

MINUTES
TOWN COUNCIL MEETING
October 23rd, 2001

7:00 p.m.
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER** – Mayor Wayne Slaton called the meeting to order at 7:25 p.m.
2. **ROLL CALL** – In addition to the Mayor, the following Council members were present at roll call: Vice Mayor Roberto Alonso, Councilwoman Mary Collins, Councilman Robert Meador II, Councilman Michael Pizzi and Councilman Peter Thomson. Staff members present were: Town Manager Merrett Stierheim, Town Attorney Nina Boniske and Allison Bieler and Town Clerk Beatris M. Arguelles.
3. **INVOCATION** – The Mayor asked for a moment of silent prayer.
4. **PLEDGE OF ALLEGIANCE** – Mayor Slaton led the pledge
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS)** – Councilman Thomson asked that the schools Palm Springs North and Miami Lakes Middle School be added to item 13(d); Councilwoman Collins asked that item 13(H) be moved to item 9(A) as an Ordinance for First Reading; Councilman Pizzi asked that item 13(E) be withdrawn from the Agenda; Town Manager Stierheim asked that item 11 be deferred until after a contract has been presented for approval and asked that the Council allow the third Auditing firm (Rodriguez and Trueba) to make a presentation in addition to Rachlin, Cohen and Holtz and Grau & Company. Councilman Thomson moved to accept the order of business, as amended. Councilman Meador seconded the motion which carried unanimously.
6. **SPECIAL PRESENTATIONS** – September wall painting and clean up Volunteer Acknowledgements: The Mayor issued certificates of acknowledgement to the following students: Alain Leon, Leondra Mitchell, Lora Mitchell, Jeanette Torres, LaTonya Lemon, Zaida Sandoval, Samantha Fernandez, Maydolys Palau, Jean Penalver, Marcus Cottingham, John Apolito, Renee Jean-Charles, Jessica Castillo, Edlin Serrano, Keysi Maradiaga, Sindy Castillo, Lina Fung, Yaksel Medina, Elsy Calix, Otniel Valdes, Yvette Molina, Alexander Galindo, Luis Sipion, Nadya Mohammadi, Daniel Plana, Paul Carballo, Shirelle N. Wright, Stephan Pizzi, Daniela Serra, Frank Serra, Jr.
7. **CONSENT AGENDA:** The following items were approved on the Consent Agenda following a motion to approve made by Councilwoman Collins seconded by Councilman Thomson. The motion carried unanimously.
 - A. **MINUTES**
 1. Regular Council Meeting, September 25, 2001 – approved on consent agenda.

- B. ZONING:**
- 1. ADMINISTRATIVE VARIANCES:**
- (a) V01-154 – Julio & Jacqueline Santana - approved on consent agenda.
- (b) V01-165 – Luis & Celida Rodriguez - approved on consent agenda.
- C. YOUTH ACTIVITIES TASK FORCE FUNDS NOT TO EXCEED \$1,000 FOR THE FIRST ANNUAL HALLOWEEN PARTY - approved on consent agenda.**
- D. YOUTH ACTIVITIES TASK FORCE FUNDS IN THE AMOUNT OF \$1,000 FOR THE BICYCLE RODEO - approved on consent agenda.**
- 8. PUBLIC COMMENTS – there were no comments from the public in attendance.**
- 9. ORDINANCES – FIRST READING** *(item added to the Agenda under order of business):*
- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR THE INSERTION OF THE RIGHT TO AUDIT CLAUSES IN ALL SERVICE AND VENDOR CONTRACTS TO HELP CONTROL FRAUD AND ABUSE BY AFFORDING DISCOVERY DEVICES IN EXAMINATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE –** Town Attorney Nina Boniske read the Ordinance by title. Councilwoman Collins moved adoption on first reading. Vice Mayor Alonso seconded the motion. On a roll call vote, the motion carried unanimously.
- 10. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING:**
- A. NON-USE VARIANCE – Mauricio Diaz & Mirta Hernandez Requesting a non-use variance to permit an addition to a residence setback less than required from the property line the Mayor opened the public hearing.** The Town Clerk swore in all persons intending to give testimony in the Hearing. The Council heard from the applicants and a neighbor. The Council asked staff (Connelly and Nitti) to review the application. Discussion ensued regarding the setback of the fence depicted in the plan. Vice Mayor Alonso asked that approval be conditioned to the affect that the fence in the plan be pushed back to the 25ft setback or removed altogether. Councilman Thomson expressed concern regarding approving this type of variance citing that the setback encroachment was a significant one and that the Council should be cautious about approving it.
- Councilman Pizzi moved to approve the Non-Use Variance *(No. 01-910-LB-101-122)* consistent with staff recommendation and conditions (4) set forth in the resolution and further conditioned that all reference to an ironwork fence be deleted from the plan and

application and that the applicant be required to obtain a separate permit for the installation of the ironwork fence. The Motion was seconded by Councilwoman Collins and carried (6-1) on a roll call vote with Councilman Thomson dissenting.

11. RESOLUTIONS:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING AN AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE TOWN OF MIAMI LAKES FOR LOCAL POLICE PATROL SERVICES SUBJECT TO FINAL REVIEW AND APPROVAL BY THE TOWN MANAGER AND TOWN ATTORNEY AND PROVIDING FOR AN EFFECTIVE DATE *Deferred.*

12. REPORTS:

A. Mayor's Report

1. Permanent Town Manager – Mayor Slaton reported that the Town Council approved the appointment of Dennis J. White as the new Town Manager at a special meeting held on Monday, October 22, 2001. He noted that the Town Manager would be transitioning in and would be coming in a few times a week and would be on board full time the week after thanksgiving, pending approval of a contract with the Manager.

The Mayor asked that the Council authorize him and the Town Attorney to move forward with a contract with Mr. White. Councilwoman Collins made the motion [*to authorize the Mayor and Town Attorney to draft a contract for approval by the Council at the next meeting*]. The Motion was seconded by Council

The Mayor thanked Interim Town Manager Stierheim for his services in helping the town in its transition. He noted that the Town was fortunate to have had the benefit of Mr. Stierheim's knowledge and expertise. Councilwoman Collins concurred adding that Mr. Stierheim had been instrumental in moving the Town forward. The Council concurred.

2. Transition – The Mayor reported that transition issues are being worked on regarding the Police Contract and a separate Specialized Police Services contract are being drafted; overall transition agreement for future approval by the Council is being worked on; Stormwater Utility; Gas Tax Revenue still under discussion; Bus Bench Revenues are being looked into; Park Impact Fees are being reviewed as are other fees and revenues; Police Impact Fees; Public Works services transition; Miami Lakes Park and mechanisms for the successful transition.

Regarding the Street Lights, the Mayor noted that the Council is still servicing the Street Lights. He noted that the County should be contacted every time a street light is out and that they would arrange to have it replaced.

3. Appointments – the Mayor appointed the following individuals to the **Cultural Affairs Committee** (21 Members): Ellen Boyle, Marti Capodeferro, Betty Cobo, Esther Gestasi, Beth Geyer, Diane Greaney, Daisy Hernandez, Carlo Krockel, Betty Meador, Delilah Pita, Roger Reece, Neill Robinson, Felicia Salzar, Jackie Santana, Nancy Sanu and Robert Spano. Councilwoman Mary Collins moved to accept the appointments. Vice Mayor Alonso seconded the motion which carried unanimously. Five vacancies remain on the Committee.

B. Manager's Report.

1. **Financial Services Contract with Moyer & Associates** - Town Manager Stierheim noted that he received two proposals for financial services for the Town, The Moyer Group and CFO Services. He recommended the he and the Town Attorney be authorized to negotiate with Moyer & Associates.

Brief discussion ensued wherein Councilman Meador asked if the Moyer proposal included the provision of Personnel/Human Resources services. The question and was responded to in the affirmative. Councilman Thomson moved to authorize the Manager and the Town Attorney to negotiate a contract with Moyer & Associates for the provision of financial services to the Town. The motion was seconded by Councilwoman Collins and carried unanimously.

2. **Authorization, extension and modification to the Consulting Group Contract** – The Town Manager noted that in the event he was appointed to on the job of Interim School Board superintendent he recommended that the town utilize the services of Diane Write and Jorge Duyos and suggested approval of an extension and modification of the Consulting Group Contract for the provision of those services.

Following the report, Councilman Thomson moved to authorize the Mayor and/or the Town Manager to utilize the services of Diane Write and Jorge Duyos on an “as needed” basis. Vice Mayor Alonso seconded the motion. The motion carried 6-1 with Councilwoman Collins dissenting.

C. Councilmember' Reports:

1. **Update On Blasting Rules** – Councilman Pizzi reported that the State Fire Marshall has changed the independent monitoring rule of the “blasting rule” to include that the monitoring of the seismographs be done by outside sources, as opposed to self monitoring. He noted that he felt that the change was as a direct result of the Resolution passed by the Council.

Councilwoman Collins thanked Miami Dade County Commissioner Miriam Alonso and Representative Ralph Arza for putting in extra time and effort in

moving forward with respect to the blasting adding that as a result of the effort, the people living in the area might get some much needed help.

Mayor Slaton commended the State for following through in getting the new rules implemented.

2. Beautification – Councilman Pizzi thanked all the participants of the clean-up effort and specifically thanked Betty Meador for all assistance in the project. Councilman Pizzi also thanked Team Metro for their help.

- D. Youth Activities Task Force:** Councilwoman Collins reported that the Task force is working on the Halloween Haunted House for October 31, 2001 on Main Street. She noted there would be trick-or-treating on Main Street with the stores providing candy for the kids and there would be pumpkin painting and a costume party.

Councilwoman Collins also announced plans for a Bicycle Rodeo, scheduled for Saturday, November 17, 2001 at the Don Shula Hotel Parking lot from 10:00 a.m. to 2:00 p.m.

She stated that the Task Force is also looking into implementing a Gymnastics class for kids.

13. NEW BUSINESS:

- A. **AWARD OF CONTRACT FOR AUDIT SERVICES** – The Council Members heard presentations (5 minutes each) from Rachlin, Cohen & Holtz, LLP; Grau & Company, P.A. and Rodriguez & Trueba and subsequent to the presentations the council had a brief question and answer session.

Councilman Thomson moved to accept the proposal from Grau & Company [for the provision of conducting a required examination of the financial books and records for the Town] with the determination of implementing GASB 34 to be determined. Councilwoman Collins seconded the motion which carried unanimously.

The Council directed the Manager and the Town Attorney to draw up a contract with Grau & Company and to request input from Moyer & Associates regarding the contract.

- B. **DISCUSSION REGARDING MONTHLY REPORTING OF EXPENDITURES VS BUDGET** – Councilman Thomson requested that monthly financial reports be made available, which reports depict the Budget vs. Actual. The Council concurred.

C. DISCUSSION RE; ELIMINATING ADMINISTRATIVE FORM OF ZONING VARIANCES – Councilman Thomson moved to direct the Attorney to draft an Ordinance for first reading. Councilwoman Collins seconded the motion. Unanimously, the motion carried.

D. MATCHING FUNDS FOR MIAMI LAKES ELEMENTARY SCHOOL – Councilman Thomson moved to provide matching funds for the ACT program (based on amounts that have already been approved in the Budget) to Miami Lakes Elementary School in the amount of \$30,000, to Palm Springs North Elementary for \$15,000 and a \$20,000 (matching) fund for the Miami Lakes Middle school all of which to be awarded at the appropriate time when the matching funds are collected by the respective schools. The motion was seconded by Councilwoman Simon.

Education Advisory Board Chair Beth Martinez gave a brief report and recommended that the funds be matched dollar for dollar and recommended that the Council approve the motion.

Following the report and comments from Jose Enriquez brief discussion ensued. The motion carried unanimously.

E. COMMERCIAL WASTE ORDINANCE – *withdrawn from the Agenda under item 5.*

F. QNIP FUNDS FOR ROYAL OAKS PARK – Councilman Pizzi urged the Council to pursue the issue of trying to obtain the QNIP funds for Royal Oaks Park. He noted that the funds were allocated to the Park and had they developed the Park when it was slated to be completed the Town would be benefiting from a developed park. He requested a legal opinion regarding whether or not the Town can legally pursue the funds. Ms. Boniske stated that the book has not been closed on the issue. However, she noted that the QNIP funds were as a result of two bond issues and according to the County, should the town use QNIP funds, the Town would have to pay its fair share of debt service.

Mayor Slaton noted he has not given up on this specific issue and that additional funds would continue to be pursued.

G. AMENDMENTS TO THE LAND DEVELOPMENT CODE - Councilwoman Collins noted that there were some businesses included in the Occupational License Ordinance that she felt should not be allowed in the Town. These include: Pawnbrokers, Quarrying/Mining and Slaughter Houses. Councilman Meador added that the LDR should also prevent adult entertainment enterprises from operating in the Town. Councilwoman Collins moved to direct staff to look into zoning codes to identify what businesses are allowed in the Town. Councilman Thomson seconded the motion which carried unanimously.

H. **RIGHT TO AUDIT PROVISIONS** – *item moved to Ordinance for First Reading-Item 9A under item 5.*

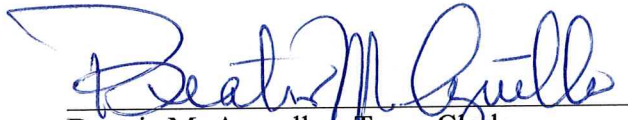
14. **FUTURE MEETING DATES:**

REGULAR COUNCIL MEETING – 7:00 p.m., Tuesday, November 13, 2001, Miami Lakes Middle School, 6425 Miami Lakeway North

15. **ADJOURNMENT:** The Mayor adjourned the meeting at 10:26 p.m.

Approved this 13th day of November, 2001

Attest:


Beatris M. Arguelles, Town Clerk


Hon. Wayne Slaton, Mayor