

TOWN OF MIAMI LAKES, FLORIDA

**COUNCIL MEETING
MINUTES**

June 12, 2001

Miami Lakes Middle School
6245 Miami Lakeway North
Miami Lakes, FL 33014
7:00 p.m.

1. **CALL TO ORDER:** Mayor Wayne Slaton called the meeting to order Tuesday, June 12, 2001.
2. **ROLL CALL OF MEMBERS:** In addition to the Mayor, the following Council members were present at roll call: Vice Mayor Roberto Alonso, Councilwoman Mary Collins, Councilman Robert Meador, Councilman Michael Pizzi, Councilwoman Nancy Simon, and Councilman Peter Thomson. Staff members present were Interim Town Manager Merrett Stierheim, Acting Town Attorney Richard Jay Weiss and Interim Administrative Coordinator Angela Garrison.
3. **INVOCATION:** Jeffrey Franz, Pastor offered the invocation.
4. **PLEDGE OF ALLEGIANCE:** Mayor Slaton led the Pledge.
5. **APPROVAL OF THE MINUTES OF APRIL 8, 2001 MEETING:**

May 1, 2001 - Councilwoman Collins moved the minutes be accepted. Councilman Meador seconded the motion. Councilman Meador asked that the minutes reflect that on the advise of the Town Attorney, he was not in attendance at the meeting due to a conflict of interest with respect to the subject matter (*annexation of the land west of I-75*). The motion to accept the minutes, as amended, carried unanimously.

May 22, 2001 - Councilwoman Collins moved the minutes be accepted as submitted. Councilman Meador seconded the motion, which carried unanimously.

6. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):** Councilwoman Collins asked that she be allowed to read a brief memorandum regarding issues for possible consideration by the Council and moved to accept the Order of Business as amended. The motion was seconded by Councilman Meador and carried unanimously.

Councilwoman Collins stated that she spoke to Congressman Lincoln Diaz Balart's office regarding the request for a Town-wide Zip Code. She was advised that the office never received the resolution making the request.

Councilwoman Collins stated that the Congressman's aide offered to send a caseworker to the Town to meet with the residents regarding any Federal problems they may have. Immigration, Social Security, Medicare, Veterans or retired military and even federal tax questions would be addressed. . She added that Representative Arza has agreed to do the same with respect to sending a representative. She mentioned that the Congressman might make appointments to the Military Academies

Councilwoman Collins requested that the Town establish a "Buck Stops Here Day" in the Town in an effort to coordinate all levels of Government. She requested staff prepare a letter to each of the offices mentioned to try to have a program up and running by September. The Council concurred.

7. **PRESENTATIONS:** None

8. **PUBLIC COMMENTS:** The following residents were heard:

Michael Pike - urged the Council to advertise Ordinances in order to better inform the public about matters to be discussed at the Council meetings.

Jose Enriquez - stated that he was unable to review the agenda at the library. He suggested posting the Agenda at Town Hall as well as posting the hours the Town office is open. Mr. Enriquez also expressed concern regarding over-grown trees and potholes in the streets, specifically on the West side of the Town.

Felicia Salazar - urged public participation at the Strategic Planning Sessions noting that the sessions are a good way to organize priorities and let the Town know what is important. Ms. Salazar expressed concern over the excessive attorney's fees that are being expended.

Jenny Pike - Distributed a salary survey depicting the salaries and benefits packages of the various Mayors in Dade County.

Gordon Peterson - supported the request for an ordinance for Homeowners.

Elsa Bergola - regarding the school that will be built in the Royal Oaks area, she stated that she has been working with the School Board to try to place the school on the site (*behind the Royal Oaks Plaza*) in such a way that it will not interfere with the traffic. She also stated that she has the proposed boundaries for the school as well as the feeder patterns that have been set. She expressed concern with the traffic study, citing that the School will add approximately 353 cars to the peak hours in the morning and approximately 250 in the afternoon with 1060 students in grades K-6 and approximately 500 students in grades 7 & 8. She noted that construction will begin in approximately two months and that the elementary portion of the school would be completed in October or November of next year.

Pedro Carballo - expressed concern with the condition of the vacant land in the West Miami Lakes area reiterating the comments of Mr. Enriquez that overgrowth of vegetation and garbage (such as tires, etc.) pose a hazard to the public. With regard to the School, he urged the Council to get involved and possibly form a task force that will help plan it well.

Interim Town Manager Stierheim - noted that the Town is not yet in the Service Providing Business. However, he stated that whenever someone has called the Town regarding a problem that has come up, the appropriate department at the County has been contacted to try to get the matter resolved. He announced that Town Hall is open from 8:30 a.m. to 5:00 p.m., Monday thru Friday and encouraged residents to come by and or call with any concerns.

He also encouraged the residents to attend the Strategic Planning Workshops, citing that the grass-roots effort is a way for everyone to become involved with the elected officials to help put the priorities on the table on the services that the residents want.

Regarding the Agenda, Mr. Stierheim announced that the Agenda is taken to the Library on the Thursday before the meetings and is delivered at the same time as it is delivered to the Council. In response to Mr. Enriquez's comment that he was unable to review the Agenda at the Library, he explained that there was an error in one of the resolutions and perhaps he went to the Library at the time the corrected Resolution was being inserted.

Mr. Stierheim reiterated that the County is continuing to provide the services as it did prior to the election and will continue to do so until the Council approves inter-local agreements for the transfer of services.

9. PUBLIC HEARINGS/ORDINANCES:

A. TOWN SEAL (First Reading)

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING THE TOWN SEAL; ADOPTING REGULATIONS PERTAINING TO OFFICIAL USE OF THE TOWN SEAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. Acting Attorney Richard Jay Weiss read the Ordinance by title.

Councilwoman Collins moved adoption as read on first reading. Councilman Thomson seconded the motion. The motion carried unanimously on a roll call vote.

B. SALARY FOR THE MAYOR (First Reading) The Mayor absented himself from the room citing a conflict of interest on the Ordinance.

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING A SALARY AND BENEFITS FOR THE MAYOR OF THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Acting Attorney Richard Jay Weiss read the Ordinance by title.

Councilman Thomson moved adoption of the Ordinance on first reading as read by title. Councilwoman Collins seconded the motion. Vice Mayor Alonso, now chairing the meeting, allowed comments from the public. The following were heard: Against: Michael Pike, Jenny Pike, Jose Enriquez, Sean Schwinghammer, and Pedro Carballo. In favor: John E. Gonzalez, Antonio Guzman)

Lengthy discussion and debate ensued among the Council.

Councilwoman Collins suggested that the Council must anticipate future requirements.

Councilman Thomson asked for clarification on the Mayor's "Job Description".

Interim Town Manager Stierheim noted that he was asked by the Council to bring back a figure for consideration and he did so pursuant to Council's directive. He noted that there are many duties delineated in the Charter, specifically mentioning that the Mayor nominates the Manager and the Town Attorney; creates and appoints committees; is the official designated to represent the Town on all dealings with other governmental entities; presents a State of the Town and budgetary addresses annually in addition to other duties. He noted that the Charter specifies that the Council establish the salary for the Mayor.

Councilwoman Simon cited that she was not opposed to the salary, per se, but to the package as a whole, adding that unless the Council reviews each item in the remuneration package individually, she would vote against the Ordinance.

Councilman Pizzi opined that a salary was premature and that discussions should be had regarding how the manager will interrelate with staff once they are put in place. He noted that there is no question that Mayor Slaton has been working hard for the Town and that his opinions were based on the compensation of the position, not the individual.

Councilman Meador stated that he took the time to review the tapes of the Charter Committee, and that upon review of the tapes he was of the opinion that the Charter Committee wanted to leave it to the discretion of the Town Council to determine a salary for the Mayor.

Vice Mayor Alonso commented that the Council should do what is called for in the Charter and do what is fair. He suggested that the amount before the council was fair. He noted that the Town has spent over \$8,300 in attorney's fees (*for annexation and campaign reform ordinances*) and that in proportion the salary under consideration was reasonable and appropriate. The Vice Mayor urged the Council to vote on what was fair and not according to some residual bitterness.

Councilman Pizzi commented that he did the research on the Ordinances mentioned by the Vice Mayor and that any monies spent were not as a result of anything he asked the Attorney to research.

Following a brief exchange of words between the Vice Mayor and Councilman Pizzi, the motion carried 4-2-0, with each Council Member voting as follows: Councilwoman Collins: Yes, Councilman Meador: Yes, Councilman Pizzi: No, Councilwoman Simon: No, Councilman Thomson: Yes, Vice Mayor Alonso: Yes, Mayor Slaton: Absent.

The Vice Mayor called for a recess. The Mayor called the Meeting to order and all Councilmembers were present at roll call.

C. COMMUNICATIONS TAX (First Reading)

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PERTAINING TO THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES, ESTABLISHING THE LOCAL COMMUNICATIONS SERVICES TAX RATES; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE. Acting Town Attorney Richard Jay Weiss read the Ordinance by title. Councilwoman Collins moved the Ordinance on first reading. Councilman Thomson seconded the motion.

Acting Town Attorney Richard Jay Weiss gave a brief review of the Ordinance noting that prior to the legislative session two years ago, the County collected a tax on telecommunications services and they are continuing to collect the tax. He reported that the Legislature, two years ago passed legislation that called for the rates to be set and collected by the Department of Revenue and would be disseminated from the Department to each local government. He noted that if the Town wanted to collect the tax (as opposed to it going to the County) the town would have to pass an ordinance requesting the funds by July 16, 2001 advising the Department of Revenue the amount of tax the Town wanted to collect. He noted that the Town is not currently set up to collect the fee at all and that the Ordinance would allow the Town to do so.

Interim Town Manager Stierheim noted that the utility taxes would bring in more or less between \$500,000 and \$600,000 to the Town.

Councilwoman Collins asked for clarification as to whether or not collecting a smaller amount would result in a tax savings to the users.

Councilwoman Simon pointed out that the amount of the tax is not any more than what is currently being collected and emphasized that it was not a tax increase. She asked for the rationale for charging the maximum rate as opposed to a lesser rate.

Acting Attorney Weiss noted that once the percentage is factored in it would result in a nominal decrease in the amount that would be paid out by consumers. And stated that the percentage used in the Ordinance was entirely up to the Council to consider based upon budgetary considerations.

The Interim Town Manager noted that the Citizens would not be asked to pay any more than that which is charged in most of the municipalities in the County. He recommended that the Council not consider a reduction at this point because of the many unknown factors relating to the budget. He stated that he Council could certainly consider a reduction a year or two down the line when it is clear how much revenue will be needed to provide the level of service desired by the residents.

The motion carried unanimously on a roll call vote.

10. RESOLUTIONS:

A. MIAMI LAKES EDUCATION ADVISORY BOARD:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, CREATING THE “MIAMI LKAKES EDUCATION ADVISORY BOARD”, AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Simon moved adoption of the Resolution. Councilman Pizzi seconded the motion.

Mayor Slaton recognized Region 1 Superintendent Henry Ferrer who addressed the Council regarding the various parents groups already in place at the School Board level.

The Mayor also recognized the following residents who spoke in favor of adopting the resolution: Beth Martinez, Maria Kramer and Jose Enriquez.

Following discussion, Councilman Thomson moved to amend the Resolution so that the three (3) non-voting members would be from schools that serve the Town

(not only within the Town's boundaries). Vice Mayor Alonso seconded the motion, which carried unanimously.

Councilman Meador moved that the Chair be a voting member (non-voting member shall not serve as chair). Councilwoman Simon seconded the motion, which carried unanimously.

The motion to approve the resolution, as amended, carried unanimously.

B. EX-PARTE COMMUNICATIONS

A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 286.0115, FLORIDA STATUTES, TO ESTABLISH A PROCEDURE GOVERNING EX-PARTE COMMUNICATIONS WITH LOCAL PUBLIC OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE. Acting Attorney Richard Jay Weiss read the Resolution by title. Councilman Pizzi moved to adopt the Resolution. Councilman Thomson seconded the motion.

The Mayor allowed public comments. The following members of the Public were heard: *(in favor)* Sean Schwinghammer, Pedro Carballo, Maria Pizzi and Jose Enriquez.

Discussion ensued among the Council. Council members expressed concern that their constituents would not be able to communicate their concerns on issues prior to the meetings. Councilwoman Collins questioned the fact that there were no provisions for Lobbyists or Attorneys. Councilman Pizzi noted that all members of the Public would be able to communicate with council as long as such communication was disclosed prior to voting. Councilman Meador cited that he would prefer that the Council as a whole were privy to all communications and stated he would vote against the measure.

Councilman Thomson asked that the Resolution be amended to include that "forms" be filed with the Clerk regarding such ex-parte communications and a seven-day "cone of silence" during which no communications is allowed. The Attorney noted the amendments and the Council agreed to the amendment.

The motion to adopt the Resolution carried (6-1) with each Councilmember voting as follows: Councilwoman Collins: Yes, Councilman Meador: No, Councilman Pizzi: Yes, Councilwoman Simon: Yes, Councilman Thomson: Yes, Vice Mayor Alonso: Yes, Mayor Slaton: Yes.

C. HEALTH CARE COVERAGE

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AUTHORIZING THE TOWN MANAGER TO NEGOTIATE THE PURCHASE OF HEALTH INSURANCE COVERAGE FOR THE TOWN; PROVIDING FOR A DETERMINATION OF IMPRACTICABILITY AS TO COMPETITIVE BIDDING FOR SUCH INSURANCE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE. The Interim Manager noted that the Town has hired a full-time receptionist and that soon the Town would be hiring more employees. This resolution would allow him to purchase and accept insurance benefits. Councilwoman Collins moved to adopt the resolution. Councilman Thomson seconded the motion, which carried unanimously.

11. DISCUSSION AND/OR ACTION ITEMS:

A. MAYOR'S REPORT:

- 1. Transition of Services with Miami-Dade County** - Mayor Slaton noted that due to the late hour, he would prepare a written report for the next meeting.

B. TOWN MANAGER'S REPORT

- 1. Status report - The Consulting Group** - Interim Manager Stierheim asked the Consulting group members to give a brief presentation after which due to the late hour, he asked that the presentation be made again at a future meeting in order to allow for questions.
- 2. Miami Lakes Strategic Planning Process** - the various Town Hall Meetings were announced (see Future Meeting Dates below, Item 12) and residents were asked to attend and participate in the process.
- 3. Advertising Contract - the Miami Laker** - Interim Town Manager Stierheim asked that Council approve the contract for advertising Town Meetings, etc. He noted that the Miami Herald would continue to be used for those advertisements that statutorily are required to be advertised (i.e.: Ordinances, Zoning decisions, TRIM Notices, etc.) Councilwoman Collins moved to approve the contract. Councilman Thomson seconded the motion, which carried unanimously.

C. NEW BUSINESS:

- 1. BUILDING PERMIT PROBLEM** - Councilmember Collins - *Deferred.*
- 2. CITIZEN ACCESS OF AGENDA AND ARCHIVE DOCUMENTS** - Councilmember Thomson - *Deferred.*

3. **DESIGNATION OF LOCAL PLANNING AGENCY (LPA)** - Councilmember Pizzi - *Deferred.*
4. **DESIGNATION OF COUNCIL AS ZONING BOARD** - Councilmember Pizzi - *Deferred.*
5. **BEAUTIFICATION** - Councilman Pizzi - *Deferred.*
6. **TRAFFIC ON NW 154TH STREET** - Vice Mayor Alonso - *Deferred.*

12. FUTURE MEETING DATES:

TOWN COUNCIL MEETING

7:00 p.m., Tuesday, June 26, 2001, Miami Lakes Miami lakes middle school.

STRATEGIC PLANNING BUSINESS COMMUNITY MEETING:

8:00 a.m. - 11:00 a.m., June 15, 2001, Don Shula's Golf Club - Perfect Seasons Room

STRATEGIC PLANNING NEIGHBORHOOD MEETING:

7:00 p.m. - 10:00 p.m., June 18, 19, 20, 25, 2001, Don Shula's Golf Club

7:00 p.m. - 10:00 p.m., June 21, 2001, Don Shula's Hotel - Grand Slam Ballroom.

13. ADJOURNMENT: The Mayor adjourned the meeting at 11:00 p.m.

Approved this 26th day of June, 2001

Attest:



Hon. Wayne Slaton, Mayor



Beatris M. Arguelles, Interim Town Clerk

Mr. Mayor, if I may, I spoke to Congressman Lincoln Diaz Balart's office the other day I wanted to find out what happened to our zip code request. They never received the resolution.

During the conversation The Congressman's aide offered to send us a caseworker regularly to help the people here with any Federal problems they may have. Immigration, Social Security, Medicare, Veteran's or retired Military even Federal Tax questions could be answered. Also, Congressmen may make appointments to the Military Academies.

Saturday I met Representative Arza in Orlando, I asked him if his office would provide a caseworker to do the same. He said he would be delighted to do that for the folks in Miami Lakes.

I would like to include our State Senator's office, Mrs. Hantman's office and even our County Commissioner's office to set aside one day a month. To sit at a table at Town Hall where they can answer questions and solve problems.

People are sometimes confused about which level of Government takes care of which concern, we would be able to coordinate all levels of Government at once. We could call it **"The Buck Stops Here Day"**.

Would it be all right to begin this in the Fall? Ideally, the hours should be from 3PM to 7PM but that would be up to the Staff. Those hours would be beneficial to Students, working people and Seniors.

I would like to make this a formal request. If our Staff would please draft a letter to each of these Offices, we could get this up and running by September. I do not believe this needs a resolution, but if it does, I would like to sponsor it.

Respectfully submitted:
Mary Collins, Council member
Town of Miami Lakes