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

OCTOBER 7, 2002

A regular meeting of the Town Council was called to order on October 7, 2002 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 CONTROLLER: 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 September 3, 2002, and the special meetings of September 9 and September 23, 2002 were read and corrected and approved as corrected. After reviewing the minutes of September 9, 2002 Councilperson Advincula moved as follows:

“TO AMEND PARAGRAPH “D” OF PAGE 2 TO PROVIDE: “FURTHER DEPENDING ON THEIR HOURLY RATES FULL-TIME EMPLOYEES WOULD RECEIVE ADDITIONAL INCREASES IN THEIR HOURLY PAY AS HAD BEEN EXPLAINED AT PRIOR MEETINGS.”

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

Town Attorney Melvin Wolfe stated that the Town had received the Budget Certification from the State of Florida and that everything was correct. He thanked Mary Taylor, Roy Danziger and Doug Phillips for the work they had done in getting the budget documents completed properly and well before the deadline.
The first item was a presentation of a request for one variance by Tarmac on its industrial facilities in section 32 as follows: building height not to exceed 70 feet and action on Resolution for variance. Mr. Al Townsend and Jacqueline Laub appeared before the Council with this request. After a brief discussion and presentation of a site plan Councilperson Advincula moved to approve the concept of the variance. Vice Mayor Tanner seconded the motion and it was carried unanimously. Town Attorney Melvin Wolfe then read Resolution C-809 approving and granting such variance. Councilperson Advincula moved to approve this Resolution as read. Councilperson De Jesus seconded the motion and it was carried unanimously.

The presentation of a Resolution approving final plat titled “Racers Country Club” (owner Cabot Industrial Properties L.P.) was then discussed. Consultant Jose Milan representing Cabot Industries was present. Town Attorney Melvin Wolfe read Resolution C-811 approving such plat. Councilperson De Jesus moved to approve this Resolution as read with the condition that the final plat has to be reviewed by Rod Rodriguez from C3TS. Vice Mayor Tanner seconded the motion and it was carried unanimously.

The presentation of quotes and action thereon for flood insurance covering the Town Hall/Police Department, Motor Pool Building and Lakeside Building was then discussed. Bob Reynolds gave a brief explanation on the flood insurance and submitted quotations for Town properties. FEMA requires that the Town obtain flood insurance for its properties. After a brief discussion Councilperson Benedetto moved as follows:

“TO APPROVE THE BID SUBMITTED FOR FLOOD INSURANCE BY MORRIS & REYNOLDS FROM BANKERS INSURANCE GROUP IN THE AMOUNT OF $1,116.00 FOR THREE LOCATIONS; TOWN HALL AND POLICE STATION, MOTOR POOL BUILDING AND LAKESIDE BUILDING.”

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

The next item was a status report on liability insurance renewal by Bob Reynolds. Bob Reynolds stated that the liability insurance renews on November 1, 2002. St. Paul is the current insurance company and has quoted the Town on only 10 million dollars of coverage instead of the 18 million it quoted last year. Town Attorney Melvin Wolfe asked Bob Reynolds to seek quotes for an additional liability umbrella policy and what it would cost the Town. After a brief discussion Councilperson Benedetto moved as follows:

“TO AUTHORIZE THE ACCEPTANCE OF THE RENEWAL OF COVERAGE FROM ST. PAUL INSURANCE COMPANY AS PRESENTED TONIGHT FOR A PREMIUM OF $232,914.00, AND TO CONTINUE TO SEEK A BETTER UMBRELLA POLICY AND TO HAVE MR. REYNOLDS REPORT BACK TO THE TOWN.”
Councilperson Advincula seconded the motion and it was carried unanimously.

Town Attorney Melvin Wolfe stated that the Town needs to schedule a special workshop meeting for Supplemental Pension benefits. He suggested that it be held on Tuesday, October 29, 2002 at 7:00 p.m. This was approved without objection.

A discussion on bids for the purchase and installation of an arm gate at the Medley Lakeside Retirement Park was then presented. Mayor Morrow stated that he had received two quotes for the arm gate as follows: Stan Strickland, Inc. - $10,365.00 and Universal Center - $5,850.00. After a brief discussion Councilperson Benedetto moved as follows:

“TO APPROVE THE BID FROM UNIVERSAL CENTER IN THE AMOUNT OF $5,850.00 FOR THE ARM GATE AT THE MEDLEY LAKESIDE RETIREMENT PARK.”

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

The request by Wilfredo Gomez to open a cafeteria restaurant at approximately N.W. 107th Avenue and N.W. 138 Street was tabled since no one was present. This property is not in Medley.

The next item was the request by William Machin to build storefront warehouses at approximately N.W. 124 Street Road and N.W. 122 Street. William Machin appeared before the Council and stated that he was going to build a 30-unit warehouse of approximately 1500 sq. feet each. He was asked to bring a site plan and or drawings that will show how the property is going to look. The matter was deferred until the November Council Meeting.

The request by 4 Trucks Enterprises, LLC to use a lot for parking of truck inventory at 9857 N.W. 115 Way was then discussed. Rico Ortiz and Alejandro Martinez were present. Town Attorney Melvin Wolfe explained to them that in order to have a business there they would need sanitary facilities; modular office with a sewer connection or sanitary pack, maximum of one year or they would have to build on the site, letter from proposed landlord giving them an option to extend their lease for as long as three years. Mr. Ortiz advised that he had already received the letter from the landlord. This site will be used only for truck parking. They have to have fencing, security lighting, no repairs, maintenance, or fluid changes of any kind on the site. No dismantling of trucks, fabrication or change of fluids on the site. Hook up to water, sewer and electric is required. No sleeping in the vehicles. Vice Mayor Tanner moved as follows:
“SUBJECT TO: INCLUDING THE CONDITIONS THAT HAVE BEEN STATED AS TO THEIR METHOD OF OPERATION: TO APPROVE 4 TRUCKS ENTERPRISES, LLC TO USE THE LOT LOCATED AT 9857 N.W. 115 WAY FOR THE SOLE AND EXCLUSIVE PURPOSE OF PARKING ITS EXCESS TRUCK INVENTORY. THAT THE PROPERTY IS NOT TO BE USED IN ANY WAY FOR REPAIR, MAINTENANCE, DISASSEMBLING OF TRUCKS, FLUID CHANGES, OR FABRICATION. THAT THERE IS TO BE NO SLEEPING IN THE VEHICLES. THAT THERE IS TO BE SANITARY FACILITIES IN THE MODULAR BUILDING FOR A PERIOD OF TIME NOT TO EXCEED ONE YEAR. CONNECTION TO THE TOWN’S WATER, SEWER AND ELECTRIC IS REQUIRED. IF NO SEWER THERE THEN A SANITARY SEPTIC PACK ATTACHED TO THE MODULAR OFFICE IS REQUIRED. FENCING, AND SECURITY LIGHTING REQUIRED BY CODE.

Councilperson Benedetto seconded the motion and it was carried unanimously.

The presentation of request for three variances for U.R. Investments Group, Inc. on property located at approximately 12540 N.W. South River Drive (Lot 4, Block 2, Seabreeze Industrial Park), as follows: building height of 28 feet; side setback along eastern boundary of 10’1”; and chain link fence and dense shrubbery surrounding property and action on Resolution for variances was then presented. Present was Guillermo Garcia-Tuñon from Lemartec Engineering representing U.R. Investments Group, Inc. Councilperson Advincula moved to accept the concept of the variance. Vice Mayor Tanner seconded the motion and it was carried unanimously. Town Attorney Melvin Wolfe read Resolution C-808 approving such variances. Vice Mayor Tanner moved to approve Resolution C-808 as read. Councilperson Advincula seconded the motion and it was carried unanimously. Copy of site plan to be included in minutes.

The request by Pronto Checks Cashed for an occupational license to operate a mobile check cashing service was then presented. Julio Piloto from Pronto Checks Cashed was present. Town Attorney Melvin Wolfe advised Mr. Piloto that he needs to obtain a certified copy of his banking certificate. After a brief discussion Vice Mayor Tanner moved as follows:

“SUBJECT TO: PROVIDING A VALID LICENSE FROM THE DEPARTMENT OF BANKING AND FINANCE THAT PRONTO CHECKS CASHED BE ISSUED AN OCCUPATIONAL LICENSE TO OPERATE A MOBILE CHECK CASHING BUSINESS.”

Councilperson De Jesus seconded the motion and it was carried unanimously.
The next item was a discussion and action on work order for Professional Services during the pre-bid phase, bid phase, construction phase, and SSES for two Wastewater System Projects being funded through the FDEP State Revolving Loan Fund. The fees and scope of service together with other written information as attached to these minutes were presented by Rod Rodriguez from C3TS. After a lengthily discussion Councilperson De Jesus moved as follows:

“TO APPROVE THE WORK ORDER FOR PROFESSIONAL SERVICES AMOUNTING TO $150,000.00 AND $65,000.00 RESPECTIVELY AS PRESENTED FOR THE WORK TO BE DONE AS DESCRIBED BY ROD RODRIGUEZ AND SET OUT IN THE PROPOSED WORK ORDER.”

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

Another motion was made by Vice Mayor Tanner moved as follows:

“TO TABLE WORK ORDER FOR PROFESSIONAL SERVICES DATED SEPTEMBER 30, 2002 REGARDING THE SCADA SYSTEM STUDY.”

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

A presentation of Resolution approving the final plat titled “Gran Park Service Center” (owner Flagler Development Company) was then discussed. Town Attorney Melvin Wolfe read Resolution C-810 approving such plat. Councilperson Benedetto moved to approve Resolution C-810 as read. Councilperson Advincula seconded the motion and it was carried unanimously.

A discussion and approval and ratification of Collective Bargaining Agreement between the Town of Medley and the Federation of Public Employees subject to same being first ratified by the Federation of Public Employees was tabled since the documents had not been received.

Town Attorney Melvin Wolfe then spoke regarding the annexation to be completed regarding sections 31, 6, 8, 9, and 10. He gave a detailed report about the events that had occurred at the PAB Hearing. He was not sure what the outcome of the County Commission Hearing would be but advised that the interest of the Town required pursuit of this annexation and perhaps the second proposed annexation.

The next item was the request by Councilperson Advincula to discuss the negotiations of the purchase of the water meters at the Medley Mobile Home Park. Town Attorney Melvin Wolfe stated that the park owner wants between 18 and 20 million dollars to purchase the park. Councilperson Advincula requested that the Town purchase the water meters in order to help the residents of the park. After a brief discussion Councilperson Advincula moved as follows:

5
“THAT THE TOWN OF MEDLEY PURCHASE THE WATER METERS AND WATER DISTRIBUTION SYSTEM CURRENTLY INSTALLED AT THE MEDLEY MOBILE HOME PARK FOR THE SUMS REMAINING DUE AND UNPAID AS REIMBURSEMENT TO THE OPERATOR OF THE PARK TOTALING APPROXIMATELY $92,000.00. IN ADDITION TO ASSUME THE REMAINING TERM OF THE WATER METER READING AGREEMENT AND TO ESTABLISH A REASONABLE DEPOSIT FOR ALL OF THE PRIVATE RESIDENTS IN THE TOWN OF MEDLEY.”

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

A second motion was made by Councilperson Advincula as follows:

“TO INSTRUCT THE MAYOR’S OFFICE TO SEND A LETTER TO THE 8181 RESIDENTS SAYING WHAT THE COUNCIL HAS DECIDED TONIGHT.”

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

The request by Councilperson Benedetto to discuss the proposed Town of Medley hurricane shelter was then presented. Councilperson Benedetto suggested that the Town Hall be reinforced structurally so it can serve as a shelter for the residents in the event of a hurricane. After a brief discussion Councilperson Benedetto moved as follows:

“TO AUTHORIZE THE MAYOR TO MEET WITH CONSULTING ENGINEERS TO OPEN A DIALOGUE TO SEE WHAT STEPS HAVE TO BE TAKEN TO DETERMINE IF THE TOWN HALL IS A REASONABLE ALTERNATIVE REGARDING A HURRICANE SHELTER.”

Councilperson Advincula seconded the motion and it was carried unanimously.

Councilperson Benedetto also presented a discussion regarding the leveling and repair of N.W. South River Drive. Town Attorney Melvin Wolfe advised that the road should be re-paved by the County from Miami Springs to the Palmetto expressway during the construction that was already underway. Councilperson Advincula asked if the side striping could be re-painted as quickly as possible. The Mayor said he would take care of this issue.

Town Attorney Melvin Wolfe advised that the Mayor had an accident which was not his fault when his Buick was “rearended”. The insurance company had sent a settlement proposal of $6,685.00. He recommended that the Town accept the settlement. Vice Mayor Tanner moved to accept the $6,685.00 from the insurance company on the Buick. Councilperson Benedetto seconded the motion and it was carried unanimously.
The Mayor received three bids to purchase a replacement car. The bids were from the Florida Sheriffs Association & Florida Association of Counties as follows:

<table>
<thead>
<tr>
<th>Car Model</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003 Ford Crown Victoria</td>
<td>$18,626.00</td>
</tr>
<tr>
<td>2003 Buick LeSabre</td>
<td>$20,360.00</td>
</tr>
<tr>
<td>2003 Cadillac DeVille</td>
<td>$37,650.00</td>
</tr>
</tbody>
</table>

After a brief discussion Vice Mayor Tanner moved as follows:

“TO PURCHASE THE 2003 FORD CROWN VICTORIA IN THE AMOUNT OF $18,626.00 TO REPLACE THE MAYOR’S BUICK.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Ramon Rodriguez asked the Council if the children’s party could be combined with the Halloween party. The children’s party would be switched to October 27, 2002. The adults party to be held on October 19, 2002. A unanimous approval was given on the matter.

Town Attorney Melvin Wolfe advised that the Town has a loan with Riverside National Bank that we took out originally for the booster pump station. A reduction in the interest rate has been negotiated from 5.75% to 5.00% effective August 10, 2002. A new note has to be signed and a motion is needed. After a brief discussion Councilperson De Jesus moved as follows:

“TO ACCEPT THE NEW RATE OF 5.00% FOR THE LOAN FROM RIVERSIDE NATIONAL BANK AND TO INSTRUCT THE MAYOR AND TOWN CLERK TO EXECUTE THE NEW NOTE.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Town Attorney Melvin Wolfe stated that in the package there is a commitment letter from Riverside National Bank to provide Medley a new loan of up to $400,000.00 so that Medley can install part of a water line in the new area that we have annexed. The money will be recovered by Medley from a special assessment for that area. It will be used to complete the looping of a water line, part of which is being paid by developers. The interest will be at 5.00%. Councilperson Benedetto moved as follows:

“TO APPROVE THE COMMITMENT AND TO AUTHORIZE THE MAYOR AND TOWN CLERK TO SIGN WHERE APPROPRIATE AND TO CHANGE THE COMMITMENT DATE SINCE THE ORIGINAL COMMITMENT DATE HAS ALREADY EXPIRED.”
Councilperson Advincula seconded the motion and it was carried unanimously.

Town Attorney Melvin Wolfe advised that there is a Quit Claim Deed that the Town of Medley has been asked to execute in favor of Lowell S. Dunn and Betty L. Dunn. A petition was filed with the Town and it was published in the newspaper and a public hearing was set for the Town to agree to vacate part of the right-of-way that exists on N.W. 97th Avenue. This all occurred in 1993. The deed was never given to the Dunns. The Town Attorney confirmed that the legal description in the ad matches the legal description on the drawings that were submitted to the Town at that time. The county had also approved the vacating of this right-of-way. After a brief discussion Councilperson De Jesus moved as follows:

“TO APPROVE EXECUTING THE QUIT CLAIM DEED IN FAVOR OF LOWELL S. DUNN AND BETTY L. DUNN AND INSTRUCTING THE MAYOR AND THE TOWN CLERK TO EXECUTE AN ORIGINAL ONCE IT IS RECEIVED WITH THE PROPER LEGAL DESCRIPTION.”

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

Town Attorney Melvin Wolfe also stated that Henry Iler is the consultant on the current annexation. Even though we know that other municipalities are going to fight for the area east of the Palmetto and south of 74th Street it is very important for Medley to continue its fight for the same area. After a brief discussion Councilperson De Jesus moved as follows:

“TO APPROVE RETAINING OF HENRY ILER AS THE CONSULTANT TO WORK WITH TOWN ATTORNEY MELVIN WOLFE ON THE ANNEXATION AREA EAST OF PALMETTO AND SOUTH OF N.W. 74TH STREET FOR A FEE NOT TO EXCEED $24,500.00.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Town Attorney Melvin Wolfe advised that E.Spire a telecommunications company has filed bankruptcy. It has telecommunication facilities installed throughout the Town of Medley. He spoke with Gary Resnick who specializes in this area and had a discussion on whether or not Medley should take action to try to protect its interest and either obtain ownership of that telecommunications facility or get re-imbursed for it. Mr. Resnick has agreed to handle the filing of the necessary documents for Medley in the bankruptcy court which is highly specialized legal area for a fee not to exceed $225.00 per hour; and no more than $1000.00 of total fees to do the work unless he obtains additional authority from the council. Town Attorney Melvin Wolfe recommends his hiring. Vice Mayor Tanner moved as follows:
“TO RETAIN GARY RESNICK FOR NOT MORE THAN $1,000.00 TO FILE PAPERWORK IN THE E-SPIRE BANKRUPTCY ACTION.”

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

Since there was no further business to be discussed, Councilperson De Jesus moved to adjourn. Councilperson Advincula seconded the motion and it was carried unanimously. The meeting was adjourned at 11:53 p.m.

Herlina Taboada, Town Clerk                               Jack Morrow, Mayor