TOWN OF MIAMI LAKES, FLORIDA

MINUTES TOWN COUNCIL MEETING <u>January 13, 2004</u> 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 7:15 p.m.
- 2. ROLL CALL: In addition to the Mayor, the following Council Members were present at roll call: Mary Collins, Robert Meador, Nancy Simon, Michael Pizzi, Peter Thompson 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, PA; and Town Clerk Beatris Arguelles, CMC.
- 3. **INVOCATION/MOMENT OF SILENCE:** The Mayor called for a moment of silence.
- 4. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge.
- 5. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):

Councilwoman Collins requested to pull Item 7 (C) from the consent agenda. Councilman Pizzi requested to pull Item 7 (B). Councilman Pizzi also requested to take Item 14 (A) out of order to be heard following the Consent Agenda. Mayor Slaton added that he would like to cosponsor Item 10 (A).

Councilwoman Collins moved to accept the Order of Business as amended. Councilwoman Simon seconded the motion, which carried unanimously.

6. SPECIAL PRESENTATIONS:

Barbara Goleman High School DECA Club Beautification Project - Mayor Wayne Slaton presented the Barbara Goleman High School DECA Club Beautification Project members with certificates of appreciation. The Mayor explained that the DECA club members participate in wonderful projects and most recently they painted the wall near Barbara Goleman High School.

- 7. CONSENT AGENDA: Councilman Meador moved to accept the Consent Agenda as amended. Vice Mayor Alonso seconded the motion, which carried unanimously.
 - A. APPROVAL OF THE MINUTES:

- 1. **December 2, 2003 Comprehensive Plan Meeting -** Approved on consent agenda.
- 2. December 9, 2003 Regular Council Meeting Approved on consent agenda.
- 3. **December 11, 2003 Zoning Meeting -** Approved on consent agenda.
- B. AUTHORIZING THE MANAGER TO NEGOTIATE SETTLEMENTS WITH CODE VIOLATORS (Rey) The Town Attorney read the Resolution by title as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING THE TOWN MANAGER TO REDUCE CIVIL PENALTIES AND ADMINISTRATIVE COSTS PERTAINING TO PENDING CODE COMPLIANCE MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Pizzi opined that the Resolution does not go far enough and would like to see the Town Manager have full authority to mitigate fines if violations are corrected prior to the hearings. He added that in his opinion, the purpose of code enforcement is to rectify compliance issues.

The Town Manager noted that his goal for code enforcement in Miami Lakes is compliance and added that fines are issued after the violations have persisted after several notices to the violators. He noted that the Resolution contemplates that if the resident is in compliance prior to the hearing the fine is reduced by 50% in order to avoid costs to the Town and the resident. The fine is not completely eliminated in order to motivate violators to comply. The Town Manager stated that eliminating the fines works against the Town and that there should be a penalty for those residents who ignore courtesy violation notices. He proceeded to clarify that the fines should not be viewed as a punishment, but rather as a corrective action. The discounted fine is offered once the permits are obtained and the work has been inspected and approved.

Councilman Pizzi asked the Town Manager how the County deals with a violator who rectifies the problem prior to the hearing. The Town Manager responded that the Special Master has discretion and can reduce or eliminate fines under special circumstances. However, that the Town is attempting to avoid further fees of appearing before the Special Masters to the violators.

To Councilman Pizzi's query regarding whether or not the Special Master collects hearing fees after it has decided to eliminate the fines, the Town Attorney clarified that the Special Master does not have authority to reduce fines that it would require a code amendment to allow for that authority.

Councilman Pizzi moved to amend Section 1 of the Resolution giving the Town Manager 100% mitigation in cases of special circumstances to be determined by

the Town Manager. Councilwoman Simon seconded the motion. The motion failed 2 to 5 with Councilmembers: Collins, Meador, Thomson, Vice Mayor Alonso and Mayor Slaton casting dissenting votes

Councilman Thompson noted that special circumstances can be brought before the Council and that the Resolution should not be amended. Mayor Slaton asked the Town Manager to explain the process utilized by code enforcement for the issuance of fines. The Town Manager explained that code enforcement will issue fines after no response or indication of compliance is received from the resident after one or two notices.

Mayor Slaton stated that this is a code enforcement issue that at 100% it would bring more pressure on the Manager and reiterated the goal is compliance. However that the fines are a necessary tool and supported the 50% contemplated in the Resolution.

Vice Mayor Alonso stated that code enforcement will lose the respect of the community if the residents are aware that they can direct their issues to the Town Manager and have their fines reduced or eliminated. He opined it is fair that residents be held accountable for violations.

Councilman Meador mentioned that he views this as an opportunity for property owners to either take it to the Special Masters or comply with the codes. He also expressed concern for precedents that may be established.

Councilwoman Simon opined that the Manager should have full discretion to eliminate fines in extreme circumstances.

Councilwoman Collins moved to accept the Resolution as presented. Councilman Thompson seconded the motion. The motion carried unanimously.

C. SECOND AMENDMENT TO THE CONTRACT WITH RODRIGUEZ PIÑA & ASSOCIATES (Rey) (Page 29)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE CONTRACT FOR LEGISLATIVE CONSULTING BETWEEN RODRIGUEZ-PINA AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES FOR LEGISLATIVE CONSULTING SERVICES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Collins asked that Mr. Pina research in Washington what happened to the Miami Lakes flood rating system and how a better rating can be

obtained. She explained that a better flood rating might significantly reduce the cost of flood insurance for the residents of Miami Lakes. She also added that the current rating being utilized is that of Miami-Dade County. The Mayor asked the Town Attorney if an amendment to the Resolution is needed in order to consider this issue. The Town Attorney responded that an amendment is needed and that it should be added as Section 1.2.10.

Councilwoman Collins moved to amend the Resolution in order to add Section 1.2.10 to the agreement to also look into improving the Town's flood plain rating. Vice Mayor Alonso seconded the motion.

Discussion on the issue ensued following the motion.

Councilman Meador agreed to the amendment and spoke regarding the need for a zip code for the Town and a Post Office. He mentioned that on July 10, 2001 he received a copy of a letter from Rep. Lincoln Diaz-Balart to the Post Master General requesting a centralized zip code for the Town. Councilman Meador asked that Mr. Pina research the status of this situation. He also mentioned he has written letters to Sen. Bob Graham and Rep. Lincoln Diaz-Balart in attempts to get a Post Office in Miami Lakes and that he received a letter on October 12. 2001 addressed to Sen. Bob Graham from the Government Relations Representative stating that the South Florida District official believes that a good level of service is being provided to Miami Lakes from the Hialeah Post Office and there are no plans for a Miami Lakes office but it will be kept under review should the need arise. Councilman Meador mentioned that he would provide a copy of this letter to the Town Clerk to enter into the record. Councilman Meador stated that three years have transpired and that it is time to follow up. He mentioned that he supports spending additional funds to hire Mr. Pina on a generic basis to deal with matters as they arise on a federal level rather than on a case-by-case basis.

Councilwoman Simon stated that she feels that Mr. Pina is doing a wonderful job, but she does not think that lobbyists are needed for County matters. She asked the Town Manager what portion of the \$54,000.00in the agreement is being spent on County lobbying. The Town Manager responded that the contract amendment increases the compensation by \$2,000.00 per month and that half is for federal lobbying and half is for County lobbying. Councilwoman Simon stated that she supports lobbying at the state and federal levels, but not at the county level. She asked the Town manager to explain where the extra money is coming from. Town Manager Rey explained that the money comes from savings from the parks' contracts and additional revenues from franchise fees.

Councilman Pizzi agreed with Councilwoman Simon that Mr. Pina should not lobby at the county level and expressed concern over the increase cost of the contract without accepting bids from other companies. Town Manager Rey explained that the contract's duration is one year with a one-year renewal option. He added that the agreement is to include additional work scopes to the

agreement. In response to Councilman Pizzi's concerns, the Town Manager clarified that the amendment to this contract is an exception.

Discussion ensued. Councilman Thompson asked how many municipalities use the services of a lobbyist on the county level. He was informed that it is a common practice for municipalities to use lobbyists at the county level. Councilwoman Collins mentioned that lobbyist not only serve the purpose of dealing with Commissioners at the county level, but that they also gather information to keep the Town abreast of what is occurring.

Following additional discussion regarding the wording of the amendments

Councilwoman Collins moved to amend the Resolution to add Section 1.2.10 – Assist the Town in tracking and improving its floodplain insurance rating and Section 1.2.11 – As requested by the Town Manager, represent the Town's interests on matters pending before various federal agencies, committees or legislators. Vice Mayor Alonso seconded the motion which carried unanimously.

D. AUTHORIZING A LETTER OF PERMIT FOR THE TRANSFER OF FILL FROM AMELIA EARHART PARK (Rey)

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE MIAMI-DADE COUNTY LETTER OF PERMIT FOR THE TRANSFER OF FILL FROM AMELIA EARHART PARK; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LETTER OF PERMIT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE - Approved on consent agenda.

8. PUBLIC COMMENTS: The following resident addressed the Council on issues of concern:

Jose Enriquez (14315 Lake Candlewood Court) stated that at a recent Homeowners' Association meeting concern was expressed regarding the debris and garbage on Miami Lakes Dr. East and NW 57th Ave, 67th Ave and 138th Street. He also stated that there are no welcome signs or beautification elements in the area and asked that the Council look into increasing the quality in these areas. (Subsequently, the Mayor noted there is welcome sign on 67th Avenue entering Miami Lakes from Hialeah)

9. COMMITTEE REPORTS: Russ Geyer - Beautification Advisory Committee Chair related the goals of the Beautification Advisory Committee which include: Prepare master landscaping plans, provide a botanical signature for the Town, create more green space, enforce the code for canopy percentage of shade trees to be planted, etc. Councilwoman Collins praised the committee for their work. He also stated, for the record, that the purpose of the committee is to advise the Council on matters that relate to the beautification of the entire Town.

10. ORDINANCES – FIRST READING:

A. CAMPAIGN FUNDRAISING AND REPORTING:

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, CONCERNING ELECTION CAMPAIGN FINANCE; PROVIDING FOR RESTRICTIONS ON FUNDRAISING AND REPORTING DATES FOR CANDIDATES SEEKING ELECTION TO THE MIAMI LAKES TOWN COUNCIL; PROVIDING FOR A TITLE; PROVIDING FOR FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR DATES FOR CAMPAIGN FUNDRAISING; PROVIDING FOR TOWN CAMPAIGN REPORTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Nina Boniske read the Ordinance by title. Councilman Pizzi moved adoption. Councilman Thompson seconded the motion. On roll call vote, the motion carried unanimously.

11. PUBLIC HEARINGS/ORDINANCES – SECOND READING: None

12. **RESOLUTIONS:**

A. HEALTH INSURANCE POLICIES FOR TOWN COUNCIL MEMBERS (Simon) Town Attorney Nina Boniske read the Resolution by title.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING THE TOWN MANAGER TO PROVIDE HEALTH INSURANCE POLICIES FOR TOWN COUNCILMEMBERS; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO PROVIDE FOR THE GROUP INSURANCE PLAN AND FORWARD REQUIRED DOCUMENTS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Simon spoke in favor of the Resolution stating that it not only benefits the present Council members, but also serve as an incentive for others in the community to serve.

Councilwoman Simon moved the Resolution. Mayor Slaton seconded the motion.

Following the motion, lengthy discussion ensued.

Councilwoman Collins proposed amending the Resolution to become effective after the next election cycle. Vice Mayor Alonso opined that the insurance was not necessary. Councilwoman Simon noted that in accordance with the Town

Charter, Council members are not entitled to a salary. She added that currently the Town employees and Mayor are eligible to participate in the insurance package. Vice Mayor Alonso mentioned that the insurance benefit package proposal resembles a salary raise and he was not in favor of a salary increase.

Councilman Thompson agreed with Councilwoman Collins that it should take effect after the Election in October. He asked the Town Manager to explain how other municipalities handle this situation. The Town Manager explained that the county, as well as some other cities provide insurance to Council/Commission Members. He noted that the Charter does not contemplate a salary and that Health Insurance is the only benefit that may be provided without requiring a Charter Amendment. He suggested that if it was the will of the Council an amendment to the Resolution can be made providing for an effective after the next election cycle.

Councilman Pizzi opined that an insurance benefit is not similar to a salary and expressed disappointment for the criticism of the item.

Councilman Meador stated that he did not receive any calls from residents regarding this issue and that he has no objections regarding this item.

Councilwoman Simon asked that the Town Manager clarify for the record the cost of the health insurance. The Town Manager stated that the cost is \$5,700.00 per Council member per year for a total of \$34,200 if all six Councilmembers were to take the insurance coverage.

The motion carried 5 to 2 with Vice Mayor Alonso and Councilwoman Collins casting the dissenting votes

B. CONTRACT FOR CITIZENS' SURVEY SERVICES (Rey)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE TOWN OF MIAMI LAKES AND PROFILE MARKETING RESEARCH, INC. TO PERFORM A TOWN RESIDENT SURVEY; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT THE TOWN Manager requested a deferral to the next meeting. The Council concurred.

13. REPORTS:

A. MAYOR'S REPORTS:

1. Appointments

The Mayor made the following appointments:

Teresita Castinera to the Youth Activities Task Force

Miriam Duman to the Beautification Advisory Committee Mike Clavelo to the Beautification Advisory Committee Alan Beach to the Cultural Affairs Committee

Councilwoman Collins moved to accept the Mayor's appointments. Councilwoman Simon seconded the motion, which carried unanimously.

B. MANAGER'S REPORTS:

1. Northwest District Major

Major Fisher informed the Council that he has been transferred from the Northwest District. He introduced Major Pete Casanova who will be taking over is position. Major Fisher thanked the Council, Manager and Staff for their help. The Mayor and the Council members thanked Major Fisher for his service to the Town.

2. Update on Mini-Parks Improvements

Linda Reale gave a report regarding the mini parks. Councilman Thompson asked Ms. Reale to explain why some of the equipment in the parks is not being replaced. He mentioned that the newer equipments may not fit in the existing parks. Ms. Reale explained that there exist very strict codes with regards to the equipment. She added that any changes are required to abide by the law and the new equipments are constructed of totally different materials. Councilwoman Collins asked about the lighting at the Montrose tot lot. Ms. Reale mentioned that the lights are being reset. Councilman Meador thanked the Town Manager for his work with the parks.

3. Code Enforcement Services (Page 66)

The Town Manager mentioned that there has been a significant improvement to code enforcement in the last fifteen months. He stated that the improvement has to do with the employees. He added that recently CSA, the company that provides the code enforcement services. indicated that they would like to transfer the code enforcement officers to other municipalities. He requested the Council's feedback regarding his proposal to hire the code enforcement officers as independent agents. The Town Manager mentioned that there would be a \$30,000.00 savings to the Vice Mayor Alonso agrees with the Manager. Meador added that he has always been in favor of having the code enforcement in house. Councilwoman Simon asked the Manager to clarify where the \$30,000.00 is being saved. The Manager clarified that it is being saved on the flat fee paid to CSA. In response to Councilwoman Simon's concerns regarding the insurance coverage for the code enforcement officers, the Town Attorney responded that their actions are covered under the Town's policy with the League of Cities.

There was no objection to terminating the code enforcement portion of the CSA contract.

4. **Rick Rodriguez-Pina** (Added by Town Manager Alex Rey)

Mr. Rodriguez-Pina spoke regarding identifying funding for Legislative priorities, which include Law enforcement and crime prevention, transportation, parks and recreation and drainage. Councilwoman Collins asked Mr. Rodriguez-Pina if he will be working on the Maddens Hammock's county portion because that has matching funds. Mr. Rodriguez-Pina responded that indeed he will be working on that.

C. COUNCILMEMBER REPORTS:

1. Landscape Around Entrance Features – Collins

Councilwoman Collins informed the Council that the Beautification Advisory Committee has decided to hold a Charrette to bring together people in the field of landscaping, design and overall ambience of the city of Miami Lakes. The main priority is the Town's entrance features and would like to make recommendations to the Council. Councilwoman Collins recommends that the Council approve up to \$3,000.00 for the project from the landscaping budget.

Councilwoman Collins moved to approve up to \$3,000.00 for the Beautification Advisory Committee to hold a Charette for the Town's beautification projects. Councilman Thompson seconded the motion.

Discussion ensued following the motion.

Councilman Pizzi expressed support for the idea of holding a charette. He asked the Manager to how he feels about holding the charrette and working with the Beautification Advisory Committee. The Manager stated that he is impressed with the goals set by the Beautification Committee. He added that the Council should provide guidance for the Committee and help narrow down some of the points. The Manager mentioned that it would take a large number of resources to get all of them completed. He added that the landscape on the entrance features designs was for the designs only. The landscaping has not yet been determined. Councilman Pizzi asked the Manager how he feels about the charrette. The Manager responded that it should be completed before the landscaping is put out for bids. Russ Geyer clarified that the charrette is to provide the committee with different landscaping views. The budget is needed to get started in order to gather information needed to advise the Council. Councilman Pizzi requested that the Manager meet with the committee to narrow down the list and focus the committee on its priorities. Councilman Thompson feels that the overall

design of the Town should be considered not only the entrance features. Councilman Meador asked that Manager if the Beautification Committee has a budget. The Manager responded that the committee does not have a budget assigned to it specifically. He added that \$25,000.00 was budgeted for the Town's beautification plan. Councilman Meador expressed concern about the Beautification Committee administrating the projects rather than serving as advisors. The Manager mentioned that the committee had to be informed as to the work the Town has already done or is planning. The Mayor stated that the \$3,000.00 would be used as needed. He defended that the goals of the Beautification Committee is to be expected because those are the concerns around the Town. He added that the Council should not dictate what the Committee's priorities should be. The motion carried unanimously.

14. **NEW BUSINESS:**

A. RENAMING OF NW 167th STREET "SHAWN O'DARE WAY" (Pizzi) (Page 68) – Item take out of order.

Councilman Pizzi began by expressing appreciation for the work done by the firefighters. He stressed the importance of recognizing firefighters who have given their lives to save others. Councilman Pizzi proceeded to relate the story of a firefighter who risked his life by diving into a canal, without equipment, trying to save a nine-year-old girl. Councilman Pizzi suggested renaming a portion of NW 167th Street "Shawn O'Dare Way" in his honor.

The following members of the fire department addressed the Council and shared their stories:

Lt. Frank Hernandez, Chief Dan Cuoco, Lt. Joey Formoso, Tommie Williams (Ret.)

Councilman Pizzi made a motion to direct staff to take all appropriate measures to name a portion of NW 167th Street "Shawn O'Dare Way". Councilwoman Collins seconded the motion, which carried unanimously.

Following the motion Councilwoman Collins added that her first husband, who was a firefighter, lost his life and there is nothing she would not do for a brave person like that.

B. AMNESTY FOR SET-BACK VIOLATIONS (Pizzi) (Page 70)

Councilman Pizzi noted that many residents who where approved by the county to construct their roofs are now in violation of the Town code. He asked that the people who are nearing compliance be given a little more time possibly until March 1st. The Manager stated that the majority of the people who submitted their applications arrived on the last day. He Manager proceeded to discuss the progress that has been made regarding this issue. He added that if the compliance deadline is extended to March 1st, there will probably be a rush of people submitting their applications on February 29th. The Manager suggested giving the people ten days rather than until March 1st. He clarified that he does not have the authority to waive fees. He added that the residents coming to compliance want

to see that they are not the only ones demolishing, but rather others are doing the same.

Councilman Pizzi made a motion to directed staff to advise people before a fine is issued that they have ten business days from January 15th to comply. Councilman Thompson seconded the motion, which carried unanimously.

Councilman Pizzi requested that the people who comply within the ten days have their demolition fees waived. The Town Attorney clarified obtaining a permit that has not been paid for will be violation of the Florida Constitution. Councilman Thompson does not agree with creating an Ordinance for the people who did not comply.

Councilman Pizzi made a motion to waive demolition fees for those people who comply with the ten-day window. Being that the motion was not seconded, it failed to carry.

C. TOWN OF MIAMI LAKES BICYCLE HELMET LAW (Slaton (Page 72) Mayor Slaton mentioned that the third grade class at Miami Lakes Elementary School requested to help in the drafting of an Ordinance for a helmet law in the Town of Miami Lakes. Councilman Meador congratulated the third grade class for the idea and encourages others to do the same. He mentioned that he does not support this Item because the law is already on the books on the state level. The Mayor expressed that the students would like to see the Ordinance on the local level to make it stronger.

Mayor Slaton made a motion to allow the third grade class at Miami Lakes Elementary School to help in the drafting of an Ordinance for a helmet law in the Town of Miami Lakes. Councilwoman Collins seconded the motion, which carried unanimously.

15. FUTURE MEETING DATES:

TRANSPORTATION MASTER PLAN WORKSHOP - <u>5:00 p.m.</u> January 15, 2004, Town Hall, 6853 Main Street

ZONING MEETING - 7:00 p.m., January 15, 2004, Town Hall, 6853 Main Street

REGULAR COUNCIL MEETING – 7:00 p.m. February 10, 2004, Miami Lakes Middle School, 6425 Miami Lakeway North

16. ADJOURNMENT: The Mayor adjourned the meeting at 10:53 p.m.

Approved this 10th day of 10th, 2004

Attest:

wayne Staton,

Beatris M. Arguelles, CMC, Town Clerk