

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

NOVEMBER 4, 2002

A regular meeting of the Town Council was called to order on November 4, 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 first item on the Agenda was the request by William Machin to build storefront warehouses at approximately N.W. 124 Street Road and N.W. 122 Street. The matter was removed from the agenda since no one was present.

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 held. Mr. Dan Reynolds, Executive Director for the Federation of Public Employees was present. He stated that after a year and a half of negotiations an agreement has been reached. Vice Mayor Tanner moved as follows:

“TO APPROVE AND RATIFY THE COLLECTIVE BARGAINING AGREEMENT THAT HAS BEEN RATIFIED AND APPROVED BY THE FEDERATION OF PUBLIC EMPLOYEES WHICH AGREEMENT IS BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE TOWN OF MEDLEY.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

The next item was the request by Councilperson Benedetto to discuss the proposed Town of Medley hurricane shelter. Mayor Morrow advised that he had a private meeting with three members of the C3TS firm and they stated that there is a new procedure that is done by bonding carbon fiber fabric to the twin T's to provide extra strength. The members of C3TS are going to present a proposal to do a formal study to see if this new procedure is even acceptable to the Town of Medley. Councilperson Benedetto wanted a motion to use the Town Hall for shelter next year if we have a hurricane. Town Attorney Melvin Wolfe advised him that the Town Hall is not certified as a hurricane shelter nor could it be used under our insurance or the law as a hurricane shelter without it being certified as such.

The next item was a discussion, approval and ratification of Collective Bargaining Agreement ratified by the PBA Bargaining Unit of the Town of Medley Police Department. Town Attorney Melvin Wolfe recommended that the motion be tabled to the December 2002 council meeting since no one was present. Vice Mayor Tanner moved as follows:

“TO TABLE THE RATIFICATION OF THE PBA AGREEMENT UNTIL THE DECEMBER 2002 COUNCIL MEETING.”

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

The request by Miami Bible Church to open a church at 8344-48 N.W. 74th Avenue was then presented. David Diez, Pastor of the church appeared before the Council. Mayor Morrow was concerned about the amount of parking spaces available. David Diez advised that he had an agreement with Regal Woods in regards to the parking. He also advised that there would only be services on the weekends. After a brief discussion Councilperson Benedetto moved as follows:

“SUBJECT TO: THE TOWN BEING PROVIDED THE COPY OF THE WRITTEN AGREEMENT TO PROVIDE PARKING AT THE REGAL KITCHEN SITE ON SUNDAY MORNINGS, TO ALLOW MIAMI BIBLE CHURCH TO OPEN A CHURCH AT 8344-48 N.W. 74 AVENUE AND FURTHER SUBJECT TO PROVIDING THE TOWN OF MEDLEY WITH A CERTIFICATE OF INSURANCE AS TO THE COVERAGE UNDER IT'S INSURANCE POLICY AND PROVIDED THAT, OTHER THAN ON WEEKENDS, NO SERVICES BE HELD THAT WOULD IMPACT THE PARKING REQUIREMENTS IN THE AREA.”

Councilperson Advincula seconded the motion and it was carried unanimously.

The next item to come before the council was the request by Antonio Alvaro to sell his mobile home in Lakeside to two sisters and their uncle. Town Attorney Melvin Wolfe advised that in the Prospectus there are rules and regulations that Medley Lakeside

Retirement Park needs to go by. Rule #4 on page 5 of the rules and regulations state that occupancy of a mobile home shall be limited to two qualified and approved adult person who shall be no less than 55 years of age whose names appear on the lease or rental agreement for the specified lot unless the mobile park has in writing permitted additional occupants. Another regulation states that in the event of an illness of a qualified and approved occupant at the mobile home requiring the assistance of relative or hired person the Medley Town Council has the power an authority to approve the assisting relative or hired person to reside in the qualified and approved occupants mobile home for a period of time not exceeding 60 days from the date of such approval. They were asked if the uncle needed assistance and if so to bring in a doctor's letter stating that he needed an assistant to take care of him. After a brief discussion Vice Mayor Tanner moved as follows:

“TO ALLOW THREE PERSONS TO RESIDE IN THE MOBILE HOME AT LOT 640 OF THE MEDLEY LAKESIDE RETIREMENT PARK, SUBJECT TO: A LETTER FROM A LICENSED MEDICAL DOCTOR ESTABLISHING THAT THE 3RD PERSON REQUIRES THE ASSISTANCE OF THE TWO OTHER PERSONS FOR MEDICAL REASONS.”

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

The next item was the request by Bercow & Radell representing Ricardo Gonzalez to allow a truck stop on property located off N.W. South River Drive and N.W. 122 Street. Mr. Radell brought in site drawing and gave a presentation regarding the site. Town Attorney Melvin Wolfe explained to them the conditions and also advised that they might need some variances. After a brief discussion Councilperson Advincula moved as follows:

“TO APPROVE THE PLAN DESIGN FOR SOUTH FLORIDA TRUCK STOP, INC. AS PRESENTED TONIGHT SUBJECT TO: OBTAINING NECESSARY VARIANCES TO HEIGHT AND SETBACK AND IN THE EVENT A BEER AND WINE LICENSE IS OBTAINED, THAT NO ALCOHOLIC BEVERAGES BE CONSUMED WITHOUT A MEAL BEING SERVED. THERE IS TO BE NO REPAIRS OR MAINTENANCE OR THE CHANGING OF FLUIDS OF ANY KIND OR NATURE ON THE SITE. IT IS STRICTLY A PARKING FACILITY.”

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

The request by C3TS for approval on Work Order for Professional Services in the Pennsuco W-2 Water Service Area in the amount of \$20,000.00. Town Attorney Melvin Wolfe stated that this work order was for the Pennsuco area and once these areas are established the Town will be reimbursed the \$20,000.00. After a brief discussion Councilperson Advincula moved as follows:

“TO APPROVE THE WORK ORDER FOR PROFESSIONAL SERVICES FOR THE PENNSUCO WATER DISTRIBUTION AREA W-2 SERVICE AREA.”

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

The request by Medley Steel and Supply, Inc. to store steel on property located at 9920 N.W. 116 Way was then presented. Richard Smith, general manager of Medley Steel and Supply, Inc. appeared before the Council with this request. Town Attorney Melvin Wolfe stated that this property will be used to store excess inventory and Medley Steel and Supply, Inc. has asked permission to waive the requirement of building a building with sanitary facilities because their offices are directly across the street. No employees will be on this facility unless they have to move inventory. Medley Steel and Supply, Inc. knows that they have to install paving, landscaping, security lights, and a drain system, and comply with all other requirements of the Medley Code. After a brief discussion Councilperson Advincula moved as follows:

“TO APPROVE MEDLEY STEEL AND SUPPLY INC. TO STORE STEEL ON PROPERTY LOCATED AT 9920 N.W. 116 WAY, SUBJECT TO: COMPLYING WITH SECURITY LIGHTING, LANDSCAPING, FENCING, PAVING AND DRAINAGE ACCORDING TO CODE.”

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

Town Attorney Melvin Wolfe stated that Resolution C-813, even though it was published in the newspaper, it was not placed on the agenda that went out to the public. Mr. Arabian – Director of Engineering for U.S. Holdings was present. They have an existing facility where manholes and concrete structures are made for water and sewer systems. They want to upgrade the system for their facility, which requires a couple of variances. After a brief discussion Councilperson De Jesus moved as follows:

“TO APPROVE THE SITE PLAN AS PRESENTED TONIGHT TOGETHER WITH A MOTION TO APPROVE THE VARIANCES AND A MOTION INSTRUCTING TOWN ATTORNEY MELVIN WOLFE TO RE-ADVERTISE AND PRESENT A FORMAL RESOLUTION AT THE DECEMBER 2002 COUNCIL MEETING REGARDING THIS REQUEST.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Another motion by Councilperson Advincula as follows:

“TO ALLOW U.S. HOLDINGS TO PROCEED WITH ITS BUILDING PERMITTING PROCESS.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

The request by Serge Thevenot for an occupational license for a Bail Bond office at 8600 N.W. South River Drive, #226 was then presented. After a brief discussion Councilperson Advincula moved as follows:

“TO AUTHORIZE FIRST UNION BAIL BONDS, INC. TO OBTAIN AN OCCUPATIONAL LICENSE FOR A BAIL BOND OFFICE AT 8600 N.W. SOUTH RIVER DRIVE, #226.”

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

The request by Gloves, Inc. to open a small commercial laundry and repair center at 8765 N.W. 100 Street was then presented. Walter Wernke spoke on their behalf. After a brief discussion Councilperson Benedetto moved as follows:

“TO APPROVE THE BUSINESS OF GLOVES, INC. AT 8765 N.W. 100 STREET SUBJECT TO: PLACING A WATER DEPOSIT WITH THE TOWN OF MEDLEY UTILITY DEPARTMENT IN THE AMOUNT EQUAL TO TWO TIMES ITS WATER USAGE TO BE ESTIMATED AT THE START OF BUSINESS AND DETERMINED AND PAID BASED UPON ITS ACTUAL CONSUMPTION AFTER THE FIRST SIX MONTHS OF OPERATION.”

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

A discussion regarding excess fill stored on Town of Medley property across from our Public Works Building was held. After a brief discussion Councilperson De Jesus moved as follows:

“TO APPROVE THE SALE OF THE EXCESS FILL STORED ACROSS FROM THE TOWN OF MEDLEY UTILITY BUILDING AT THE PRICE OF \$10.00 PER LOAD. THE TOWN TO LOAD THE FILL INTO TRUCKS PROVIDED BY THE PURCHASER.”

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

The next item was discussion and action on the Town of Medley Thanksgiving Dinner and Santa’s Enchanted Forest. Ramon Rodriguez stated that he had received a quote from Master Host, the same caterer from last year. The quote was \$4,410.00 - \$10.50 per person for 420 people. Ramon Rodriguez stated that everything would be done the same as last year. After a brief discussion Councilperson Advincula moved as follows:

“TO APPROVE THE QUOTE FROM MASTER HOST GREATER MIAMI CATERERS, INC. TO PROVIDE THE THANKSGIVING MEAL AND SERVICE AT A COST OF \$10.50 PER PERSON. TOTAL AMOUNT \$4,410.00 PLUS IN THE EVENT ANYONE BRINGS A GUEST THE RATE WOULD BE \$12.50 PER GUEST.”

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

In regards to Santa’s Enchanted Forest the Mayor stated that he would contact them and try to obtain the tickets. After a brief discussion Councilperson De Jesus moved as follows:

“TO AUTHORIZE THE MAYOR AND HIS ASSISTANT RAMON RODRIGUEZ TO DO ALL THAT IS NECESSARY TO HAVE A SANTA’S ENCHANTED FOREST TRIP FOR THE YEAR 2002 THE SAME AS WAS PRESENTED TO THE TOWN IN THE YEAR 2001.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

A discussion and action on expenditure for Holiday gifts for the children in Medley was then presented. Ramon Rodriguez stated that last year the Town allocated \$5,000.00, which included the gifts, and the adult and children’s parties. After a brief discussion Councilperson De Jesus moved as follows:

“TO ALLOCATE \$5,000.00 FOR THE CHILDREN’S CHRISTMAS GIFTS AND THE TOWN’S PARTIES.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

A discussion and action on payroll date to issue Christmas Bonus checks was held. Roy Danziger was advised to pay the same amount as last year. After a brief discussion Councilperson Advincula moved as follows:

“TO PAY CHRISTMAS BONUSES WITH THE PAYROLL CHECKS DATED DECEMBER 5, 2002 IN THE SAME AMOUNT AND UNDER THE SAME CONDITION AS THE YEAR 2001.”

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

A discussion and action regarding the Holiday party for front office personnel was held. Town Attorney Melvin Wolfe stated that it includes Councilpersons, Department Heads, and Command Staff of Police Department. He also asked for permission to invite Barbara Riesberg, Esquire, Neil Flaxman, Esquire and Neil Schaffel, Esquire with their guests. Per the Mayor’s request various facilities were contacted for the holiday dinner and Shula’s Hotel has made a proposal for a minimum of 40 people. It will be a sit down

Served dinner with the choice of entrées: 16-ounce prime rib; herb crust salmon; or an Italian style chicken. It would include salad, potato, vegetable, coffee and key lime pie. There will be one free drink per person and open cash bar. This will be scheduled for Saturday, December 7, 2002 at 7:00 p.m. After a brief discussion Vice Mayor Tanner moved as follows:

“TO APPROVE RESERVING THE FACILITIES AT SHULAS’S HOTEL AND GOLF CLUB FOR THE ANNUAL HOLIDAY DINNER, FOR A COST NOT TO EXCEED \$4,000.00 SUBJECT TO THE MAYOR’S APPROVAL IF WE HAVE TO GO OVER. IT WILL INCLUDE ONE DRINK PER PERSON. ADULTS ONLY.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

The request by Utilities Department to purchase a new Line Locator in the amount of approximately \$3000.00 was then discussed. Walter Wernke stated it is used for locating underground lines prior to anyone digging so they won’t dig up our water lines. He wants to upgrade the model to a better grade. After a brief discussion Vice Mayor Tanner moved as follows:

“TO PURCHASE THE 9860 RLXT LINE LOCATOR WITH RECHARGEABLE BATTERIES AT A PRICE OF \$2,925.00 PLUS VEHICLE MOUNT CHARGER IN THE AMOUNT OF AN ADDITIONAL \$136.00.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

The next item was a discussion and action on cleaning drains at the Fire Department on N.W. 116 Way and N.W. 106 Terrace. Mayor Morrow stated that the Town had paid \$700,000.00 towards the fire station, the land was donated by FEC and Miami-Dade County built the fire station. He suggested that the Town clean the drains. Walter Wernke spoke with the fire department and they are having trouble with the County coming out and cleaning them. He suggested that the Town maintain them. After a brief discussion Councilperson Advincula moved as follows:

“TO AUTHORIZE THE UTILITIES DEPARTMENT TO CLEAN THE DRAINS AT THE FIRE STATION ON AN ON GOING PROGRAM.”

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

The request by Safety Committee to provide vaccinations for hepatitis “A” for food handlers was then presented. Walter Wernke stated that the safety committee at their last meeting decided that everyone handling food should be vaccinated. There has been several cases not in Medley, where people with hepatitis have been handling food and

people have gotten sick. After a brief discussion Councilperson Advincula moved as follows:

“TO APPROVE APPROXIMATELY \$1000.00 FOR THE HEPATITIS SHOTS FOR FOOD HANDLERS AT THE HEALTH CARE CENTER OF MIAMI.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Mayor Morrow stated that Juan Torres from Lot 613 of Medley Lakeside Retirement Park had requested that the screen in his porch be replaced by the Town because a Town employee using the weed eater damaged it. After a brief discussion Councilperson De Jesus moved as follows:

“TO APPROVE \$50.00 PER SECTION OF SCREEN FOR A TOTAL OF THREE SECTIONS TO JUAN TORRES OF LOT 613 TO RE-SCREEN THE PORCH UPON PRESENTATION OF THE BILL.”

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

Mayor Morrow stated that the Town had received a bill for annual dues from Miami-Dade County League of Cities, Inc. After a brief discussion Vice Mayor Tanner moved as follows:

“TO APPROVE THE PAYMENT OF THE ANNUAL DUES OF \$876.08 TO THE MIAMI-DADE COUNTY LEAGUE OF CITIES, INC.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Mayor Morrow stated that there was a letter in the packages from Suzanne Choopani from Springview Elementary School thanking the Town for the ongoing support to her and the school. She has resigned as principal and will now be a schoolteacher.

Mayor Morrow stated that there is a petition from Medley Lakeside Retirement Park to have a juice machine at the recreation center. After a brief discussion Councilperson Advincula moved as follows:

“TO RESEARCH WHAT THE COST OF THE MACHINE WILL BE AND ALSO THE COST OF SUPPLYING THE JUICE AND BRING BACK THE INFORMATION TO THE DECEMBER 2002 COUNCIL MEETING.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Town Attorney Melvin Wolfe stated that Pan American Business Park is trying to develop a concept on N.W. 107 Avenue where they would construct a fly-over over the

existing railroad tracks due to the fact that there are approximately 6 to 7 tracks that cross N.W. 107th Avenue from east to west at approximately 122nd Street. They are trying to get the County to pay for that fly-over out of impact fee reimbursements. They have asked for a letter of support and there is a draft of the letter in the packages. After a brief discussion Councilperson De Jesus moved as follows:

“TO EXPRESS THE TOWN SUPPORT OF THE FLY-OVER BASED UPON THE PRELIMINARY PLAN SUBJECT TO REVIEW OF THE FINAL PLANS BY THE TOWN’S ENGINEER AND THE SUPPORT OF THE APPLICATION REGARDING THE ROAD IMPACT FEE CREDIT. THIS WILL BE DONE AT NO COST TO THE TOWN.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Town Attorney Melvin Wolfe stated that Resolution C-812 is a Resolution to approve the agreement between the Town of Medley and Seventy Two Hundred Corp. d/b/a/ Medley Mobile Home Park. He advised that today Mr. Ginsburg stated that he would like to make some changes to the agreement, so he suggested that the matter be tabled until the December 2002 meeting.

Town Attorney Melvin Wolfe also stated he spoke to Walter Wernke and Miriam Hughes regarding water meter deposit for the Medley Mobile Home Park. The Town requires that each residential unit have a deposit. The consensus appears to be that everyone have a \$30.00 deposit for the water usage at the Medley Mobile Home Park. The deposit can be paid in three monthly installments of \$10.00 a month. After a brief discussion Vice Mayor Tanner moved as follows:

“TO CHARGE A \$30.00 WATER DEPOSIT FOR THE WATER METERS AT THE MEDLEY HOME PARK AND ALLOW THE RESIDENTS UPON REQUEST BASED ON FINANCIAL NEED TO PAY IT IN THREE EQUAL MONTHLY INSTALLMENTS.”

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

Town Attorney Melvin Wolfe advised that last month the Council approved delivery of a deed to Lowell and Betty Dunn for the 97th Avenue Right-of-Way. In that deed the legal description contained a preparer’s error. After re-reviewing the legal description he suggested that a motion be made. Vice Mayor Tanner moved as follows:

“TO APPROVE A QUIT CLAIM DEED TO WASTE MANAGEMENT INC. REGARDING THE WEST 35 FEET OF TRACT 18C OF SUNNY GLADE FARMS AND TO LOWELL S. DUNN AND BETTY L. DUNN A QUIT CLAIM DEED FOR

THE REMAINING BALANCE OF THE VACATING OF THE RIGHT OF WAY THAT WAS PREVIOUSLY APPROVED BY THE TOWN COUNCIL.”

Councilperson Benedetto seconded the motion and it was carried unanimously.

Another motion by De Jesus as follows:

“TO INSTRUCT THE MAYOR AND TOWN CLERK TO EXECUTE THE NECESSARY DEEDS TO CARRY OUT THE INTENT OF VACATING THE 97TH AVENUE ROAD RIGHT OF WAY.”

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

Town Attorney Melvin Wolfe stated that we have been talking about the supplemental pension benefits and in reviewing our benefits we have an Ordinance which allows the carrying of persons who perform service by employment or as an elected official to the Town of Medley to have medical insurance paid for their spouses and themselves provided they meet certain criteria. One criterion is if an elected official serves for 10 years and have attained the age of 62. We have reduced some of our benefits to encourage people to be able to retire early and we have not addressed the medical insurance issue. He suggested that the Town should reduce the requirement for an elected official to qualify under this program and modify the Town Ordinance to reduce the term to 8 years for an elected official and the age requirement from 62 to 60. After a brief discussion Councilperson De Jesus moved as follows:

“TO AUTHORIZE THE TOWN ATTORNEY TO REVISE THE MEDICAL BENEFITS PROVIDED IN ORDINANCE C-286 IN ACCORDANCE WITH THE DISCUSSION TONIGHT.”

Councilperson Advincula seconded the motion and it was carried unanimously.

Councilperson Benedetto brought up the issue of the clothing allowance. He suggested that amount of the allowance remain the same but that the shoe allowance portion should be higher than \$100.00. Mayor Morrow stated that we have to represent Medley in a professional manner and we must wear professional clothing, which is why the clothing allowance was implemented. After a discussion Councilperson Benedetto moved as follows:

“TO PERMIT THE CLOTHING ALLOWANCE OF \$800.00 TO INCLUDE ALL CLOTHING AND SHOES THAT A COUNCILPERSON MIGHT PURCHASE.”

This motion died for lack of a second. Additional discussion then occurred after which time Councilperson De Jesus moved as follows:

“TO AMEND THE COUNCILPERSONS CLOTHING ALLOWANCE REIMBURSEMENT POLICY TO PROVIDE AN ANNUAL \$800.00 CLOTHING AND SHOE ALLOWANCE IN THE AGGREGATE FOR PROFESSIONAL AND BUSINESS CASUAL CLOTHING, NOT INCLUDING UNDERCLOTHING OR OTHER NON PROFESSIONAL CLOTHING SUCH AS SHORTS, SANDALS, CASUAL SHOES, OR TENNIS SHOES.”

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

Vice Mayor Tanner submitted a letter from Miami Springs, Sr. High requesting donations for the marching band. Several Medley students participate in the band. After a brief discussion Councilperson De Jesus moved as follows:

“TO DONATE \$250.00 TO THE MIAMI SPRINGS SR. HIGH SCHOOL GOLDEN HAWKS BAND BOOSTER ORGANIZATION.”

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

Vice Mayor Tanner asked what was going on at the BFI building. Ramon Rodriguez informed those present that BFI was doing maintenance to the building.

Since there was no further business to be considered Councilperson De Jesus moved to adjourn. Vice Mayor Tanner seconded the motion and it was carried unanimously. The meeting was adjourned at 10:05 p.m.

Herlina Taboada, Town Clerk

Jack Morrow, Mayor

