPLACE THE TERM "SOUTH FLORIDA BUILDING CODE" TO THE APPLICABLE BUILDING CODE, WHICH IS THE "FLORIDA BUILDING CODE"; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

10.c Ordinance 2021-09 - Fence Cut Outs - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 11.6. "FENCES, WALLS AND HEDGES." OF CHAPTER 11 "ACCESSORY STRUCTURES" OF THE BISCAYNE PARK LAND DEVELOPMENT CODE TO REPEAL SUBSECTION (b) OF SECTION 11.6.1 REGARDING THE TEMPORARY STORAGE OF TRASH AND GARBAGE CONTAINERS; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comments on Ordinance 2021-09 - First Reading

[ORD 2021-09 - Fence Cut Outs.pdf](#)

10.d Ordinance 2021-10 - Correcting Building Code References - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 1.14 OF CHAPTER 1 "GENERAL PROVISIONS" OF THE BISCAYNE PARK CODE OF ORDINANCES TO REPLACE THE TERM "SOUTH FLORIDA BUILDING CODE" TO THE APPLICABLE BUILDING CODE, WHICH IS THE "FLORIDA BUILDING CODE," AND TO REPLACE THE TERM "METRO DADE" TO THE CORRECT COUNTY NAME OF "MIAMI-DADE," AMENDING SECTION 5.7 OF CHAPTER 5 "CABLE TELEVISION SYSTEM" OF THE BISCAYNE PARK CODE OF ORDINANCES TO REPLACE THE TERM "SOUTH FLORIDA BUILDING CODE" TO THE APPLICABLE BUILDING CODE, WHICH IS THE "FLORIDA BUILDING CODE,"; AMENDING SECTION 11.5 OF CHAPTER 11 "ACCESSORY STRUCTURES" AND SECTIONS 16.4, 16.7, AND 16.9 OF CHAPTER 16 "PERMITS AND CERTIFICATES", OF THE BISCAYNE PARK LAND DEVELOPMENT CODE TO REPLACE THE TERM "SOUTH FLORIDA BUILDING CODE" TO THE APPLICABLE BUILDING CODE, WHICH IS THE "FLORIDA BUILDING CODE"; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comments on Ordinance 2021-10 - First Reading

[ORD 2021-10 - Correcting Building Code references.pdf](#)

**11. Resolutions**

11.a Resolution 2021-38 - Reinstating, Selecting and Appointing Board Members to the Ecology Board

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING THE REESTABLISHMENT, SELECTION, AND APPOINTMENT OF MEMBERS TO THE ECOLOGY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

[Item 11.a - RESO 2021-38 - Reinstatement and Appointment of Board Members - Ecology Advisory Board.pdf](#)

11.b Resolution 2021-39 - Approving DVS purchase and Waiving Competitive

## Bidding

APPROVAL OF A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, WAIVING COMPETITIVE BIDDING PROCEDURES PURSUANT TO SECTION 2-139 OF THE VILLAGE'S CODE OF ORDINANCES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH DIGITAL VIDEO SYSTEMS, FOR AUDIO-VIDEO EQUIPMENT AND INSTALLATION ATTACHED HERETO AS ATTACHMENT "A" , IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND SEVENTY-NINE DOLLARS (\$13,079.00); PROVIDING FOR AN EFFECTIVE DATE.

[RESO 2021-39 - Approving DVS purchase and waiving comp. bidding A.pdf](#)

## 12. Discussion / Action Items

Old Business

New Business

### 12.a Discussion: Village Code Enforcement - by Village Manager

[Item 12.a - Discussion - Village Code Enforcement - by Village Manager.pdf](#)

### 12.b Discussion: Public Meeting Access

- Commissioner Gonzalez - BP should have all Village meetings including board meetings utilizing some form of online live streaming access to residents
- Commissioner Kennedy - Please See Public Meeting Access Memo Enclosed

[Item 12.b - Public Meeting Access - by Commissioner Kennedy.pdf](#)

### 12.c Biscayne Park Donation to Pelican Harbor

Approval of a \$2,500 donation to the Pelican Harbor Seabird Station Non-profit Organization.

[Item 12.c - Discussion - Donate to Pelican Harbor.pdf](#)

### 12.d Discussion: Code Changes for Driveways, Swales and Rights of Way (ROWs) - by Commissioner Kennedy

[Item 12.d - DrivewaySwalesROWs.pdf](#)

### 12.e Discussion - Pledge of Allegiance - by Commissioner Kennedy

[Item 12.e - Pledge of Allegiance - by Commissioner Kennedy.pdf](#)

## 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. Announcements

Next Commission Meetings:

- Special Commission Meeting - Variance PV21-0004 Hearing - July 13, 2021 at 6:00 pm
- Regular Commission Meeting - **Thursday, August 05, 2021** at 7:00 pm
- National Night Out event hosted by Police Department - Tuesday, August 3, 2021
- Workshop - First Budget FY 2021-2022 Workshop - July 23, 2021 at 6:00 pm

Boards Meetings:

- Planning & Zoning Board - Thursday, July 8, 2021

- Planning & Zoning Board - Monday, July 19, 2021
- Code Compliance Board - Monday, July 12, 2021
- Biscayne Park Foundation - Tuesday, July 13, 2021
- Public Art Advisory Board - Wednesday July 14, 2021
- Parks & Parkway Advisory Board - Thursday, July 15, 2021

## 15. 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 July 6, 2021 at 7:00 pm

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 July 6, 2021 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: 965 8208 2934 Use the link below to join the meeting.

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

<https://zoom.us/j/96582082934>

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 965 8208 2934 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. Use the “raise your hand” feature and be recognized at the direction of the Chair. Comments will be limited to three (3) minutes.