

MINUTES
TOWN COUNCIL MEETING

February 11, 2003

7:00 p.m.

Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER** – The Mayor called the meeting to order at 7:13 p.m.
2. **ROLL CALL** – In addition to the Mayor, the following Council Members were present at roll call: Mary Collins, Robert Meador, Michael Pizzi, Nancy Simon, Peter Thomson and Vice Mayor Roberto Alonso. The following staff members were also present: Town Manager Alex Rey, Town Attorney Nina Boniske and Michael Marrero of the law firm Weiss, Serota, Helfman Pastoriza and Guedes, P.A.; and Town Clerk Beatris M. Arguelles, CMC.
3. **INVOCATION/MOMENT OF SILENCE:** The Mayor called for a moment of silent reflection in memory of the Astronauts that perished in the Space Shuttle Columbia tragedy. He also asked that in all prayers the safe return of the soldiers being deployed to the war and their families also be remembered
4. **PLEDGE OF ALLEGIANCE:** The Mayor led the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):** Councilwoman Collins asked that item 10(a) be deferred, item 13(g) be withdrawn and that item 12(d) be moved to immediately precede item 8. Councilman Pizzi moved to delete item 13(e) and move item 13(d) to item 12(c)(7). The Town Manager asked that a report on the Maddens Hammock be added to the Agenda under item 12(b) 5. Councilwoman Collins moved to accept the order of business as amended. Councilman Meador seconded the motion which carried unanimously.
6. **SPECIAL PRESENTATIONS** – None.
7. **CONSENT AGENDA:** Councilwoman Collins asked that item 7(a)1 be pulled from the consent agenda and moved approval of the remainder. Councilman Meador seconded the motion, which carried unanimously.
 - A. **MINUTES:**
 1. **December 16, 2002 – Regular Meeting (Page 6)** – Councilwoman Collins asked that minutes be corrected to reflect that Mayor’s appointments were to the Economic Development Committee. Councilwoman Collins moved to accept the minutes as amended. Councilman Meador seconded the motion which carried unanimously
 2. **January 9, 2003 – Zoning (Page 13)** – approved on Consent agenda.
 3. **January 14, 2002 – Regular Meeting (Page 16)** approved on Consent agenda.

B. ROAD TRANSFER AGREEMENT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING FOR APPROVAL OF THE ROAD TRANSFER AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF MIAMI LAKES; PROVIDING FOR THE TRANSFER OF OWNERSHIP AND RESPONSIBILITY OF PUBLIC ROADS FROM THE COUNTY TO THE TOWN; AUTHORIZING THE TOWN MANAGER TO FINALIZE THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZATION OF TOWN OFFICIALS; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND PROVIDING FOR AN EFFECTIVE DATE.) approved on Consent agenda.

C. STATE MANDATED INTERLOCAL AGREEMENT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF MIAMI LAKES, TWENTY-FOUR NON-EXEMPT MUNICIPALITIES, MIAMI DADE COUNTY AND THE SCHOOL BOARD OF MIAMI DADE COUNTY AS REQUIRED BY SECTION 163.31777 AND SECTION 1013.33, FLORIDA STATUTES; AUTHORIZING THE TOWN MANAGER TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE. approved on Consent agenda.

8. PUBLIC COMMENTS: The following persons addressed the Council:

Robert Spano – Cultural Affairs Committee Report (*Moved from item 12(d)*) - Chairman Spano distributed a position paper by the Cultural Affairs Committee on the Maddens Hammock property. He also reported that the Hialeah Miami Lakes Players Theatre Group has requested that the Town of Miami Lakes agree to construct a “Black Box Playhouse” on donated space on Main Street. He introduced Maria Ortiz, President of the Hialeah Miami Lakes Players who gave a brief presentation to the Council. She stated that the theatre would hold workshops for the community and a summer workshop series. She added that the black box theatre would enhance the cultural activities in the community. Mr. Spano stated that a proposal will be submitted for consideration by the Council.

Carlos Benaiges – 8835 NW 153rd Terrace – complained about “dirt mounds” on the Dunn Property that will be developed which is near his house. He stated that his family has been experiencing significant health problems because of the dirt mounds. Specifically, he cited that his wife and one of his children ended up in the hospital on Christmas Eve. He stated that he has been unable to keep up with the maintenance of the pool as a result of dirt constantly going onto his property. He stated that his wife has written a letter and that they are circulating a petition of area resident who are experiencing the same problems. He announced that he would mail the petitions, once all signatures have been collected. He presented photographs but requested they be returned. *The photographs were not retained by the Clerk as they were not admitted “for the record” by Mr. Benaiges.*

Reynaldo Rodriguez – 8821 NW 153RD Terrace - stated that his kids cannot use their own backyards because of the dirt flying all over the place. He cited that keeping up with the maintenance of his back yard has become impossible. He questioned the legality of the mounds and that if it was not legal, he asked what the Town was going to do about the problem. Mr. Rodriguez claimed that residents of the area are unable to enjoy their homes, their outdoor furniture is getting ruined and their children are unable to play outside without getting sick because of the dirt flying off the mounds on the Dunn Property. He demanded that the Council do something about the problem

Luis Sanchez – 162nd Terrace – complained that dirt is flying in the air constantly from the dirt mounds and that the cement roof tiles are being covered with dirt. He stated that a New Year's Eve party that he had at his house was ruined because of what he termed a "Sand Storm". Mr. Sanchez also distributed photographs of his neighbors Jacuzzi. He cited for the Council that his neighbor's 13 year-old son has muscular dystrophy and has therapy in the Jacuzzi. However, that because of the constant dirt accumulating in the Jacuzzi, they are unable to give the boy therapy because that cannot keep up with the maintenance that is required, notably, changing filters and vacuuming the base. Mr. Sanchez asked the Council to do something.

9. ORDINANCES – FIRST READING

A. ESTABLISHING A STORMWATER UTILITY RATE *(Rey) (Page 85)*

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA ESTABLISHING THE RATE OF THE STORMWATER UTILITY FEE FOR THE TOWN OF MIAMI LAKES STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. The Town Attorney Read the Ordinance by title. Councilwoman Collins moved to adopt the Ordinance 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. CREATING A STORMWATER UTILITY *(Rey) (Deferral requested)*

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. *(Deferral to March 11, 2003 is requested due to technical error in Public Notice.*

11. **RESOLUTIONS:** None

12. **REPORTS**

A. **MAYOR'S REPORTS:** - No report was given.

B. **MANAGER'S REPORTS:**

1. **Capital Budget Workshop** – The Town Manager announced a workshop to discuss the Town's 12-year plan for capital improvements projects for **6:00 p.m., February 26, 2003, Town Hall**
2. **Presentation by CSA on Illegal Apartments** – CSA representative Carlos Penin addressed the Council citing that there has not been an influx of calls regarding illegal apartments. Councilman Pizzi reviewed a list of addresses he obtained from Team Metro regarding open cases. Mr. Penin noted that CSA had requested copies of all open cases from the County and that the cases referred to by Councilman Pizzi were not on the list of open cases. He stated that Code Enforcement would review all the cases and give a report to the Council. Councilman Pizzi urged getting the message out the public that illegal efficiencies will not be tolerated. The Town Manager noted that it may be too soon to tell whether or not this is a huge problem. The Council concurred that it does not appear that illegal efficiencies are currently a huge problem. However, they urged Code Enforcement to be pro-active on this issue rather than reactive.
3. **Update on Police Department Billing** – The Town Manager announced that Councilwoman Simon had identified many calls that were questionable and that after several meetings with the Police Department Reps. Many of those calls were credited. Councilwoman Simon noted that \$400,000 will be credited to the Town, that \$400,000 worth of the calls have been addressed but that \$600,000 was still "up in the air."
4. **Responsibilities of the Town Commander** – The Town Manager reported that he had met with Director Alvarez and that they are working together on an outline which will clarify the authority and responsibilities that will be delineated for the Town Commander in order to assure that the Town Police Department will be able to react quickly to meet the town needs. This would include the ability to make assignment of duties, deployment, personnel, ability to respond to Citizens complaints.

C. **COUNCILMEMBER REPORTS:**

1. **FLC International Relations Committee** – Vice Mayor Alonso reported on the Sister Cities Program. Bob Spano stated that a small City in Scotland or Costa Rica may be interested in becoming a Sister City with the Town. The Vice Mayor noted that whenever a delegation goes to the Sister City the delegate would pay their own expenses. When delegates come to the Town, the Town would pay the expenses of the delegation. He suggested the possibility of getting sponsors and

perhaps using the Economic Development Committee to assist in planning activities.

2. **82nd Avenue & NW 154th Street Drainage** – Vice Mayor Alonso reported that through meetings with Public Works and Russell Barnes discussed with the County the issues the Town currently experiences and discuss improvements as it relates to the developers that caused the problems in the first place. Asking the developers to look at expanding the drains. Russell that the response is not what we would like to get.... Alonso noted that the County has admitted that the problem exists and that developers should pay to repair it. He urged the Council Members and the public to call Ari Rivera and Commissioner Seijas to request that developers repair the roads before the Town takes over the Road. Councilwoman Collins suggested the possibility of taking legal action against the developers. Councilwoman Simon suggested having the Manager give a brief synopsis for the Town Council to use to urge the Commissioners to help to get the roads up to proper standards.
3. **Bob Graham Education Center** – Vice Mayor Alonso – announced that the School opened on February 3, 2003. He stated that there was a tremendous amount of planning prior to the opening so as to assure a smooth drop off in the morning and that as a result of those meetings a plan was formulated that has worked beyond expectations. Vice Mayor Alonso thanked Officer Lindholm specifically and all the members of the Police Department that had worked and are continuing to work toward making the plan work.
4. **NW 154th Street Traffic** – Vice Mayor Alonso announced that the Florida DOT has agreed to proceed with various improvements that will decrease traffic on NW 154th Street.
5. **Royal Oaks Park – School Board property adjacent to the park** - Vice Mayor Alonso reported that through a series of meetings the School Board has agreed that they will not be using the land and that an agreement is being prepared for the Town to be able to use the land. Rey reported that the Superintendent has agreed that there are no foreseeable plans for this parcel of land. Rey noted that a memorandum of agreement is being prepared that will allow the Town to pull DERM and SFWMD permits to clear and prepare the property for use. He noted that the basis of the agreement is that the Town would initiate the work and the school board would reimburse the Town for the initial work. He noted that the agreement would be a five year agreement wherein the Town would agree to maintain the two acres as open fields with no structures. Rey noted that this agreement will help to remove an issue of “Blight” on a freshly developed park.
6. **Status of survey of potential tot-lots in the western portion of Miami Lakes** – Councilman Thomson distributed a report and asked the Town Manager to give a brief report. The Town Manager announced that a physical inventory as well as a digital inventory has been done and a full report will be delivered to the Council within the next few weeks.

7. **Nuisance Controls Ordinance** (*moved from New Business item 13(d) (Pizzi)*) – Councilman Pizzi addressed the issue of the height of the mounds of dirt on the Dunn property (Dunnwoody Lake). He introduced a letter from Gia Betancourt regarding her child with MS that cannot use the Jacuzzi because of the constant dirt blowing around. He addressed other ailments that have been reported from other residents including eye infections, upper respiratory ailments. Asked staff to address this matter as a quality of life crisis.

Councilman Pizzi moved to direct the Manager and the Attorney to take all necessary steps including initiation of legal action to get the mounds removed immediately, including contacting health agencies. Collins seconded the motion. The motion carried unanimously.

The Town Manager reported that property owner had indicated that the mounds will be moved within the next six weeks to a project in Medley. The consensus of the Council was to move on this matter quickly in order to mitigate additional health concerns of the public.

The Mayor asked that staff follow a joint path with residents helping the residents to help themselves with what steps they can take from a private citizen level. He asked that staff continue to pursue the matter with regard to the health issues and noted that Miami Dade County Health Department is still responsible for the health of all Citizens in Miami Dade County. Councilwoman Collins added that the CDC be contacted regarding a possible violation of the “Clean Air Act”

Councilwoman Simon moved to direct the Attorney to draft an Ordinance that will address the issue of mounds of dirt on any property within the Town of Miami Lakes. Seconded by the Chair. Carried unanimously.

The Mayor requested the Town Engineer to give a report on what it would cost for the Town to go out and water the mounds immediately. Meador suggested also looking into the costs to cover the mounds.

D. COMMITTEE REPORTS: None.

13. NEW BUSINESS

- A. **Use of Public Buildings** (*Pizzi*) *item deferred from December 16, 2002 No Action was taken.*
- B. **Discussion regarding possible amendment to the Comprehensive Council Meeting and Agenda Procedures** - (*Simon*) *No action was taken.*
- C. **Code Enforcement/CSA Contract** (*Pizzi*)(*Page 100*) *No action was taken*
- D. **Nuisance Controls Ordinance** (*Pizzi*) *moved to item 12(c)7*
- E. **Prohibitive Easements** (*Pizzi*) – *Withdrawn under item 5, Additions, Deletions*

- F. **Annexation (Pizzi)** Councilman Pizzi reported that Henry Iler, the Town Planner is working with the Manager on a report. He also reported that the City of Hialeah will be going before the boundary commission on February 18 and March 3rd to the planning advisory board, April 8th county commission will take a vote. He expressed concern over the "fast track"

Councilman Michael Pizzi moved to request the County Commission to delay any action on annexation of the land West of I-75 until such time as the Town of Miami Lakes has had an opportunity to complete its study. Councilwoman Nancy Simon seconded. Councilwoman Mary Collins opposed..

- G. **Discussion regarding the possibility of merging the Youth Activities Task Force with the Cultural Affairs Committee (Collins) Withdrawn by Councilwoman Collins.**

14. **FUTURE MEETING DATES**

WORKSHOP – Capital Budget – Wednesday, February 26, 2003, 6:00 5:00 p.m., Town of Miami Lakes, Town Hall, 6853 Main Street, Miami Lakes, FL 33014

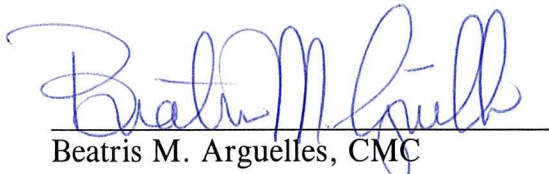
REGULAR COUNCIL MEETING – Tuesday, March 11, 2003, 7:00 p.m. Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014

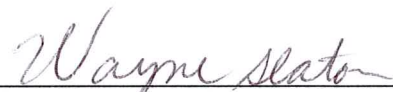
ZONING MEETING – Thursday, March 13, 2003, 7:00 p.m. Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014

15. **ADJOURNMENT** – The Mayor adjourned the meeting at 10:40 p.m.

Approved this 11th day of March, 2003

Attest:


Beatris M. Arguelles, CMC
Town Clerk


Wayne Slaton, Mayor