

TOWN OF MIAMI LAKES, FLORIDA

MINUTES
TOWN COUNCIL MEETING
March 9, 2004
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER:** The Mayor called the meeting to order at 7:25 pm.
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 and Peter Thompson. 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, Guedes Cole & Boniske, 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 the addition of an Item 13 (C) 5 to the agenda and entitled Hialeah Land Use Plan. Councilman Pizzi requested to remove Item 13 (C) 4 and combine the item with Items 14(F) and 14(C). Councilman Pizzi also asked to add a Resolution under Item 12 regarding Rock Mining Permits. Town Manager Alex Rey noted that the Resolution has been included in the Council's package as Item 14(I). Town Manager Alex Rey requested to pull Item 7(E) from the Consent Agenda. Councilman Pizzi requested to defer Item 14(H) until the next Council meeting. Councilman Meador asked to defer Item 14(D) on behalf of Vice Mayor Roberto Alonso. He also asked to pull items 7(H) and 7(L) from the Consent Agenda. Councilwoman Simon asked to pull Items 7(F), 7(H) and 7(I) from the Consent Agenda.

Councilwoman Collins moved to accept the order of business as amended. Motion carried unanimously.
6. **SPECIAL PRESENTATIONS: Special Recognition of Committee Chairs** - Mayor Wayne Slaton presented Committee Chairs with Certificates of Appreciation, on behalf of the Town Council. The Mayor cited the dedication and commitment required to serve on the various Committees and commended their service. Councilwoman Collins suggested that recognition be extended to all the volunteers in the various committees and Town projects.

7. **CONSENT AGENDA:** Councilwoman Simon moved to accept the Consent Agenda as amended. Councilman Thompson seconded the motion, which carried unanimously.
- A. **Approval of the minutes:**
 - 1. **February 10, 2004** – Regular Council Meeting. Approved on Consent Agenda.
 - B. **Award of Bid** – Miscellaneous Concrete Repairs to Homestead Concrete and Drainage, Inc. Approved on Consent Agenda.
 - C. **Award of Bid** – Miscellaneous Roadway Striping to United Rentals Highway Tech, Inc. Approved on Consent Agenda.
 - D. **Award of Bid** – Miscellaneous Stormwater Improvements to H&J Asphalt, Inc. Approved on Consent Agenda.
 - E. **Second Amendment to Kimley Horn & Associates, Inc. Town Engineering Contract** - The Town Manager noted a correction needed to be made to the Resolution referring to the Item. He noted that the Item is a \$70,000.00 extension in the Kimley Horn & Associates contract. He further noted that the June 16, 2003 amendment made to the Resolution cites from \$40,000.00 to \$96,000.00, he mentioned that it should be from \$40,000.00 to \$136,000.00. He stated that the current amendment, instead of being from \$96,000.00 to \$166,000.00, would be from \$156,000.00 to \$206,000.00.

Councilwoman Simon stated since inception of the Kimley Horn Contract the compensation has changed dramatically. Alex Rey noted that the \$206,000.00 figure reflects the amount from commencement of the contract. Councilwoman Simon requested clarification regarding other line items that are paid in addition to the contract amount. Alex Rey clarified the figures are \$96,000.00 for Public Works budget and \$35,000.00 in the Storm Water Utility budget. He noted that this is for County Engineering services. He added that Kimley functions as Staff Engineers for the Town. Councilwoman Simon also inquired as to why the agreement with Kimley is effective retroactive to May 14, 2002 to which the Town Manager Alex Rey replied that May 14, 2002 was the original date of the contract. Additionally, the Town Attorney explained that this was part of the prior agreement which had been amended, but that part of the language of the original agreement is being changed therefore affecting the 2002 agreement. Councilwoman Simon disagreed with the one year extension of the contract, stressing the importance of developing a mechanism for others interested in bidding to be allowed to do so. She noted that the contract that was granted to Kimley per their bid has been increased. The Town Manager stated the contracted should be referred to as a time extension rather than a financial extension. He added that the Council approves any additional allocation of money for the contract.

Councilman Pizzi cited the importance of accepting bids from a variety of companies and expressed concern over what he saw as a contract escalating from

\$40,000.00 to \$206,000.00, without additional bidding. The Town Manager reminded the Council that business in the Town is conducted such that professional services that would normally require Town staff, are contracted out to companies rather than several staff members being hired to do the job. He noted that he considers these professionals part of the staff. He suggested that as in hired staff, if the person is doing a good job, why “fire” them and “hire” someone new (i.e.: re-bid the contract). He mentioned that Kimley Horn serves as the Town engineer and that the Town utilizes all the services of the Firm, not just one employee.

Councilwoman Collins inquired about the cost associated with putting a bid out. Alex Rey responded that it takes approximately three months and close to \$10,000.00 for the complete process. The Manager added that the professional service provided by Kimley can be seen as an extension of the Town in the services provided and this contract is different from other contracts approved by the Town.

Councilman Thompson mentioned that the amount of the contract increased from \$40,000.00 to \$206,000.00 because months of work have been added to the contract. He asked if monthly rates remain the same with inflation. The Manager responded that the hourly rate remains the same with inflation. He added that the rate was \$6,000.00 to \$7,000.00 per month but has increased to \$9,000.00 to \$10,000.00 per month because more projects are being completed. He added that there are portions of the functions Kimley performs that might be put out for bid in the future.

Councilman Meador asked if the increase of funds for the engineer represent money for projects that the Town engineer is currently providing for Miami Lakes. Alex Rey responded that the increase is for added money and time through the current date.

Councilwoman Simon suggested hiring a Town engineer. The Manager noted that not only would the salary for a Town Engineer be high, but that the Town currently enjoys services provided by the firm that the Town would have to either establish a department for or contract out to other firms thereby increasing the costs much higher than the current contract cost.

The Mayor commented that there are more projects being completed in the Town and added that there are times when the Town does not have as many projects on going. He noted the cost benefits of having contracts rather than adding an engineer to the Town staff.

Councilman Thompson moved to approve the amendment as recommended. Councilwoman Collins seconded the motion. The motion carried, 4 to 2 with Councilman Pizzi and Councilwoman Simon dissenting.

- F. Safe Neighborhood Parks Grant – Royal Oaks Park** - Councilwoman Simon asked if grant money allocated for the Safe Neighborhood Parks Grant are coming out of the budget. The Town Manager clarified that the grant is to match the funds already budgeted. Councilwoman Simon also asked if there would be funds remaining after the Royal Oaks Park has been constructed, for installing the soccer fields, lighting and parking. The Town Manager responded in the affirmative noting that the items of concern are included in the first phase of the plan.

Councilwoman Collins moved to approve the application for the Safe Neighborhood Parks Grant. Councilwoman Simon seconded the motion, which carried unanimously (6-0).

- G. Safe Neighborhood Parks Grant – Miami Lakes Park:** Councilwoman Collins moved to approve the Item. Councilwoman Simon seconded the motion, which carried unanimously (6-0)

(Item was discussed in conjunction with Item 7 (F).)

- H. Transfer Agreement of Special Taxing District Parks** - Councilman Meador noted that he is not in agreement with the Interlocal Agreement between Miami-Dade County and the Town of Miami Lakes. He noted Page 2, Section 1.5 of the Agreement. Councilman Meador mentioned that he does not feel comfortable leaving the decision of what equipment will be transferred to the Town to rest solely with the County. He mentioned that some of the property has been in use for many years. Councilman Meador also noted Page 2, Section 1.6. He mentioned that the taxpayers of Miami Lakes have already been paying the taxes for many years. He mentioned that he disagrees with any additional cost.

Councilwoman Collins inquired about possibly improving the condition of the existing equipment at the park. The Town Manager noted that replacement or improvement of the equipment by the County will become an expense to the Town. The Town Manager added that it might be less expensive for the Town to replace or improve the equipment rather than the County. He also mentioned that with regards to the equipment at the key parks, he noted that the equipment is so old that removing them would make them absolute. The Town Manager noted that with regards to Section 1.6, the County does not wish to incur any additional expenses. He added that the Town accepted Section 1.6 in order to move forward with the Agreement.

Councilwoman Collins moved to accept the Agreement. Councilwoman Simon seconded the motion, which carried 5 to 1 with Councilman Meador dissenting.

- I. Approving a License Agreement** with HFT Management, Inc. d/b/a Gateway Outdoor Advertising to provide bus benches - Councilwoman Simon discussed Section 5.1 of the Bus Bench Agreement Resolution and disagreed with the

exclusion of political advertisements on the bus benches. She stated that there are very limited locations where political advertisements can be made.

Councilman Thompson mentioned that he is not in favor of advertisements on the bus benches. He asked the Town Manager if advertisements were necessary. Town Manager Alex Rey noted that the contract is being done on a month-to-month basis allowing for the possibility of the Town to acquire its own benches and shelters. He mentioned that these would be property of Miami Lakes and will contain no advertisements. He added that he is not opposed to Councilwoman Simon's request to remove the "political advertisements" restriction from Section 5.2 of the Agreement. Councilman Thompson suggested the Town logo as the only advertisement on the benches. Alex Rey mentioned that it would be fine to do. He added that the Resolution could be amended to include advertisement on the bus benches.

Councilwoman Simon asked the Town Manager if funds are available in the budget for the purchase of bus benches. Town Manager Alex Rey responded that the funds will be used from the Transportation Sales Tax.

Councilman Meador moved to approve the Resolution as presented. Councilman Pizzi seconded the motion. The motion carried unanimously.

J. Approving Second Amendment to Town Hall Lease Agreement - Approved on Consent Agenda.

K. Adopting the Transportation Masterplan - Approved on Consent Agenda.

L. Florida DEP Land & Water Conservation Fund Grant - Councilman Meador asked to correct the Florida Department of Environmental Protection Land and Water Conservation Fund application as follows: Page 3, Line 4 should read "*State Representative Rene Garcia, House District Number 110*" instead of "*State Representative Rafael Arza, House District Number 102*".

Councilman Meador moved to correct the application. Councilwoman Collins seconded the motion, which carried unanimously.

M. Resolution in Recognition of Miami Coalition for a Safe & Drug Free Community - Approved on Consent Agenda.

8. PUBLIC COMMENTS:

Councilwoman Collins moved to hear the Public Comments prior to the discussion of pulled items from the Consent Agenda. Councilman Pizzi seconded the motion, which carried unanimously.

The following residents addressed the Council Regarding Code Enforcement:

Alberto Ferrer – 8825 NW 146 Ln (Josefa Ferrer accompanied her husband and did not speak); Rafael Pimentel – 14729 NW 88 Pl; Jose Soto – 8824 NW 146 Ln; Amilse Velez – 8812 NW 147 Ln; HR “Bob” Eckols – 14120 Lake Candlewood Ct; Mirta Abreu – 8810 NW 147 Ln;; Robert Beguiristain – 14020 Lake Lure Ct; Kenny Goodman – 6350 Lake June Rd; Jose Enriquez – 14315 Lake Candlewood; Cary Jacome – 14015 Lake Lure Ct; Ana Soto – 8824 NW 146 Ln; Humberto Garcia – 8500 NW 166 Ter; Maggie Clavelo – 15257 NW 88 Ct; Mike Clavelo – 15257 NW 88 Ct; Sam Budlong – 14411 Lake Childs Ct; Antonio Olivera – 6510 Lake Blue Drive; John E. Gonzalez – 14305 Marginada Ct; Mario Collazo – 8819 NW 146 Ln; Buddy Garrison – 6371 Lake Champlain Ter; Angela Garrison – 6371 Lake Champlain Ter; Indira Quintana – 8785 NW 162 Ter; Josie Fera – 13945 Lake Lure Ct; Ramon D. Silverio – 8743 NW 167 St and Pedro Delgado – 8852 NW 154 Ter

Mirtha Mendez – 7000 Gleneagle Drive – addressed the Council regarding the use of Police at the polls.

Following a ten-minute recess, the Town Council reconvened. In addition to the Mayor, the following Council Members were present at roll call: Mary Collins, Robert Meador, Nancy Simon, Michael Pizzi and Peter Thompson.

9. COMMITTEE REPORTS: None

10. ORDINANCES – FIRST READING: None

11. PUBLIC HEARINGS/ORDINANCES – SECOND READING: None

12. RESOLUTIONS:

A. ROYAL OAKS PARK DESIGN AND CONSTRUCTION CONTRACT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AWARDED THE CONTRACT FOR THE DESIGN AND CONSTRUCTION OF ROYAL OAKS PARK TO RECREATIONAL DESIGN AND CONSTRUCTION CORPORATION AND APPROVING THE DESIGN/BUILD AGREEMENT; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE

The Town Attorney read the Resolution by title.

Councilwoman Collins moved to approve Resolution. Councilman Thompson seconded the motion.

Councilwoman Collins mentioned that she would like to see parking around the park that will accommodate larger vehicles. The Town Engineer mentioned that a section of the park will be designated for larger vehicles.

The Town Engineer mentioned the process of selecting a construction company for the park. He noted that the Town has entered into negotiations with Recreational Design and Construction Corporation. The Town Engineer discussed the construction schedule for the various aspects of the park and noted that the anticipated completion date scheduled for January 2005.

Councilwoman Simon asked the Town Manager if the commitment amount of \$1,000,000.00 for the project has been included in the current Town budget. The Manager responded that that amount would have to be programmed for in the 2004-2005 budget.

Councilwoman Collins asked if a time limit could be placed for the clean up by the construction company of any debris (Section 23.2 of the Design Build Agreement). Town Manager Alex Rey responded that the contract allows for a 10% retention of payment until the satisfactorily completed contract obligation.

Councilman Meador noted that the grass planted in the park is not the same type as the grass included in the contract. The Town Engineer mentioned that the difference in grass lies in the cost. The representative from Recreational Design and Construction noted that Bahia grass costs about half as much as the Bermuda grass.

Mayor Slaton asked the Town Engineer if products will be used that will work better for anti-graffiti and anti-vandalism. The Town Engineer mentioned that various parks were analyzed to ensure that what is being provided to the Town is top of the line materials and quality. He added that in addition to being anti-vandalism, the park facilities will be user-friendly.

Following discussion, the motion carried unanimously.

- B. AWARD OF BID – ROADWAY RESURFACING CONTRACT:** The Town Attorney read the Resolution by title.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AWARDED THE ROADWAY RESURFACING BID TO WEEKLEY ASPHALT PAVING, INC. AND APPROVING THE AGREEMENT; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Collins moved to approve the Resolution. Councilman Meador seconded the motion.

The Town Manager informed the Council that the contract is being awarded to the second lowest bidder, citing that the lowest bidder did work for the Town during the previous year and he was not completely satisfied with the work performed.

Councilman Thompson asked the Town Manager if companies that have not done satisfactory work could be kept from bidding for future Town jobs. The Manager noted that there exists a lengthy process called “debarment” that will keep unwanted companies from bidding. Councilman Meador agreed with staff’s recommendation.

The Mayor requested that staff clarify why work provisions in the contract overlap work that another company has been hired to perform, such as re-striping. The Town Engineer noted that the striping refers to a temporary striping, adding that not all the aspects of the contract have to be utilized. The Mayor expressed concern about the guarantee of having a satisfactory work done.

The Mayor noted that the service of the police officers at the work site should include “directing traffic”. The Town Engineer opined that better quality work will be obtained from the contracted company. The Mayor noted that sometimes the lowest bid does not equal good quality.

Councilman Meador asked the Town Engineer to briefly review the process involved with ensuring a smooth road resurfacing in response to residents’ inquiries. The Town Engineer noted that the Town had difficulty with the materials being utilized by the previous contractor.

Following additional discussion, the motion carried unanimously.

13. REPORTS:

A. MAYOR’S REPORTS: None

B. MANAGER’S REPORTS:

1. **Speeding in Neighborhoods Study** – The Town Manager reported that the Town Attorneys have done research in order to determine what is required to lower the speed limit in the Town. He stated that one of the options is to go from 30 MPH to 20 or 25 MPH. He noted that a traffic study would be required on a neighborhood-by-neighborhood basis. He mentioned examples of places where a traffic study might be conducted include East Royal Oaks, Lake Patricia Drive, NW 89th Avenue between NW 154th Street and Barbara Goleman and parts of Loch Ness.

Councilwoman Collins asked why NW 89th Avenue is not a designated school zone and inquired as to the process of expanding the school zone in that area. The Town Manager noted that this will need to be researched.

Councilman Meador suggested signs displaying “Children At Play” in areas around parks advising motorists to slow down. The Mayor suggested police enforcement might be a better approach to make speeders accountable since residents know where the parks are.

Councilman Pizzi mentioned that the tot lot at NW 89th Ave and NW 148 Terr is in a residential neighborhood. He asked the Town Manager if the County provides any updates with regards to the solution to speeding dangers in that area. Alex Rey responded that no response has been received.

2. **2004 General Obligation Bond** – The Manager mentioned that he met with County Manager Burgess who is calling for a General Obligation Bond. He noted that a debt issued in the late 1970’s will soon be paid off by the County and added that since a millage rate was assigned for the repayment of the debt, the County would like to maintain the millage rate by issuing a new debt. The Town Manager noted that portions of the \$1.6 to \$1.8 billion in the fund would be distributed to the County’s municipalities for municipal-type programs similar to the CITT. He added that Miami Lakes would receive \$1.5 and \$2.0 million over a ten-year period. He also mentioned that the County would like to receive feedback from the municipalities with regards to programs.

Councilman Meador noted that when the CITT was issued to the municipalities, they were each given a percentage. He asked if the Dade League of Cities would be involved. Alex Rey responded that they would be involved. He noted that everything is very preliminary at this point. Councilwoman Collins inquired about the reasons behind the rest of the fund not going to the municipalities. Alex Rey responded that there is discussion about building a Miami Art Center, jails, courthouses, etc.

Councilwoman Simon made a motion to extend the meeting to 11:30 pm. Councilman Pizzi seconded the motion, which carried unanimously.

C. COUNCILMEMBER REPORTS:

1. **Reevaluation Of Lobbyist Agreement (Pizzi) (Item deferred from February 10th Council Meeting) - Item deferred to the next meeting.**
2. **Plans for Park Facilities upon final Transfer from County (Simon)**
Councilwoman Simon requested that a plan be established for the use of the Town parks once the deeds to those parks are received from the County.

3. **Update on NW 154th Street** (*Meador*) - Councilman Meador reported that he received an update from Luis Tellechea, Consulting Manager for the Florida Department of Transportation, advising that the extension of the north bound exit ramp on NW 154 from SR 826 has been approved. He added that the construction would commence by the end of April 2004.
4. **Code Enforcement (Pizzi)** (*Page 321*) Item heard in conjunction with Items 14 (C) and 14 (F).
5. **Hialeah Land Use Plan** - Councilwoman Collins reported that she attended a meeting at Hialeah City Hall at the request of Hialeah Mayor Raul Martinez. She noted that she was assured by the Mayor that the density for the newly annexed land would be maintained at no more than seven to eight units per acre. *A written report is attached to these fully executed minutes.*

D. ATTORNEY'S REPORTS: None

14. NEW BUSINESS:

- A. **PARK SYSTEM SPONSORSHIP** (*Meador*) Councilman Meador mentioned that a corporate citizen who would like to contribute financially to the Miami Lakes parks system has approached him. He noted that he received favorable feedback from other corporate citizens as well. The Town Manager mentioned that sponsorship programs are permitted with certain limitations and added that a major sponsor would be recognized along with the Town of Miami Lakes. He noted that there are various opportunities for these sponsorships for the Miami Lakes and Royal Oaks Parks adding that it is a possibility worth pursuing. The Manager also mentioned the Vice Mayor's project for the Town residents to contribute by sponsoring trees. He noted that the parks' sponsorships are at a much higher level.
- B. **EXPANSION OF NOISE ABATEMENT ORDINANCE** (*Meador*) Councilman Meador mentioned that he has received e-mails from residents who are concerned with construction activities commencing early in the morning. He noted that staff has informed him that the noise Ordinance is between 7:00 am and 8:00 pm. He added that residents have asked that this be modified. Councilman Meador noted noise Ordinances from the cities of Miami Beach and Key Biscayne. Councilman Thompson suggested waiting until the Land Development Code Re-write to address this issue. Mayor Slaton asked the Town Manager if these quality of life issues could be addressed as per the Master Plan. The Manager noted that there are statements that allow for Ordinances to be set up to deal with these issues. He noted that the noise issue is not part of the Land Development Code, but it can be included. He added that the Residential component of the Land Development Code should be completed by the end of

this year.. Councilman Meador asked that staff review the noise Ordinance with regards to construction activity and report back to the Council.

Councilman Meador moved to ask staff to review the noise Ordinance and report back to the Council. Councilwoman Collins seconded the motion, which carried unanimously.

Councilwoman Simon made a motion to extend the meeting to 11:45 pm. Councilman Meador seconded the motion, which carried unanimously.

- C. LAND CODE RE-WRITE – EXTENSION OF WARNING OF VIOLATION DATE TO ALLOW FOR ADOPTION OF NEW POLICIES FOR DOCKS, SEAWALLS AND FENCES** (*Simon*) Councilwoman Simon mentioned that she is very much in favor of code enforcement, however that residents have mentioned to her that they have been cited for violations such as seawalls. She suggested that enforcement be uniform and suggested that the Town wait until the Code re-write before fining these resident. Councilwoman Simon proposed holding all fines in abeyance until a clear code is established for all residents.

Councilwoman Simon made a motion to hold in abeyance fines on docks, seawalls and fences violations until the code re-write is addressed. Councilman Pizzi seconded the motion.

Councilman Pizzi mentioned that he no longer wants for his neighborhood to be referred to as a “ghetto” and expressed disapproval of the disrespectful comments.. He went on to note that most of the homes in West Lakes are in compliance, but that there are areas where he feels the codes should be more strictly enforced. Councilman Pizzi also discussed the need to address setbacks with regards to the codes. He also mentioned that residents whose fences are well kept, but not in compliance because of the height, should not be penalized. Councilman Pizzi mentioned that there are code issues that will be addressed in one month and suggested that the Town hold in abeyance the payment of all fines until the items are addressed.

Councilman Pizzi moved to extend the meeting five minutes. Councilwoman Simon seconded the motion which carried unanimously.

Councilwoman Simon withdrew her original motion in deference to Councilman Pizzi who expressed an interest in a different motion.

Councilwoman Collins moved to extend the meeting until 12:00am. Councilman Pizzi seconded the motion which carried unanimously.

Councilman Pizzi made a motion to hold all fines in abeyance until the items can be addressed in the code re-write, which include docks, seawalls, fences, setbacks and height of fences next to homes.

Councilman Thompson stated that he agrees that the majority of residents are in compliance, but noted that the Town code, which is the same as the County code were not previously enforced by Team-Metro.

Councilwoman Collins mentioned that other areas of Miami Lakes might not have the same code violations because residents in much of the Town have to abide by deed restrictions which are enforced. She added that granting an additional amnesty would be unfair to residents who have already complied by requesting a variance or taking down the structures. She suggested collecting the variance fees but putting them in escrow until the issues are addressed.

Councilman Meador asked the Town Manager to express his input on this issue. The Town Manager mentioned that the Council has no flexibility when it comes to building codes because they are from the Florida Building Code. He noted that residents first need to come into compliance with the building codes and then the Council would have to decide about setbacks and fine issues. The Mayor asked the Manager what avenues the residents have. The Manager noted that the Town has been lenient in letting residents come to compliance. He added that residents can apply for permits and variances for zoning issues. He reported on the process and stated that a verbal warning is issued before a written warning of violation and if they are still not in compliance fines are attached as a last resort. He noted that extensions are often granted and that the ultimate goal is compliance. He reiterated that once a fine is issued, it is no longer under control of his office and in the hands of the Special Master.

Councilwoman Collins moved to extend the meeting to 12:10am. Councilwoman Simon seconded the motion, which carried unanimously.

The Mayor expressed concern about the discussion not being what is on the agenda and noted that holding fines would make the code enforcement more difficult.

Councilwoman Simon stated her intention was to have some of the people get a reprieve and that there is no logic in selective enforcement. She added that there are seawall violations in Loch Lomond that have been in place for thirty years as well as Lake Patricia. She mentioned that residents are law-abiding citizens and questioned how the citizens will feel if when the Town adopts the new codes after they would have demolished their structure after similar structures have been grand fathered in.

Councilwoman Collins moved to extend the meeting to 12:20am. Councilwoman Simon seconded the motion, which carried unanimously.

Councilwoman Collins stated she is not comfortable with a blanket amnesty and that these issues should be taken on a case-by-case basis to consider granting variances. The Mayor noted that residents have come into compliance on the aluminum roof issue and the process is working. He expressed concern about

stopping code enforcement from doing their job. Regarding the issue of Docs in Lake Patricia, he stated there was a law adopted in 1996 dealing with docks in that area and mentioned that prior to 1996 docks were not legal.

The Town Manager suggested reducing the cost of the variance to \$150.00 for 90 days. He added that once the process of the variance has commenced, the fines are automatically halted.

Councilman Pizzi mentioned that the Council has not kept their commitment to the residents to resolve this issue in a timely manner and based upon the discussion, he withdrew his previous motion and made an alternate motion to adopt legislation that would reduce the cost of the application of a variance to \$150.00 for a 90-day period. Councilwoman Collins seconded the motion.

The Mayor asked if the reduction of the cost of the variance was realistic and asked the Town Manager what the cost associated with the issuing of a variance is. The Town manager noted that it is a temporary process and suggested grouping variances dealing with similar issues, rather than a case by case basis in order to mitigate the costs. The Town Attorney noted that a Resolution has to be approved in order to change the fees and suggested adding the item to the agenda for the Zoning meeting. Additionally, the Attorney noted that the change of variance charge would have to be for all variances.

The motion carried 4 to 2 with Councilman Meador and Councilman Thompson dissenting.

- D. SPECIAL TAXING DISTRICT GUARD GATES** (*Alonso*) (*Page 349*) Item Deferred
- E. REDUCTION OF FEE FOR MISCELLANEOUS (Non-Structural) PERMITS** (*Alonso*) Item deferred
- F. CODE ENFORCEMENT/AMNESTY PENDING CODE RE-WRITE** (*Pizzi*) (*Page 353*) Item discussed under 14(c) above
- G. LOBBYISTS** (*Pizzi*) Item deferred
- H. COMMITTEES – YOUTH ACTIVITIES TASK FORCE** (*Pizzi*) Item deferred.
- I. RESOLUTION REGARDING ROCK MINING PERMITS –** (*Pizzi*) Councilwoman Collins made a motion to move this item for discussion at the Thursday meeting. Councilman Pizzi seconded the motion, which carried unanimously.

15. FUTURE MEETING DATES:

CODE ENFORCEMENT SPECIAL MASTER HEARING – 7:00 p.m., Wednesday, March 31st, 2004, Town Hall Conference Room, 6849 Main Street.

ZONING MEETING – 7:00 p.m., Thursday, April 8, 2004, Location TBA.

REGULAR COUNCIL MEETING – 7:00 p.m. Tuesday, April 13, 2004, Miami Lakes Middle School, 6425 Miami Lakeway South.

16. ADJOURNMENT:

The Mayor adjourned the meeting at 12:50am.

Approved this _____ day of _____, 2004

Attest:

WAYNE SLATON, MAYOR

BEATRIS M. ARGUELLES, CMC
TOWN CLERK