

MINUTES
TOWN COUNCIL MEETING

January 14, 2003

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 7:07 p.m.
2. **ROLL CALL** – in addition to Mayor Slaton, the following Council Members were present at roll call: Mary Collins, Robert Meador, Michael Pizzi, Nancy Simon, Peter Thomson and Vice Mayor Roberto Alonso. Staff members present included: Town Manager Alex Rey, Town Attorney(s) Nina Boniske and Michael Marrero and Town Clerk Beatris M. Arguelles.
3. **INVOCATION/MOMENT OF SILENCE** – The Mayor called for a moment of silence and asked that the family of the late Lilly Giangrande be kept in everyone’s thoughts.
4. **PLEDGE OF ALLEGIANCE** – The Mayor led the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS)** – Councilwoman Collins asked that item 7(E) Committee Reports be moved up on the Agenda to immediately follow special presentations. The motion was seconded by Vice Mayor Alonso and carried unanimously.
6. **SPECIAL PRESENTATIONS** – Mayor Slaton presented a proclamation to Captain Pete Mesa and wished him well in his future endeavors. The Council Members and the Audience applauded the work the Captain had done during his tenure as Town Commander.
7. **CONSENT AGENDA** – Councilwoman Collins moved to approve items on the consent Agenda. Councilwoman Simon seconded the motion which carried unanimously.

A. MINUTES:

1. **December 10, 2002 – Regular Meeting** – *approved on consent agenda.*

- B. PUBLIC WORKS MISCELLANEOUS PROJECTS BID AWARD** *(Rey) approved on consent agenda.*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE SELECTION OF H& R PAVING TO PERFORM MISCELLANEOUS PUBLIC WORKS PROJECTS FOR THE TOWN; AUTHORIZING THE TOWN MANAGER TO FINALIZE THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGET FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND PROVIDING FOR AN EFFECTIVE DATE. *Approved on consent agenda.*

- C. **STORMWATER UTILITY EXEMPTION FROM COUNTY** *(Rey) approved on consent agenda.*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA (THE "TOWN"); NOTIFYING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA (THE "COUNTY") AND THE DIRECTOR OF THE MIAMI DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT ("DERM") AS REQUIRED BY SECTION 24-61 OF THE MIAMI DADE COUNTY CODE (THE "CODE") THAT THE TOWN EXERCISES ITS OPTION TO EXEMPT THE TOWN FROM INCLUSION IN THE COUNTY'S STORMWATER UTILITY; COMMITTING TO ESTABLISH A STORMWATER UTILITY WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN IN ACCORDANCE WITH SECTIONS 403.0893(1), (2) OR (3), FLORIDA STATUTES; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE COUNTY FOR THE COLLECTION OF THE TOWN'S STORMWATER UTILITY FEES; AUTHORIZING THE TOWN CLERK TO SEND COPIES OF THIS RESOLUTION TO THE APPROPRIATE OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE. *Approved on consent agenda.*

- D. **COMMUNITY POLICING PROJECT** *(Rey) approved on consent agenda.*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE AGREEMENT BETWEEN MIAMI DADE COUNTY AND THE TOWN OF MIAMI LAKES FOR THE TOWN'S COMMUNITY POLICING PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. *Approved on consent agenda.*

8. **PUBLIC COMMENTS – The following persons spoke under public comments:**

Stanley B. Price, Esq. – apologized to the Council for not having contacted the Town regarding a hearing before the County Commission, concerning the closing of the landfill west of the Town.

Angelo Garcia – advised the Council that he was looking into a matter concerning the Police Department and the Purple Rain Store.

9. **ORDINANCES – FIRST READING**

- A. **CREATING A STORMWATER UTILITY** *(Rey)*

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA, CREATING A STORMWATER UTILITY SYSTEM FOR THE TOWN; PROVIDING AUTHORITY; PROVIDING FOR DEFINITIONS; MAKING CERTAIN FINDINGS AND DETERMINATIONS; ESTABLISHING A STORMWATER UTILITY FEE SYSTEM; ESTABLISHING A METHOD AND PROCEDURE

FOR THE COLLECTION OF STORMWATER UTILITY FEES; PROVIDING FOR REQUESTS FOR ADJUSTMENT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; 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. Councilwoman Simon seconded the motion. On a roll call vote, the motion carried unanimously.

10. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

A. BONUS ORDINANCE *(Rey)*

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING AN EXTRA COMPENSATION PROGRAM FOR EMPLOYEES OF THE TOWN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. *(First Reading November 12, 2002)* Town Attorney Nina Boniske read the Ordinance by title. Councilwoman Collins moved adoption of the Ordinance. Councilwoman Simon seconded the motion. The Town Attorney asked that the Council include the document entitled "Employee Bonus Program" as part of the Ordinance. The Mayor opened the public hearing. Hearing no residents in favor of or in opposition to the Ordinance, the Mayor closed the public hearing and reopened council discussion.

Councilman Meador moved to amend the ordinance in Section 2 to decrease the amount for a bonus to 3% rather than 5%. Councilwoman Simon seconded the motion. The Town Attorney noted an additional amendment to Section 2 to include that the Town Manager shall have the authority to award bonuses "based upon the Employee Bonus Program Criteria..." On a roll call vote, the motion carried 7-1 with Councilwoman Collins dissenting.

The main motion, as amended, carried unanimously on a roll call vote.

Councilwoman Simon asked that the Manager advise the Council of any bonuses awarded.

B. PROCUREMENT ORDINANCE (REVISION) *(Rey)*

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 01-03, PERTAINING TO PURCHASING PROCEDURES; ADDING PROVISION FOR PROFESSIONAL SERVICES; ADDING PROVISION FOR EMERGENCY PURCHASING PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE *(First Reading December 16, 2000)* Town Attorney Nina Boniske read the Ordinance by title. Councilwoman Simon moved adoption of the Ordinance. Councilwoman Collins seconded the motion. The Mayor opened the public hearing. Hearing no residents in favor of or in opposition to the Ordinance, the Mayor closed the public hearing and reopened council discussion.

The Town Manager asked that Council Amend the Ordinance in Section 2(b) 2, change the reference to section c to be “section E”. He clarified for the record that Section 2(b) 6 referring to Change Orders is intended to be a one-time change order would be allowed approval by the Manager and that additional change orders would be required to go before the Council. Regarding purchases under \$1,000 the Manager clarified that these will be made using oral bids which will be recorded for each purchase.

Attorney Nina Boniske recommended an amendment to section 2(c)2, the words “as specified in Chapter 252, Florida Statutes” be deleted and the sentence end after the word purposes.

Having agreed to the changes requested by the Manager and the Town Attorney and upon a roll call vote of the Council, the motion carried unanimously.

Councilwoman Collins asked for the record that any and all change orders that are approved by the Manager pursuant to the Ordinance be reported to the Council at the next meeting immediately following approval of the change order.

11. RESOLUTIONS: None.

12. REPORTS

A. MAYOR’S REPORTS:

1. **Appointments:** The Mayor recommended appointment of Nancy Hofstetter and Michelle Stecco to the Cultural Affairs Committee; Carole Wylie, Ray Villar, Rodolfo Pages, Trish Morgan, Robby Elias, Mara Falerea, Al Parusas, Raul Gastesi and Alicia Pina to the Cultural Affairs Committee. Councilwoman Collins moved to accept the appointments. Councilman Thomson seconded the motion which carried unanimously.
2. **Blasting** – follow up on previous actions taken by the Town. The Mayor reviewed procedures followed by the City of Miramar in Broward County with regard to blasting. He noted however, that the City of Miramar deals with blasting as a result of development. He announced that the State Fire Marshall has put out a Q & A brochure regarding blasting and he announced a telephone number, 800-861-4164 for people to call in blasting complaints. Councilwoman Collins suggested putting the brochure on the Town Website or putting a link in to the State Fire Marshal’s website. The Council concurred.
3. **Code Enforcement** – actions taken by the Town on unsafe structures and air quality complaints. – The Mayor reported the Town Code enforcement has taken the necessary steps regarding an unsafe home in Loch Lomond. Regarding recent complaints regarding noxious odors and dust coming from mounds of dirt piled on undeveloped areas, the Mayor reported that DERM representatives are investigating the complaints and will continue to monitor any hazardous situations that may occur within the Town.

The Council concurred that the Town Manager should try to meet with owners of the properties in question and request that they try to mitigate any dust coming from the dirt piles.

4. **Madden's Hammock** – The Mayor reported on a meeting with Representative Arza regarding the Madden's Hammock Property. He stated that as a result of the Meeting with Arza, he and the Manager were invited to Tallahassee to meet with representatives of the Department of Community Affairs to discuss the possibility of having (DCA) explore preservation of the site. He added that the Town Manager will continue to look for a way that the property can ultimately be purchased for preservation and the possibility of additional funds that may be available from the Trust for Public Lands. He also noted that the Miami Dade County Department of Environmental Resources Management has committed to providing funds through the EELP program wherein they would provide 50% of the purchase price of the property. He stated that he is hopeful that the Town will be able to acquire the property and preserve it as a passive park.
5. **Increased Police Presence around schools** – action plan – The Mayor announced that the Police Department will be providing increased presence at the schools in an effort to alleviate traffic problems. He noted that four officers will be positioned around Barbara Goleman High School in the morning and in the afternoon and that due to the different schedules between the schools, the same officers will be going over to the Bob Graham Education Center.
6. **Municipal Transit Enhancement Funds** – Town to receive \$658,109 annually. The Mayor announced that the Town would be receiving monies from the MTEF beginning in April 2003 and would receive 9/12 of the \$658,109 projected annual amount. He noted that the funds would be used for transportation related projects. (i.e.: roads, draining on public roads, enhancements, etc.) The Vice Mayor stated that the funds could also be used for establishment of a Trolley System to help alleviate traffic, citing that he envisioned the trolley system servicing the local schools.

B. MANAGER'S REPORTS:

1. **Land Development Code Process** – Town Manager Alex Rey asked Town Planner Henry Iler to review a recommended process, which he distributed to the Council (*attached to these fully executed minutes*). Mr. Iler noted that the plan is to have several workshops on issues of concern to the residents in order to get as much public input as possible. He stated that the workshops will be well advertised with flyers being mailed to each household; advertisements in the local newspapers, posting on the Town website and through the various Homeowners' Associations.
2. **State Legislative Priorities** – The Town Manager distributed a revised list of legislative priorities which Town Lobbyist Rick Rodriguez reviewed. The list, created by feedback from the Town Council included: Funding for Royal Oaks

Park; Miami Lakes Park Improvements; Roadway improvements; Storm Water Drainage improvements; a feasibility study for Trolley cars; Capture of insurance funds paid to the State for Municipal Police Officers, and a feasibility study to determine the advantages, disadvantages and fiscal impact of a Town Police Department.

Councilwoman Collins moved to endorse the Legislative Priorities. The motion was seconded by the Chair and carried unanimously.

C. COUNCILMEMBER REPORTS: No reports were given.

D. COMMITTEE REPORTS: No reports were given.

13. NEW BUSINESS

- A. **PEERLESS LANDFILL** (*Slaton*)(*Pizzi*) – The Mayor reported that after receiving numerous phone calls, regarding the BCC Decision of December 5, 2002 granting the appeal made by Peerless Dade, Inc. He stated that Peerless appealed to the Board from the administrative determination that proposed plans to increase the height of the peerless landfill did not substantially comply with plans approved by prior resolutions, adding that the Board reversed the administrative determination and found that the proposed plans substantially complied with the approved plans.

The Mayor stated he asked the Manager to look into the matter and present to the Town Council options available to the Town. The Town Manager reported that he requested that the Town Attorney prepare a report (*attached to these fully executed minutes*).

Town Attorney Nancy Stroud reviewed the report and recommended that the Council direct the Town Attorney and the Manager Meet with the County Planning and Attorney's offices regarding the analysis that the Board appeal decision does not change the height restriction and the permit should be revoked. She noted that within thirty days of the County's rendering of the Resolution approving the appeal, the Town or other potential plaintiffs must either file suit or seek certiorari review of the Approval Resolution if they intend to proceed with litigations. She noted that the Town's most likely opportunity to establish standing would involve (1), challenging the adequacy of the notice for the public hearing and two (2) the Board's lack of authority to hear the administrative appeal.

By consensus, the Town Council agreed to proceed as recommended by the Town Attorney.

- B. **EXISTING TOT-LOT PARKS** (*Meador*) – Councilman Meador requested that the Town Manager survey existing tot-lot parks and make a recommendation and give a cost analysis on increased maintenance and evaluate hazardous conditions at the parks and begin updating the parks. Councilman Thomson recommended

that life safety issues and possible hazards be addressed first. The Council concurred. Councilwoman Simon suggested installation of water at the parks to assist in clean-up of tree sap.

- C. **ILLEGAL APARTMENTS** (*Pizzi*) – Councilman Pizzi requested that the Town Council consider implementing measures which would mitigate the preponderance of illegal conversion of single family to multi-family dwelling units. He opined that illegal apartments cause an increase drain on services. He recommended consideration of an Ordinance requiring certification as part of a home sale or purchase; increasing fines and penalties, and consideration of an amnesty period to allow a brief period of time to correct the problem. Lengthy discussion ensued wherein the majority of the Council appeared to be in favor of increased, pro-active code enforcement, creation of stricter codes with higher penalties for violators and making same part of the Zoning review process. It appeared that the Council was not in favor of recertification. The Vice Mayor suggesting that recertification essentially penalizes property owners that do not have any violations. By consensus, the Town Manager was directed to have Code Enforcement proactively investigate the severity of the problem and prepare a recommendation to the Council.
- D. **USE OF PUBLIC BUILDINGS** (*Pizzi*) – Deferred to the next meeting.
- E. **TOWN ROLE IN ENVIRONMENTAL PROTECTION: MOUNDS OF DIRT ON LAND ALONG NW 154TH STREET** (*Pizzi*) – previously addressed under the Mayor's report. No additional reports were made.

14. **FUTURE MEETING DATES:** The Mayor announced the following meetings:

REGULAR COUNCIL MEETING – Tuesday, February 11, 2003, 7:00 p.m. Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014

~~**ZONING MEETING – Thursday, February 13, 2003, 7:00 p.m.**~~ Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014 *Subsequently the Zoning Meeting was cancelled.*

15. **ADJOURNMENT** – The Mayor adjourned the meeting at 10:29 p.m.

Approved this 11th day of February, 2003

Attest:



WAYNE SLATON, MAYOR



BEATRIS M. ARGUELLES, CMC
TOWN CLERK