

**VILLAGE OF VIRGINIA GARDENS
6498 N.W. 38th TERRACE
VIRGINIA GARDENS, FLORIDA 33166
TELEPHONE: (305) 871-6104**

**MONTHLY MEETING OF THE
VILLAGE OF VIRGINIA GARDENS, FLORIDA
THURSDAY, AUGUST 20, 2020
MEETING 6:30 P.M.**

“Any person who decides to appeal any decision of the Village Council with respect to any matter considered at this meeting will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

AMERICANS WITH DISABILITIES ACT

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the Village at least 2 days before the proceeding by contacting the Village Clerk’s office at 305-871-6104

PRESENT:	Council Members:	Debra Conover Gabriel Fernandez Elizabeth Taylor Martinez Jorge Arce Richard Block
	Mayor:	Fred Spencer Deno, IV
	Attorney:	Guillermo Cuadra, Esq.

CALL TO ORDER: The meeting was called to order by Council President Fernandez at 6:39 p.m.

INVOCATION (MOMENT OF SILENCE) The Invocation was led by Council Member Richard Block.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Council Member Richard Block.

1. APPROVAL OF MINUTES

A. Special Council Meeting – July 16, 2020

A motion by Council Member Arce to approve the minutes of the Special Council meeting of July 16, 2020 was seconded by Council Member Block. The motion was approved 5-0.

B. Regular Council Meeting – July 16, 2020

A motion by Council Member Taylor Martinez to approve the minutes of the Regular Council Meeting was seconded by Council Member Conover. The motion was approved 5-0.

C. Local Planning Agency Meeting – July 28, 2020

A motion by Council Member Taylor Martinez to approve the minutes of the Local Planning Agency Meeting was seconded by Council Member Arce. The motion passed 5-0.

D. Special Council Meeting – July 28, 2020

A motion by Council Member Taylor Martinez to approve the minutes of the Special Council Meeting was seconded by Council Member Block. The motion passed 5-0.

E. Special Budget Meeting – July 28, 2020

A motion by Council Member Conover to approve the minutes of the Special Budget Meeting was seconded by Council Member Taylor Martinez. The motion passed 5-0.

2. **BEAUTIFICATION**

A. The meeting for the month of August, 2020 was canceled due to Covid-19 Virus. Council President Fernandez reported that the meeting for the month of August, 2020 was canceled.

Council President Fernandez asked Attorney Cuadra regarding an update on the Tree Ordinance. Attorney Cuadra reported he had made some inquiries from Miami Dade County and reported that we should have the Tree Ordinance by the next council meeting.

3. **MAYOR'S REPORT**

A. Discussion regarding the CDBG Urban Co-Op with Miami Dade County. Mayor Deno reported that the Housing and Community Development Act requires that every three years, all urban counties must undergo HUD's Urban County Qualification process. Mayor Deno reported that Miami Dade County is currently qualified as an urban county and that the Village has been informed that we have an opportunity to opt out of the County's entitlement jurisdiction. Mayor Deno would like to enter into an agreement that the Village wishes to participate long with Miami Dade County. Attorney Cuadra recommends that the Village participates and enter into an interlocal agreement A motion by Council Member Taylor Martinez to authorize the Mayor to enter into an interlocal agreement for the CDBG Urban Co-Op with Miami Dade County was seconded by Council Member Conover. The motion passed 5-0.

4. **CITIZEN COMMENTS**

Council President Fernandez reported that there were no citizens comments. Please be advised that given to the novel Covid-19 Virus, The Village of Virginia Gardens Town Hall is closed.

The public may participate in the virtual public meeting by utilizing the following method.

1. Citizens comments will be heard by a raise of a hand, your speaker will then be unmuted, each speaker will be afforded (3) minutes to speak.

2. A person wishing to speak must have a working microphone and working web camera in order to be heard remotely, this will allow you to join the scheduled Zoom meeting. PLEASE FOLLOW THE INSTRUCTIONS BELOW:

**PLEASE ENTER THE MEETING ID# 826 0456 9752
PLEASE ENTER THE MEETING PASSWORD# 618929**

OR

INVITE LINK

<https://us02web.zoom.us/j/82604569752?pwd=d2NTUUFiQTN0NTNac0xCQ1g5UUdNUT09>

5. OLD BUSINESS

Council President Fernandez reported that there was no old business.

6. NEW BUSINESS

Council President Fernandez reported that there is no new business.

7. PLANNING & ZONING

A. Council President Fernandez reported that the minutes for the month of August, 2020 were submitted.

Planning & Zoning Chairman Virginia Gardens reported on the Planning & Zoning meeting held last week. Mrs. Howard reported that the Beautification Committee approved the variance with the movement of 3 feet closer to the CBS structure in order to meet the setbacks better. Mrs. Diaz reported that the neighbors are in complete approval and have sent letters regarding the variance.

B. A Variance has been requested by Mr. Roman Diaz and Mrs. Ingrid Diaz with Respect to Chapter 16, Section 4.2.4 (E) pf the Village of Virginia Gardens Code so as to allow for a pool 6' feet 8' inches from the north and rear property line where 10' Feet to a pool wall is required. The referenced property is 3832 NW 58 Court

Planning & Zoning Chairman Virginia Gardens reported on the Planning & Zoning meeting held last week. Mrs. Howard reported that the Beautification Committee approved the one variance with the movement of 3 feet closer to the CBS structure in order to meet the setbacks better. Mrs. Diaz reported that the neighbors are in complete approval and have sent letters regarding the variance.

Attorney Cuadra reported that the applicants are requesting two variances. Attorney Cuadra reported that there was a discussion as to the location of the pool. Attorney Cuadra reported that the hardship issue is the alignment of the pool and the placement of the furniture.

A motion by Council Member Arce to approve the rear (west side) setback was seconded by Council Member Block. The motion passed 5-0.

A motion by Council Member Block to deny the north side setback request and follow the recommendations of the Planning & Zoning were seconded by Council Member Taylor Martinez.

ROLL CALL: Elizabeth Taylor Martinez – Yes
Debra Conover – No
Richard Block – Yes
Jorge Arce – No
Gabriel Fernandez – No

The motion died 3-2

A motion by Council Member Arce to approve the north side setback Variance request was seconded by Council Member Conover.

ROLL CALL: Elizabeth Taylor Martinez – No
Richard Block – No
Debra Conover – Yes
Jorge Arce- Yes
Gabriel Fernandez – Yes

The motion passed 3-2.

Mayor Deno reported that he would like Attorney Cuadra to check on the 30% impervious area due to the fact that there are no limits to front or back limitations. Mayor Deno would like to discuss this issue at the next council meeting.

Mayor Deno also reported that he would like Attorney Cuadra to check on regulations for Air B&B. Mayor Deno reported that we have had some noise complaints from residents about these rentals. Mayor Deno would also like to discuss this issue at the next council meeting.

8. **PUBLIC SAFETY**

A. Council President Fernandez reported that the statistics for the month of July, 2020 have been submitted.

Chief Hernandez inquired if there were any questions regarding the statistics.

9. **RECREATION**

Council President Fernandez reported no issues to report for Recreation.

10. **PUBLIC WORKS**

A. Update on Storm Water Projects

Public Works Director reported regarding the construction on NW 38 Street. Mr. Martin stated that the structures have been cleaned and the final inspections have been approved. Mr. Martin reported that the temporary striping has been placed on the roadway and have been approved. Mr. Martin reported that the thermal plastic will be put down when weather permitting.

Public Works Director reported on the NW 64 Ave project. Mr. Martin reported that the contract drainage has been completed and next week will be moving on to restoration, curving and installation of conduits and sidewalk replacements.

11. **ATTORNEY'S REPORT**

A. ORDINANCE NO. 365- SECOND READING

AN ORDINANCE OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA AMENDING SECTION 7.1.5, ARTICLE VII, CHAPTER 16 OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR REQUIREMENTS FOR POLITICAL SIGNS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

A motion by Council Member Taylor Martinez to approve the second reading of Ordinance No. 365 was seconded by Council Member Conover. The motion passed 5-0.

B. RESOLUTION NO. 975

A RESOLUTION OF THE MAYOR AND THE COUNCIL OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA, CREATING STANDARDS FOR THE PROCESSING OF EROSION CONTROL PLANS; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney Cuadra reported that Resolution No. 975 is to approve certain penalties and standards part of the NPDES Permit. A motion by Council Member Taylor Martinez to approve Resolution No. 975 was seconded by Council Member Arce. The motion was approved 5-0.

C. RESOLUTION NO. 976

A RESOLUTION OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA,
GRANTING TWO VARIANCES OF CHAPTER 16 SECTION 4.2.4
(E) AT 3832 NW 58 COURT, IDENTIFIED UNDER FOLIO NUMBER 26-3025-
005-0380; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion by Council Member Arce to approve Resolution No. 976 was
seconded by Council Member Conover.

ROLL CALL: Elizabeth Taylor Martinez – No
Richard Block – No
Debra Conover – Yes
Jorge Arce- Yes
Gabriel Fernandez – Yes

The motion passed 3-2.

12. **GOOD & WELFARE**

Council Member Taylor Martinez is asking prayers for Melanie Martinez. Mayor
Deno reported that Dave from A Little Bit of Philly passed away.

13. **MOTION TO ADJOURN**

A motion by Council Member Conover to adjourn the meeting at 7:46 p.m.
was seconded by Council Member Taylor Martinez. The motion was approved 5-0.