

**MINUTES**  
**TOWN COUNCIL MEETING**

March 12, 2002

**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 7:10 p.m.
2. **ROLL CALL** - Beatris M. Arguelles, Town Clerk called the roll. The following Council Members were present at roll call: Mary Collins, Robert Meador, II, Michael Pizzi, Nancy Simon and Peter Thomson. Staff members present were: Town Manager Dennis White and Town Attorney(s) Nina Boniske and Allison Bieler. Vice Mayor Alonso was absent.
3. **INVOCATION/MOMENT OF SILENCE** – The Mayor called for a moment of silence in remembrance of the events of the past six months.
4. **PLEDGE OF ALLEGIANCE** – The Mayor led the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):**

Councilwoman Collins moved to add to the Agenda discussion about calling a meeting of the Cultural Affairs Committee and requesting the Town Attorney to look into extending the sunset provision. The Motion to add the item in new business was seconded by Councilman Thomson and carried with no opposition. Item was added and labeled 13(d).

Councilman Pizzi asked that Item 7(d) be deferred to the April 9, 2002 Council Meeting. There was no opposition.

Councilwoman Collins moved to approve the Order of Business, as amended. The Motion was seconded and carried unanimously.

6. **SPECIAL PRESENTATIONS** - None
7. **CONSENT AGENDA** – all items were pulled from the consent Agenda and heard individually.

**A. MINUTES**

1. Regular Council Meeting – February 12, 2002 – Councilwoman Collins asked Item 9, Ordinance for first Reading/Public Hearing, Page 3 of 8, line four (4) be amended to reflect that Michael Pike was neither in favor of nor against the Moratorium on Zoning. She also asked that the number “90” be changed to “55” in paragraph 5, line 7.

Councilwoman Collins also asked that the minutes reflect her concern about the 180 day window for the Code Enforcement portion of the Contract, citing that she

had raised the question and would like the minutes to reflect same. (Item 11(c) Resolution Approving Agreement with CSA Southeast, Inc.)

Councilwoman Collins moved that the Council Approve the minutes as amended. The motion was seconded by Councilman Thomson and carried unanimously.

**B. ADMINISTRATIVE VARIANCE:**

**V01-235 - GONZALEZ/ABREU** – Councilman Thomson noted that this AV would be the last, since passage of the Ordinance eliminating the AV Process in the Town. He noted that the County had received the application prior to the effective date of the Town’s Ordinance.

Councilman Thomson moved to deny the administrative variance. The motion was seconded by Councilwoman Collins. Discussion ensued wherein Council Members expressed concern over the excessive size of the “utility shed” and its encroachment on the setback lines. The Council questioned staff. Mr. Connelly, Miami Dade County Zoning Hearings Section, noted that the project was done without a permit and that structure would have to be taken down if the Council denied.

Councilwoman Collins suggested waiting until after the Amnesty Ordinance is heard before making a decision. Town Attorney Nina Boniske noted that the application would not fall into the “Amnesty” due to the fact that the structure was not built according to Code, and would require council action on the setback encroachment issues.

On a roll call vote the motion failed on a tie vote (3-3) with Council Members Collins, Thomson and Mayor Slaton voting in favor and Council Members Meador, Pizzi and Simon voting against.

Councilman Pizzi moved to approve requests 1 (to permit an existing covered porch addition to setback a minimum of 5’ from the rear (south) property line where 10’ are required) and 4 (to permit a total lot coverage of 58.16% where 50% is permitted) and deny requests 2 (to permit an existing utility structure to setback a minimum of 2.5’ from the rear (south) and interior side (west) property lines where 5’ is required) and 3 (to permit an existing utility structure to be spaced 4.1’ from the principal building where 10’ is required). Councilwoman Simon seconded the motion.

On a roll call vote the motion failed 2-4 with Council Members Collins, Meador, Thomson and Mayor Slaton voting against and Council Members Pizzi and Simon voting in favor.

Hearing no additional motions from the floor, the Mayor announced the administrative variance denied.

**C. MICCOSUKEE INDIAN TRIBE**

**A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, SUPPORTING STATE SENATE BILL NO. S-2248 AND STATE HOUSE BILL H-1771 WHICH SEEK TO CLARIFY THE APPLICATION OF FEDERAL PUBLIC LAW 83-280 IN THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE. (Slaton)**

Councilwoman Collins moved to adopt the Resolution. Councilman Thomson seconded the motion.

Councilman Pizzi expressed concern that the Bill may limit the jurisdiction of police agencies and the Court System. He also questioned the authority of the Civil Courts to resolve civil suits arising from incidents on Indian land. The Attorney advised that a legal analysis on the bill had not been requested. Councilwoman Collins clarified that the law seeks to clarify the jurisdictional matter covered under a Federal Treaty. Councilwoman Simon stated that she did not have enough information on the bills and would be voting against the motion. Councilman Pizzi suggested the item be deferred.

The Mayor noted that the Town Resolution was merely a show of support of the general concept and that the Resolutions have already passed in committees of the House and Senate and would be going to the floor in the next few weeks, most likely prior to the Council's next meeting. He added that he would be opposed to spending Town funds to analyze the bills when there are attorneys in Tallahassee doing so.

The question was called and the motion carried 4-2 with Council Members Pizzi and Simon voting against.

**D. HONORING PRINCIPAL DAWN HURNS**

**A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, HONORING PRINCIPAL DAWN HURNS; PROVIDING AN EFFECTIVE DATE (Pizzi)** – Deferred to the April 9, 2002 Council Meeting at the request of Councilman Pizzi.

**8. PUBLIC COMMENTS**

**Michael Pike** – requested that the Council consider changing the meeting date so as not to conflict with Home Owners Association meetings. Regarding the Amnesty Ordinance, Mr. Pike questioned whether or not the Town is going to enforce "ACC" rules and other covenants within the Town and asked that the Council take into consideration various "codes" within the Town (i.e.: Architectural Control Committee, Civic Association, Deed Restrictions, etc.)

Regarding the Youth Activities Task Force, Mr. Pike expressed concern over what he considered to be the Committee running the Town's parks citing that if the Committee tells the Optimist Club what to do, the club will leave town.

**Trish Morgan** – urged Council Members to strengthen the Town Code and incorporate into the Town Code many of the restrictions already in place in the east side of the Town.

She opined that all the residents that complain that West Lakes does not look like the east will have to comply with the strict rules and regulations that have governed the east for over thirty years.

Ms. Morgan also invited all those present to the Relay for Life event to take place on Friday and Saturday, March 15-16, at the Miami Lakes Park. She stated the event will raise money for cancer research.

## 9. ORDINANCES – FIRST READING

### AMNESTY ORDINANCE

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING A ONE HUNDRED EIGHTY (180) CALENDAR DAY AMNESTY PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE; AUTHORIZING THE ISSUANCE OF "AFTER THE FACT" PERMITS WITHOUT PENALTIES FOR PROPERTY OWNERS WITH UNPERMITTED STRUCTURES OR BUILDINGS SO AS TO BRING THEM INTO COMPLIANCE WITH THE TOWN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** *(Town Manager)* Thomson moved the Ordinance on first reading. Councilwoman Collins seconded the motion.

For the record, the Town Manager noted that the word “unpermitted” means structures that did not have a permit at the time it was built, not a structure that is not allowed.

Brief discussion ensued regarding the number of days to effectuate the Ordinance and subsequently, Councilman Thomson moved to insert one hundred eighty (180) days, commencing with the effective date of the Ordinance. Councilman Pizzi seconded the motion which carried unanimously (6-0) on a roll call vote.

The main motion, as amended, carried unanimously (6-0) on a roll call vote.

Councilman Meador urged that the provisions of the Ordinance be widely publicized in order to encourage as many property owners as possible to comply.

## 10. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

Councilman Meador, citing a conflict on interest, excused himself from the dais and left the auditorium.

### ESTABLISHING A MORATORIUM ON ZONING APPLICATIONS

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR REZONING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN; PROVIDING FOR EXEMPTIONS AND WAIVERS; PROVIDING FOR A TERM; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR**

**THE REPEAL OF THE MORATORIA PROVISIONS OF SECTIONS 33-319 THROUGH 33-324 OF THE TOWN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE** (*First Reading and Public Hearing held February 12, 2002*) The Town Attorney Read the Ordinance by title. Councilwoman Collins moved the Ordinance on second reading. Councilman Pizzi seconded the motion.

The Mayor closed the regular meeting and opened the Public Hearing. Hearing no comments from the public, the Mayor closed the Public Hearing and re-opened the Council Meeting.

On a roll call vote the motion carried 4-1-0 with Councilmember Thomson casting the dissenting vote.

Councilman Meador was called back into the auditorium

**11. RESOLUTIONS:**

**A. CVS AT MIAMI LAKES BUSINESS PARK REPLAT**

**A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE “CVS AT MIAMI LAKES BUSINESS PARK” PLAT, BEING A REPLAT OF A PORTION OF TRACT “A”, “MIAMI LAKES BUSINESS PARK WEST”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 147 AT PAGE 98 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.** Town Attorney Allison Bieler read the Resolution by title. Councilman Thomson moved the Resolution as read. Councilman Meador seconded the motion.

Councilman Thomson asked that the Attorney clarify how the plat process differs from the zoning process. Town Attorney Nancy Stout clarified that the platting process is merely a matter of subdividing property and showing the subdivision on a map. She noted that the approval of a plat does not entitle the property owner to any particular zoning and that one does not have anything to do with the other. She noted that the applicants have met all the technical requirements for the Replat and that the Council’s approval is ministerial.

On a voiced vote, the motion carried unanimously 6-0.

**B. LAKES CORPORATE PARK REPLAT**

Councilman Meador, citing a conflict on interest, excused himself from the dais and left the auditorium.

**A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE “LAKES CORPORATE PARK REPLAT, BEING A REPLAT OF TRACTS “E” AND “F”, “LAKES**

**CORPORATE PARK”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 155 AT PAGE 22 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.** Town Attorney Allison Bieler read the Resolution by title. Councilman Thomson moved the Resolution as read. Councilwoman Collins seconded the motion.

For the Record, Ben Fernandez of the Easton Group (applicant), noted that the file contains a Memorandum dated February 22, 2002 from Mr. Raul Pino, Chief of the Land Development Department of Miami Dade County, advising that the plat applied for complies with all the provisions of Chapter 28 of the Land Development Code.

Hearing no additional comments, the motion carried unanimously (5-0-0).

## **12. REPORTS:**

### **A. Mayor’s Report:**

1. Transition – Mayor Slaton announced that the Building Department and Code Enforcement will be taken over by the Town on April 1, 2002.

He also reported that the financial reconciliation is on-going.

2. Appointments – no appointments were made.

### **B. Manager’s Report:**

1. Recommendation of a Comprehensive Planner – Town Manager White recommended that the Town Council approve moving forward with an agreement with Iler Planning Group. Councilman Pizzi moved to approve the Manager’s recommendation, seconded by Councilwoman Simon.

The Manager noted that an agreement would be brought back to the Council for approval.

Councilwoman Collins read a statement for the record (*attached to these fully executed minutes*) regarding her opposition to negotiating a contract with Iler and recommended that the RFQ go out to bid again.

The motion carried 5-1. Councilwoman Collins cast the dissenting vote.

2. Stormwater Grant – Status Report – The Town Manager reported that the town has received the proposed agreement from the South Florida Water Management District (SFWMD) regarding the \$150,000 appropriation from the Florida Legislature for Flood Mitigation project for the Town which must be approved by both the Council and the SFWMD. He stated

that the Attorney is currently reviewing the agreement for approval by the Council at the April Meeting.

**C. Councilmember' Reports:**

**Beautification (Pizzi)** - Councilman Pizzi asked the Manager to report on how the Parks District is working since the Town abolished the Special Taxing District. Specifically how the services are working throughout the Town. The Town Manager reported that as part of the Transition the County Parks Department is being looked at regarding providing those services throughout the Town and that at the present time, all services are being provided similarly as they were in the past. He stated that as part of the Transition, an all-encompassing agreement will be worked out.

Regarding the procurement of land for a tot-lot for the west Town of Miami Lakes area, Councilman Pizzi asked that the Attorney and staff give a report on the status of the acquisition of the land for the tot-lot at the next workshop meeting.

**D. Committee Reports:**

**Youth Activities Task Force (YATF)** – Ed Pidermann, Chairman – submitted a written report (*attached to these fully executed minutes*). Mr. Pidermann recommended that the Council adopt a Resolution recognizing the YATF as the Task Force or Committee that will review recreational programs and facilities, including parks, on behalf of the Town of Miami Lakes. He also recommended that the Town Council order a Master Plan to be conducted for the Recreational and Park facilities in the Town.

Councilwoman Simon suggested that discussion regarding the request be discussed at a workshop session.

The Town Manager recommended that this item, as well as overall rules and direction for all three committees, be discussed at the next Council workshop. He stated that each of the Committees will need clearer direction from the Council if they are to operate effectively.

Councilwoman Collins stated that she would be willing to sponsor a resolution that would give YATF authority to provide input as to how the Royal Oaks Park will be laid out as well as recommend activities within the Town's parks.

**13. NEW BUSINESS:**

**A.1. TOWN ENTRANCE SIGN AT 87<sup>TH</sup> AVE & 170<sup>TH</sup> STREET (Alonso)**  
Councilman Thomson recommended that the Manager pursue the matter of using the "Entrance Sign". Thomson moved to direct the Manager to pursue the matter. Councilwoman Collins seconded. The motion carried unanimously.

Collins suggested that the Garden Club has agreed to take on a project of planting around the Town signs.

**B.2. PROFESSIONAL SERVICES PROCUREMENT** (*Pizzi*) – suggested that the Council review the Purchasing Procedures Ordinance, specifically as it relates to Professional services. The Mayor pointed out that the council is mandated to review the Ordinance in May, since the ordinance requires that the Council review the Ordinance at one year following its adoption.

Councilman Pizzi suggested to Workshop the item in April, for discussion at the May Regular Meeting Meeting. Council concurred. Councilman Thomson suggested that Councilman Pizzi put forth to the Manager his recommended changes to the Ordinance. Councilwoman Collins suggested each Council Member submit to the Manager their recommendations for any changes to the procedures.

**C. CULTURAL AFFAIRS COMMITTEE** (*Collins*) Councilwoman Collins moved to call a meeting. Councilman Thomson seconded.

The Mayor noted that the reason the meeting had not been called is due to the fact that there are still three vacancies on the Committee.

The Town Manager recommended that the Council discuss the direction of the Committee at a workshop prior to calling a meeting in order to give guidelines with which to work.

Councilwoman Collins suggested that the Committee could get support from Michael Spring, of the County Cultural Affairs Committee, regarding applying for grants.

The Mayor stated that he would go ahead and call a meeting of the Committee, noting, however, that guidelines should be created for all the Committees.

**14. FUTURE MEETING DATES:**


**COUNCIL WORKSHOP** – 6:30 p.m., Tuesday, March 26, 2002, Town Hall Conference Room, 6853 Main Street.

**REGULAR COUNCIL MEETING** – 7:00 p.m., Tuesday, April 9, 2002, Miami Lakes Middle School, 6425 Miami Lakeway North.

**15. ADJOURNMENT:** The Mayor adjourned the meeting at 9:15 p.m.

Approved this 9<sup>th</sup> day of April, 2002

— Attest:

  
Beatris M. Arguelles, Town Clerk

  
Wayne Slaton, Mayor