



## *The Village of Biscayne Park*

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Regular Virtual Commission Meeting**

**Meeting ID:**

**Tuesday, January 05, 2021 at 7:00 pm**

1 Mayor O'Halpin called the meeting to order at 7:00 pm.

2 **Roll Call**

Mayor O'Halpin - present

Vice Mayor Gonzalez - present

Commissioner Hamelburg - present

Commissioner Kennedy - present

Commissioner Samaria - present

Staff present:

Village Attorney Ed Dion / Valerie Vicente

Village Manager Mario Diaz

Village Clerk Roseann Prado

Recordings: Cesar Hernandez

3 **Pledge of Allegiance**

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

Commissioner Samaria requested to remove Item 11.d.

Mayor O'Halpin requested to postpone item 11.d to next month meeting and call for a workshop.

Commissioner Kennedy requested to remove Item 11.d but to have a discussion during the call of the item.

Commissioner Samaria motioned to remove item 11.d without discussion.

Commissioner Hamelburg seconded. Commission voted as follows:

Commissioner Samaria - Yes

Commissioner Hamelburg - Yes

Vice-Mayor Gonzalez - No

Commissioner Kennedy - No

Mayor O'Halpin - Yes

**Motion passed 3 - 2** (Vice-Mayor Gonzalez and Commissioner Kennedy opposed).

Village Manager requested to remove item 11.e and return for Commission meeting of next month.

Commissioner Samaria motioned to accept agenda changes. Commissioner Hamelburg seconded. **Commission approved 5 - 0.**

5 **Presentations**

5.a Proclamation - Martin Luther King Jr.

5.b Proclamation - Law Enforcement Appreciation Day

**5.c Holiday Decoration Awards**

**6 Public Comments Related to Agenda Items / Good & Welfare**

The following persons spoke on the records:

Dan Keys  
Cindy Novak  
Janey Anderson  
Bob Anderson  
David Raymond  
Chuck Ross  
Kelly Mallette  
Gage Hartung  
Barbara Kuhl  
Jenne Reed  
Rafael Ciordia  
Linda Carrington  
Dan Schneiger

**7 Commission Reply to Citizens Comments**

**8 Reports**

**8.a** Village Attorney

**8.b** Village Manager

**8.c** Board / Committee Reports

**8.d** Commission

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

**9 Consent Agenda**

**9.a Acceptance of Commission Minutes**

- Regular Commission Meeting Minutes 11 17 2020
- Regular Commission Meeting Minutes 12 01 2020

**9.b Acceptance of Board Minutes**

Planning & Zoning Board 12 07 2020

**9.c Resolution 2021-01 - Ratifying Amendment Interlocal Agreement with Miami-Dade County on CARES ACT - Resolution 2020-38**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY related to the reimbursement of ELIGIBLE EXPENDITURES UTILIZING MIAMI-DADE COUNTY'S CARES ACT CRF FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Halpin motioned to approve Consent Agenda. Commissioner Samaria seconded. **Motion passed 5 - 0.**

**10 Ordinances**

**10.a Ordinance 2020-06 - Board Members Alternates - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 2-30 "GENERAL RULES AND POLICIES" OF ARTICLE III "COMMISSIONS, BOARDS AND COMMITTEES" OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, PROVIDING THAT ALTERNATE MEMBERS OF BOARDS OR COMMITTEES SHALL HAVE THE SAME POWERS AS REGULAR MEMBERS IN THE EVENT OF AN ABSENCE OR CONFLICT OF INTEREST INVOLVING A REGULAR MEMBER OF THE BOARD OR COMMITTEE WHICH MAKES THEM UNABLE TO PARTICIPATE IN A MEETING; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

***The following person spoke on the records:***

Dan Keys

Commissioner Kennedy motioned to approve Ordinance 2020-06 on Second Reading . Commissioner Hamelburg seconded.

Commission voted as follows:

Commissioner Kennedy- Yes

Commissioner Hamelburg - Yes

Vice-Mayor Gonzalez - Yes

Commissioner Samaria - Yes

Mayor O'Halpin - Yes

**Motion passed 5 - 0.**

**10.b Ordinance 2020-07 - Construction Sites - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING A NEW CHAPTER XX OF THE BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "CONSTRUCTION" RELATING TO LIMITATIONS ON CONSTRUCTION AND CONSTRUCTION RELATED ACTIVITIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESPONSIBILITIES FOR SECURITY AND MAINTENANCE; PROVIDING FOR PERMITTED DAYS AND HOURS OF WORK; PROVIDING FOR FENCING REQUIREMENTS; PROVIDING FOR CONSTRUCTION DUMPSTER REQUIREMENTS; PROVIDING FOR REQUIREMENTS DURING WEATHER EMERGENCIES; PROVIDING FOR TEMPORARY TOILET REQUIREMENTS; PROVIDING FOR LIMITATIONS ON PARKING OF CONSTRUCTION VEHICLES; PROVIDING FOR BOND REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; DELETING SECTIONS 10.4.8. AND 10.4.10 of the Biscayne Park Land Development Code; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

***The following persons spoke on the records:***

Janey Anderson

Jenne Reed

Dan Keys

Fred Jonas

Commissioner Samaria motioned to Commission consider comments from Code Compliance Board members as presented. Vice-Mayor Gonzalez seconded. **Motion passed 5 - 0.**

Commissioner Hamelburg motioned to approve Ordinance 2020-07 on Second Reading as amended. Vice-Mayor Gonzalez seconded.

Commission voted as follows:

Commissioner Hamelburg - Yes

Vice-Mayor Gonzalez - Yes

Commissioner Kennedy - Yes

Commissioner Samaria - Yes

Mayor O'Halpin - Yes

**Motion passed 5 - 0.**

**10.c Ordinance 2021-01 - Amending Purchase Code - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 2-141 "EXEMPTIONS FROM COMPETITIVE BIDDING" OF CHAPTER II "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, PROVIDING FOR AN EMERGENCY EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

*The following persons spoke on the records: None*

No Motion presented by Commission. **Ordinance failed.**

**10.d Ordinance 2021-02 - Amending for Variance Notice - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 13.4 "VARIANCES" OF CHAPTER 13 "PLANNING BOARD AND LOCAL PLANNING AGENCY" OF THE BISCAYNE PARK LAND DEVELOPMENT CODE RELATING TO VARIANCES; PROVIDING THAT NOTIFICATION OF THE QUASI-JUDICIAL HEARING RELATED TO A VARIANCE REQUEST BE SENT TO PROPERTY OWNERS WITHIN ONE HUNDRED AND FIFTY (150) FEET OF THE PROPERTY WHICH IS THE SUBJECT OF SAID VARIANCE REQUEST; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

*The following persons spoke on the records:*

Bob Anderson

Commissioner Samaria motioned to approve Ordinance 2021-02 on First Reading as amended. Commissioner Hamelburg seconded.

Commission voted as follows:

Commissioner Samaria - Yes

Commissioner Hamelburg - Yes

Vice-Mayor Gonzalez - Yes

Commissioner Kennedy - Yes

Mayor O'Halpin - Yes

**Motion passed 5 - 0.**

**11 Resolutions**

**11.a Resolution 2021-02 - Calvin Giordano & Associates - Second extension to Agreement**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND CALVIN, GIORDANO & ASSOCIATES, INC., FOR THE PROVISION OF BUILDING PLAN REVIEW AND INSPECTION SERVICES AND MUNICIPAL PLANNING DEPARTMENT SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria moved to approve Resolution 2021-02. Vice-Mayor Gonzalez seconded. **Motion passed 5 - 0**

Mayor O'Halpin motioned to extend the meeting to 11:15 pm. Commission agreed unanimously.

**11.b Resolution 2021-03 - Authorization to issue Synovus Bank Corporate Credit Cards to operational expenditures**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO COMPLETE AND EXECUTE AN APPLICATION FOR CORPORATE CREDIT CARDS WITH SYNOVUS BANK ON BEHALF OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2021-03. Commissioner Hamelburg seconded. **Motion passed 5 - 0.**

**11.c Resolution 2021-04 - Appointment of Planning & Zoning Board Member**

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 PLANNING AND ZONING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2021-04 and Commissioner Kennedy seconded, appointing the board members as follows:

Commissioner Samaria - Board member: Aleksandr Bernhard / Alternate member: Jared Susi

Commissioner Kennedy - Board member: Aleksandr Bernhard / Alternate member: Jared Susi

Vice-Mayor Gonzalez - Board member: Aleksandr Bernhard / Alternate member: Jared Susi

Commissioner Hamelburg - Board member: Aleksandr Bernhard / Alternate member: Jared Susi

Mayor O'Halpin - Board member: Aleksandr Bernhard / Alternate member: Jared Susi

**11.d Resolution 2021-05 - Interlocal Agreement for Waste Management**

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 AS IT RELATES TO SOLID WASTE COLLECTION AND RECYCLING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE THE TERMS OF AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR SOLID WASTE COLLECTION AND RECYCLING SERVICES IN SUBSTANTIALLY THE FORM ATTACHED HERETO AS ATTACHMENT "A"; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE AGREEMENT WITH WASTE PRO OF FLORIDA, INC.; PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2021-05 removed from the agenda by Commission.

Mayor O'Halpin motioned to authorize Village Manager to extend Waste Pro Agreement for six (6) months. Commissioner Samaria seconded. **Motion passed 5 - 0.**

**11.e Resolution 2021-06 - DISAmerica Consulting Group - PW Manager Services**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING THE PROPOSAL BY DISAMERICA CONSULTING GROUP FOR AS-NEEDED PROFESSIONAL ENGINEERING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH DISAMERICA CONSULTING GROUP, IN A FORM ACCEPTABLE TO THE VILLAGE ATTORNEY, IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS (\$ 75,000.00); PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2021-06 removed from the agenda by Village Manager.

**12 Old Business**

**12.a Commission Meeting and Agenda Procedures - by Village Manager**

Commission approved to draft a Resolution for February's Commission meeting, removing the invocation. **Commission approved 3 - 2** (Commission Samaria and Vice-Mayor Gonzalez opposed).

**12.b Goals & Priorities - by Village Manager**

Commissioner Kennedy motioned to extend the meeting to 11:30 pm. Vice-Mayor Gonzalez seconded. **Motion passed 5 - 0.**

**13 New Business**

**14 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.*

**15 Announcements**

Next Regular Commission Meeting - Tuesday, February 02, 2021  
Planning & Zoning Board Meeting - Monday, January 04, 2021  
Planning & Zoning Board Meeting - Monday, January 19, 2021

Monday, January 18, 2021 - All Village Departments will be closed - Martin Luther King's Day

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**Adjournment**

Commissioner Hamelburg motioned to adjourn the meeting. Commissioner Samaria seconded. **Motion passed 3 - 2** (Commissioner Kennedy and Vice-Mayor Gonzalez Meeting adjourned at 11:31 pm

Commission approved on Regular Commission Meeting of February 2, 2021.

Attest:

  
Virginia O'Halpin, Mayor

  
Roseann Prado, Village Clerk