



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: 957 9368 9543

Thursday, August 5, 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 Manager Mario Diaz
Village Attorneys Ed Dion and Valerie Vincent
Chief of Police Luis Cabrera
Village Clerk Roseann Prado
- 3 **Pledge of Allegiance**
- 4 **Additions, Deletions or Withdrawals to the Agenda**
Commissioner Kennedy requested to remove item 9.c from Consent Agenda for discussion.
Village Manager requested to remove item 11.b from agenda and postpone it to September 7, 2021 Commission meeting.
Commissioner Gonzalez motioned to approve changes to agenda. Vice-Mayor Hamelburg seconded. **Motion passed 5 - 0.**
- 5 **Presentations**
- 6 **Public Comments Related to Agenda Items / Good & Welfare**
The following persons spoke on the records:
Elizabeth Martinez
Suzana De Lata
Emilio Martinez
Gage Hartung
Janey Anderson
- 7 **Commission Reply to Citizens Comments**
- 8 **Reports**
Village Commission's Reports
 - Mayor O'Halpin
 - Vice Mayor Hamelburg

- Commissioner Gonzalez
- Commissioner Kennedy
- Commissioner Samaria

Village Boards' Reports

Village Attorney's Reports

Village Manager's Reports

8.a - Village Board's Report

FY 2021 Grant Discussion - Renegotiate or Rebid proposal

9 Consent Agenda

9.a Acceptance of Commission Minutes

- Regular Commission Meeting Minutes 07/06/2021
- Special Commission Meeting - Variance Hearing - 07/03/2021

9.b Acceptance of Board Minutes

- Biscayne Park Foundation Minutes 05/13/2021
- Code Compliance Board Minutes 06/24/2021
- Planning & Zoning Board Minutes 06/15/2021
- Planning & Zoning Board Minutes 06/21/2021

10 Ordinances

10.a Ordinance 2021-07 - Pool Water Maintenance and Covering -Second 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 ADDITIONAL MATERIALS TO BE UTILIZED IN THE CONSTRUCTION OF PERIMETER FENCES; 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; PROV FOR AN EFFECTIVE DATE.

Public Comments on Ordinance 2021-07 - First Reading

None

Due to the change of the title, the Ordinance 2021-07 has to be readvertised and submitted for second reading at the September 07, 2021 Commission meeting.

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, or portions thereof, before a demolition permit is approved to demolish an existing dwelling, or portions thereof; 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 2021-08 - Second Reading

The following person spoke on the records:

Gage Hartung

Commissioner Kennedy motioned to approve Ordinance 2021-08 on second reading. Commissioner Gonzalez seconded.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Hamelburg - Yes

Commissioner Gonzalez - Yes

Commissioner Kennedy - Yes

Commissioner Samaria - No

Motion passed 4 - 1 (Commissioner Samaria opposed).

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

The following person spoke on the records:

Bob Anderson

Commissioner Gonzalez motioned to approve Ordinance 2021-09. Vice-Mayor Hamelburg seconded.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Hamelburg - Yes

Commissioner Gonzalez - Yes

Commissioner Kennedy - Yes

Commissioner Samaria - Yes

Motion passed 5 - 0.

10.c 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 - Second Reading

None

Commissioner Samaria motioned to approve Ordinance 2021-10. Vice-Mayor Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Hamelburg - Yes

Commissioner Gonzalez - Yes

Commissioner Kennedy - Yes

Commissioner Samaria - Yes

Motion passed 5 - 0.

11 Resolutions

9.c Resolution 2021-43 - Amended and Restated Agreement for Debris

Monitoring Services

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING OF, AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE, AN AMENDED AND RESTATED AGREEMENT BETWEEN DEBRISTECH, LLC AND THE VILLAGE OF BISCAYNE PARK, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kennedy motioned to approve Resolution 2021-43 extending the contract to expire on December 31, 2022. Commissioner Samaria seconded.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Hamelburg - Yes

Commissioner Gonzalez - Yes

Commissioner Kennedy - Yes

Commissioner Samaria - Yes

Motion passed 5 - 0.

11.a Resolution 2021-44 - Appointments to Planning & Zoning Board Members

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 & ZONING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commission unanimously ratified Scarlet Hammons for Planning & Zoning Board Member and approved Resolution 2021-44.

11.b Resolution 2021-45 - Interlocal Agreement (ILA) with Miami-Dade County for

Removed from agenda by Village Manager and postponed to September 7, 2021 Commission meeting.

12 Discussion / Action Items

Old Business

12.a Biscayne Park Email List Drive: Door hanger & Street Signs

12.b Village Manager Annual Evaluation

Consensus of Commission was to schedule a Special Commission Meeting for the Annual Village Manager Evaluation - scheduled for Thursday, September 9, 2021 at 6:00 pm, when each Commission brings his/her individual evaluation.

12.c Code Changes for Driveways, Swales and Right of Way (ROWs)

Discussion on Driveways only. To be continued on September 9th, 2021 Regular Commission meeting.

13 Request for placement of items on next meeting agenda

14 Announcements

16 Adjournment

Commissioner Samaria motioned to adjourn the meeting. Commissioner Gonzalez seconded. **Meeting adjourned at 10:58 pm.**

Commission approved on Regular Commission Meeting of September 7, 2021.

Attest:


Virginia O'Halpin, Mayor


Roseann Prado, Village Clerk

