



**MINUTES
REGULAR COMMISSION MEETING MINUTES
TUESDAY, JULY 12, 2022 – 7:00 PM**

1. Call to Order- A meeting of the Mayor and Village Commission of the Village of Biscayne Park, Florida was held on Tuesday, July 12, 2022, at 7 pm at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL in person and via Zoom Meeting ID 893 1723 3236.

The meeting was called to order at 6:00 pm by Mayor O’Halpin

2. **Roll Call**

Village Clerk, Shantay Bingham called the roll with the following Commission members were in attendance in person and via Zoom.

Commissioner Gonzalez

Commissioner Hamelburg

Commissioner Kennedy- via Zoom

Vice Mayor Samaria

Mayor O’Halpin

3. **Pledge of Allegiance** led by Vice Mayor Samaria

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

No additions, deletions or withdrawals to the agenda

5. **Presentations- No presentations**

6. **Public Comments**

Mayor O’Halpin opened the Floor to Public Comments

Nicole Martinez- Addressed the Commission regarding her Arts and Culture Board Application.

Antoinette Roman- Addressed the Commission regarding her Sustainability and Resilience Board.

Gage Hartung- addressed Ethics training, franchise fees, waiving of fees and walkway/driveway colors

Aleksander Bernhard- Addressed the Commission. Believes that zoom or anything online would be ideal for Board Members.

Mike Stosky- mentioned Code Enforcement needs a life alert and a Body Camera at all times. Would like Commission to pass something for safety for Code Officers.

Bob Anderson- addressed 11b Great Waste Resolution. Addressed the Commission regarding the Franchise fees, Swale parking, Walkway colors, and permitting fees.

Janey Anderson- addressed the commission regarding setting the millage. would encourage Commission not to increase taxes doesn't want to run the risk of running short especially being an election year. Addressed Swales item.

7. **Commission Reply to Comments**

8. **Commission Reports**

Commissioner Hamelburg- attending the MDCLC board of directors meeting. Sally Hayman has been notifying residents about "Operation Green Light", a county wide event from July 9 to July 17th where you can pay parking, traffic and criminal fines to save on collection charges, provided www. And contact information. Thanked everyone for Mango Fest.

Commissioner Kennedy- mentioned that Mango Fest was a fabulous event. Mentioned how many new residents are turning out to the events. Will ask during budget season to formalize engagement with residents at events. Mentioned that Parks and Parkway Board is in need of members. Mentioned that a few people will be joining but more members are needed. Mentioned the McMansion Ordinance and mentioned that the Ordinance is being worked on behind the scenes and the Commission will decided in the next few months.

Board Reports:

Aleks Bernhard (Sustainability and Resilience Board, Chair)-discussed fee waiving for driveways and solar panels. Regarding SWALES and right-aways and the Board unanimously recommended that no non-permeable surfaces be allowed under no condition, no parking on SWALES.

Janey Anderson (Code Compliance Board, Chair)- heard the 121st property and gave a deadline of 8.17.2022 to come back with an approved plan for the property. Thanked the Village Clerk.

9. **Consent Agenda**

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 [Ordinance No. 2022-06 Advisory Board Ethics Training Requirement\(Second Reading\)](#)

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING ARTICLE III “COMMISSIONS, BOARDS, AND COMMITTEES” OF CHAPTER 2 “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, TO INCLUDE A REQUIREMENT THAT ALL MEMBERS OF APPOINTIVE BOARDS AND COMMITTEES OF THE VILLAGE COMPLETE ANNUAL ETHICS TRAINING; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Hamelburg amended the motion to strike the words in section two four hours and have it read ethics course described in sub section shall include ethics training that addresses one of seconded by Vice Mayor Samaria

Public Comments: There were no public comments

Village Manager introduced the item

Mr. Thompson from the Miami Dade County Ethics Commission addressed the Commission

Commission Comments: The Commission discussed at length.

Ordinance passes 5-0

11. Resolutions

11.a [Resolution 2022-33 Tentative Millage Rate FY 2022-2023](#)

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING A TENTATIVE MILLAGE RATE OF 9.7000 MILLS PER ONE THOUSAND DOLLARS (\$1,000.00) OF TAXABLE ASSESSED VALUE FOR FISCAL YEAR 2022-2023, WHICH IS 16.99% MORE THAN THE ROLLED-BACK RATE OF 8.2914; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND THE SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK AND FINANCE MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER AND TAX COLLECTOR OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR Severability; PROVIDING FOR AN EFFECTIVE DATE.

Mayor O’Halpin called for a vote. Resolution No. 2022-33 passes 5-0

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

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING A First AMENDMENT TO THE AGREEMENT WITH GREAT WASTE AND RECYCLING SERVICE, LLC; PROVIDING FOR AN INCREASE IN RATES; PROVIDING FOR THE ADDITION OF EQUITABLE ADJUSTMENT TERMS IN THE AGREEMENT; PROVIDING FOR WAIVER OF THE FRANCHISE FEE FOR FISCAL YEAR 2023, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE SAID AMENDMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Village Manager gave an overview of the item.

The Commission discussed this at length.

Commissioners Kennedy and Gonzalez asked the Village Manager to research how other communities are handling Great Waste.

Commissioner Gonzalez motioned, seconded by Commissioner Kennedy to table the item. Mayor O'Halpin- no, Vice Mayor Samaria-no, Commissioner Gonzalez-yes, Commissioner Hamelburg-yes, Commissioner Kennedy, yes.

Motion to table passes 3-2

11.c [Resolution 2022-35 Appointment to the Arts and Culture Advisory Board](#)

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

Commissioner Kennedy motioned, seconded by Vice Mayor Samaria. Resolution No. 2022-35 passed 5-0.

11.d [Resolution 2022-36 Appointments to the Sustainability and Resilience Advisory Board](#)

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION, APPOINTMENT AND TERM OF OFFICE OF THE BOARD MEMBERS TO THE SUSTAINABILITY AND RESILIENCE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kennedy motioned, seconded by Vice Mayor Samaria. Resolution No. 2022-35 passed 5-0.

12. Discussion- Old Business

12.a. SWALES

The Village Manager gave an overview of the item.

The Commission discussed at length.

The Consensus of the Commission are:

The Village Manager recommended that the Commission come up with consensus for drafting of language for first reading.

The Consensus of the Commission are:

- 1) Detailing rules for installation mailboxes, will be grandfathered in.
- 2) Establishing a defined "Clear Zone" within the SWALE for plants.

Hamelburg- Yes

Gonzalez- No

Vice Mayor Samaria- Yes

Mayor O'Halpin- Yes

Commissioner Kennedy- No

- 3) Defining the Swale plant material are allowed within the Swale?

The Consensus is no

- 4)-Limit the square footage to the Miami Dade County specification of 8 ½ by 18 ½.

The Consensus is yes

- 5) the Commission consensus is for eliminating "head in parking"

The consensus is yes

The Manager mentioned that Legal will move forward with language for First reading.

Commissioner Kennedy asked that Legal come back to the Commission with a draft Ordinance.

- 12.b Timeframe Tarp should remain on a resident's roof?

Staff and the Commission discussed at item.

Staff to explore additional code language and will go to Code and Planning Board before reporting back to the Commission.

- 12.c Walkway/Sidewalk Color

The Commission discussed and asked that Planning Board to give feedback before coming back before the Commission.

- 12.d Fence Code Edit

Received feedback Code Compliance and Planning Board. Commissioner Kennedy recommends the following language: "No secondary fence or decorative material including but not limited to bamboo and other screening materials may be attached to placed or adjacent to any fence. Use language from the Planning Board that it must be shielded 100 percent at all times of landscaping material. Grandfather in existing chain link fences until repairs or replacement is needed. If the Commission decides that decorative material would be allowed. Commissioner Kennedy suggests that the Commission uses the language received from Code Compliance Board no decorative materials can be added at any time without a permit. Likes the additional language from the Planning Board, that covering the chain link fences with landscaping material.

Commissioner Kennedy suggest that the Commission uses the language received from Code Compliance Board no decorative materials can be added at any time without a permit. Likes the additional language from the Planning Board, that covering the chain link fences with landscaping material.

Commissioner Kennedy motioned to amend that section of the Code to include language no secondary fence or decorative material including not limited to bamboo and other screening materials may be attached to or placed adjacent to any fence and further that any chain-link fences that face the front or right-of-way must be shielded 100 % with landscaping materials.

The Consensus of the Commission is no secondary fencing. Legal will draft an Ordinance for the August Commission meeting.

13. Discussion- New Business

13.a Waiving Solar Panel fees (Building Department)

Commissioner Hamelburg gave an overview of the item. The Commission discussed at length and the consensus was to not waive permitting fees for solar panel fees.

13.b Waiving Permit fees for Permeable Driveways

Commissioner Hamelburg gave an overview of the item. The Commission discussed at length and the consensus was to not waive permitting fees for permeable driveways.

13.c Codification of Styles and Colors for Windows and Doors

Commissioner Kennedy gave an overview of the item. Ask that the Planning Board to write up the codification for the Commission. On the permit application that there should be language repeated on the application should it is visible for residents.

The Commission consensus to send to Planning Board for language for Codification.

14. Request for Placement of Items on Next Meeting Agenda

Commissioner Kennedy requested to placed living dwelling units on the next agenda for discussion.


15. Announcements There were no announcements

16. Adjournment:

A motion was made by Vice Mayor Samaria to adjourn and a second was received by Commissioner Hamelburg. Mayor O’Halpin called for the vote and all were in favor. The meeting adjourned at 10:35pm.

Respectfully submitted,


Virginia O'Halpin
Mayor



Shantay J. Bingham, CMC
Village Clerk