

MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
OF THE TOWN OF MEDLEY, FLORIDA

MAY 5, 2003

A regular meeting of the Town Council was called to order on May 5, 2003 at 7:00 p.m.
The following were present:

MAYOR: JACK MORROW

VICE-MAYOR: MARY TANNER

COUNCIL MEMBERS: EUGENIO ADVINCULA
MARGARITA DE JESUS
CARLOS BENEDETTO

TOWN CLERK: HERLINA TABOADA

TOWN ATTORNEY: MELVIN WOLFE

TOWN FINANCE DIRECTOR: ROY DANZIGER

The Invocation was given by Councilperson Benedetto and the pledge of Allegiance to the Flag of the United States was recited by the Council and audience. The Agenda was adopted by unanimous vote.

The minutes of the regular meeting of April 7, 2003 were read and approved.

Mayor Morrow presented Interim Chief Thomas Hughes a "Key to the City" for his 25 years of service with the Town.

Vice Mayor Tanner stated that she had scheduled the Arthritis Foundation presentation for June 20, 2003 at 10:00 a.m. at the Medley Lakeside Recreation building.

The first item under old business was the request by Raidel Sanchez from Eagle Commercial Truck Cleaning to install equipment for oil changes on trucks at 11350 N.W. South River Drive. The matter was withdrawn from the agenda since no one was present.

The next item to be discussed was a letter from Lakeside residents on various complaints. Mayor Morrow read the letter into the record. Town Attorney Melvin Wolfe stated that the matters are being looked into. He also suggested that the letter be removed from the agenda since no one signed it. After a brief discussion Councilperson Benedetto moved as follows:

“TO REMOVE THE “LAKESIDE COMPLAINT LETTER” PERMANENTLY FROM THE AGENDA.”

Vice Mayor Tanner seconded the motion and it was carried unanimously.

Resolution C-831, establishing the Mayor as Signatory for the Town of Medley on Temporary State Road Closure Permits for Special Events was read by Town Attorney Melvin Wolfe. Vice Mayor Tanner moved to approve this Resolution as read. Councilperson Benedetto seconded the motion and it was carried unanimously.

The request by William Hernandez to store boats, RV's and an equipment trailer on N.W. 93 Street and N.W. South River Drive was then discussed. Town Attorney Melvin Wolfe suggested that the matter be deferred one more month in order for the site committee to review his plans. After a brief discussion Councilperson Benedetto moved as follows:

“TO TABLE THE MATTER UNTIL THE NEXT REGULARLY SCHEDULED COUNCIL MEETING SO THE SITE CAN BE REVIEWED.”

Vice Mayor Tanner seconded the motion and it was carried unanimously.

A presentation by Ivan Castro from FDOT in regards to the Palmetto Expressway, N.W. 74 Street and N.W. South River Drive was then held. Mr. Castro gave a brief explanation of what is going on and what is going to happen in those areas as for road construction is concerned. Mayor Morrow thanked him for his work.

A presentation by Interim Chief Hughes to announce Officer of the Year was then held. He presented Jeanette Said with a plaque for Officer of the Year, 2002.

The next item was recommendations regarding financial assistance for college students from the Youth Social Club. Councilperson Advincula stated that some of the kids that need this assistance were present. Town Attorney Melvin Wolfe suggested that a special meeting be held to discuss all the details that this matter encounters. He also stated that all students that need the financial assistance need to write a letter to the Town of Medley Foundation requesting financial assistance and where the money will be directed. After a brief discussion Councilperson Advincula moved as follows:

“TO INSTRUCT THE TOWN ATTORNEY TO SCHEDULE A SPECIAL MEETING FOR THE PURPOSE OF DISCUSSING GUIDELINES FOR A “START-UP PROGRAM” FOR COLLEGE STUDENTS’ FINANCIAL ASSISTANCE FOR TOWN OF MEDLEY RESIDENTS ONLY.”

Vice Mayor Tanner seconded the motion and it was carried unanimously.

The next item was the request by TA Associates Realty to discuss issues regarding expansion of the Medley Landfill. Kerri Barsh representing T.A. Associates Realty and Heather Hohenthal made a presentation emphasizing their opposition to any expansion or creation of new landfills. Jonathan Aibel from the Pelmad Corporation also spoke against the landfill.

After a lengthy discussion Councilperson Advincula moved as follows:

“TO INSTRUCT THE CHIEF EXECUTIVE OFFICER TO HAVE THE CODE ENFORCEMENT OFFICERS GO OUT TO THE LANDFILL AND TAKE PHOTOGRAPHS AND FIND OUT WHAT IS GOING ON.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Another second motion by Councilperson Advincula was made as follows:

“TO INSTRUCT THE MAYOR’S OFFICE TO OBTAIN CURRENT AERIAL PHOTOGRAPHS AND FLYOVER PHOTOS ON A BI-MONTHLY BASIS.”

Councilperson De Jesus seconded the motion and it was carried unanimously.

Another third motion by Councilperson Advincula was made as follows:

“TO EXTEND ADDITIONAL SUMS FOR BRENDA WESTHORN AND ASSOCIATES TO CONTINUE THE PUBLIC RECORDS REQUESTS AND SEARCHES TO DETERMINE THE POINT IN THE CAPACITY PERMITTED THAT WASTE MANAGEMENT HAS ACHIEVED, UNDER THE PERMIT WHICH WAS ISSUED FOR CAPACITY THROUGH AND INCLUDING DECEMBER 31, 1994. FURTHER, TO DETERMINE THE AMOUNT OF CAPACITY PLACED ON THE LANDFILL IF IT HAS EXCEEDED THAT CAPACITY BEYOND WHICH THE TOWN OF MEDLEY HAS APPROVED. TO SPEND AN ADDITIONAL \$10,000.00, ON HER FEES IF NECESSARY AND TO AUTHORIZE ATTORNEY SCHAFFEL TO CONTINUE THE TITLE EXAMINATIONS OF SECTIONS 4 AND 5 TO DETERMINE WHO IN FACT ARE THE TITLE HOLDERS AND TO WHAT EXTENT WASTE MANAGEMENT OWNS LAND DESCRIBED WITHIN THE YELLOW AREA AND THE GREEN AREA THAT IS SHOWN ON MS. BARSH’S DISPLAY.”

Councilperson De Jesus seconded the motion and it was carried unanimously.

A fourth motion by Councilperson De Jesus as follows:

“TO AUTHORIZE BARBARA REISBERG TO CONTINUE WORKING ON THE LANDFILL ISSUES FOR THE TOWN OF MEDLEY.”

Councilperson Advincula seconded the motion and it was carried unanimously.

The request by Sara Torrens for an occupational license for a restaurant to be located at 9270 N.W. South River Drive was then presented. After a brief discussion Councilperson De Jesus moved as follows:

“TO AUTHORIZE THE RE-OPENING OF A RESTAURANT AT 9270 N.W. SOUTH RIVER DRIVE AND OBTAIN AN OCCUPATIONAL LICENSE SUBJECT TO: NO ALCOHOLIC BEVERAGES BEING SERVED WITHOUT A MEAL, HEALTH DEPARTMENT APPROVAL, BEER AND WINE LICENSE FROM THE STATE OF FLORIDA, NO SALE OR TAKE OUT OF ALCOHOLIC BEVERAGES, NO CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PARKING LOT.”

Vice Mayor Tanner seconded the motion and it was carried unanimously.

Resolution granting variance to owner/developer Jamie V. Gales and Gloria A. Gales as husband and wife on property located at 10906 N.W. South River Drive whereon the tenant is Impeco Corp was the next item. Juan Campos from Lemartec Engineering was present. After a brief discussion Vice Mayor Tanner moved as follows:

“THAT THE TOWN COUNCIL SITTING AS THE PLANNING ADVISORY BOARD RECOMMENDS THE ENTRY OF A RESOLUTION APPROVING THE VARIANCES REQUESTED.”

Councilperson Advincula seconded the motion and it was carried unanimously. Thereafter, Town Attorney Melvin Wolfe read Resolution C-832, approving and granting variances to owner/developer Jamie V. Gales and Gloria A. Gales. Councilperson De Jesus moved to approve this Resolution as read. Vice Mayor Tanner seconded the motion and it was carried unanimously.

A discussion regarding the appointment of two Code Enforcement Board Members at the June meeting was then held. Town Attorney Melvin Wolfe stated that there will be two openings for the Code Enforcement Board and they will be appointed at the June Council Meeting. Any resident interested in applying must complete an application.

Action on the Miami-Dade County Stormwater Utility and Town of Medley Shared Costs Interlocal Agreement was then held. After a brief discussion Councilperson Advincula moved as follows:

“TO RATIFY THE TOWN ENTERING INTO THE SHARED COSTS INTERLOCAL AGREEMENT THAT HAS BEEN IN PLACE FOR SEVERAL YEARS BETWEEN THE TOWN AND THE COUNTY FOR THE FISCAL YEAR OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004 – RUSSIAN COLONY CANAL, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN.”

Vice Mayor Tanner seconded the motion and it was carried unanimously.

Resolution C-829, approving and granting variances to Cowan Land Company for the development of a truck stop/convenience store/fueling facility to be located at approximately 12200 N.W. South River Drive was read by Town Attorney Melvin Wolfe. This Resolution was previously authorized at the April 7, 2003 Town Council Meeting. Vice Mayor Tanner moved to approve this Resolution as read. Councilperson Benedetto seconded the motion and it was carried unanimously.

Resolution C-830, approving interlocal agreement for UMSA reimbursement (mitigation) to be paid by the Town to the County regarding the partial annexation of Section 10 and instructing the Mayor and Town Clerk to sign such agreement and deliver it to the County was read by Town Attorney Melvin Wolfe. Councilperson De Jesus moved to adopt this Resolution with a correction. Councilperson Advincula seconded the motion and it was carried unanimously.

Town Attorney Melvin Wolfe stated that on Thursday, May 15, 2003 the Town will be on the County agenda again for the partial annexation of section 10. He asked for support from everyone and advised that the van will leave Town Hall at 8:30 a.m.

Town Attorney Melvin Wolfe advised that Resolutions regarding the awards for sewer system surveying and repairs at the April Town Council Meeting are not necessary.

The next item was a discussion regarding Aviation Engine Service Inc.'s request for an airplane engine test facility at 8050 N.W. 90 Street. No one appeared and the matter was removed from the Agenda.

The next item was the request for the expenditure of forfeiture funds by Interim Chief Thomas Hughes. He requested permission to purchase a digital I.D. card system in the amount of \$6,010.00. It can be used for residents, children and the employees. Also, he wishes to purchase an Alcohol Education Kit which teaches "how does it feel when someone is drunk". It includes videos, goggles and instruction guides. After a brief discussion Vice Mayor Tanner moved as follows:

"TO AUTHORIZE THE EXPENDITURE OF \$6,010.00 FOR THE DIGITAL ID CARD SYSTEM OUT OF THE POLICE DEPARTMENT FORFEITURE FUND."

Councilperson Benedetto seconded the motion and it was carried unanimously.

A second motion by Councilperson De Jesus as follows:

"TO AUTHORIZE THE EXPENDITURE OF \$512.00 FOR THE ALCOHOL EDUCATION KIT OUT OF THE POLICE DEPARTMENT FORFEITURE FUND."

Vice Mayor Tanner seconded the motion and it was carried unanimously.

Interim Chief Thomas Hughes informed the council that Thursday, June 26, 2003 is the pool tournament with the senior citizens. He also stated that the fashion show will be sometime in August 2003.

Mayor Morrow informed those present that the grand opening of the metro rail station will be on May 30, 2003.

Town Attorney Melvin Wolfe stated that the Dunn family wants a brief presentation for a project on N.W. 107th Avenue and N.W. 90 Street. It was recommended that a special meeting be scheduled and it will be the same day as the "Start-Up Program" for the college students. Vice Mayor Tanner moved to place the Dunn Family's project on the same special meeting of the college fund. Councilperson De Jesus seconded the motion and it was carried unanimously.

The issue of the mobile bus located on Lazaro Gonzalez's property was brought up. Town Attorney Melvin Wolfe stated that Lazaro's daughter told him that she is caring for her dad. He will be meeting with Norma Coly and she will provide medical papers to prove she is caring for her dad. He also told the council that she is entitled to due process.

A Resolution granting a variances to Decorative Block, Inc. regarding its property on N.W. 74 Avenue was tabled since no one was present. Republication of the notice will be at its cost.

A Resolution granting a variance to owner/developer Edmil Investments Corp. property located at 7711 N.W. 74 Avenue, whereon the tenant is Miguel Lopez Jr., Inc. was also tabled since no one was present. Republication of the notice will be at its cost.

Ramon Rodriguez inquired about the 4th of July party. He asked that Golden Chic be the caterer again this year. After a brief discussion Vice Mayor Tanner moved as follows:

"TO ALLOCATE AN EXPENDITURE OF UP TO \$6,000.00 FOR THE 4TH OF JULY PARTY AND RETAIN GOLDEN CHIC TO BE THE CATERER."

Councilperson Advincula seconded the motion and it was carried unanimously.

Mayor Morrow stated that there was a letter from the Miami-Dade County Public Schools asking for donations. The matter was tabled.

Councilperson Advincula brought up the issue regarding people who are not Medley residents going to the Tobie Wilson Park for ice cream, sodas, etc. Town Attorney

Melvin Wolfe stated that the park facility cannot be limited to residents, but the Town can limit the use of ice cream, coffee and juices. It was suggested that a sign be made that says "Ice Cream, Coffee, and Juice for Medley Residents Only. A closing time will be on the sign.

Councilperson Advincula stated that the Youth Committee had a meeting and it was suggested to have a Luau. After a brief discussion Councilperson Advincula moved as follows:

"TO ALLOCATE \$1,000.00 FOR A LUAU FOR THE YOUTH SOCIAL CLUB".

Vice Mayor Tanner seconded the motion and it was carried unanimously.

Ramon Rodriguez advised that the adults' birthday party will be May 17, 2003 and the childrens' birthday party will be May 18, 2003.

Councilperson De Jesus inquired to determine if the Town can take the senior citizens on some kind of excursion. She was given permission to obtain information to see what can be done.

Since there was no further business to be considered, Councilperson Benedetto moved to adjourn. Vice Mayor Tanner seconded the motion and it was carried unanimously. The meeting was adjourned at 11:30 p.m.

Herlina Taboada, Town Clerk

Jack Morrow, Mayor