



AGENDA INFORMATION
CITY OF MIAMI SPRINGS
CITY COUNCIL

Regular Meeting

Monday, May 9, 2011

7:00 p.m.

Mayor Xavier Garcia

Vice Mayor Bob Best

Councilman Dan Espino

Councilman George V. Lob

Councilwoman Jennifer Ator

City Manager James R. Borgmann

Assistant City Manager Ronald K. Gorland

City Attorney Jan K. Seiden

City Clerk Magali Valls





CITY OF MIAMI SPRINGS, FLORIDA

Mayor Xavier Garcia

**Vice Mayor Bob Best
Councilman George V. Lob**

**Councilman Dan Espino
Councilwoman Jennifer Ator**

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium".

**AGENDA
REGULAR MEETING
Monday, May 9, 2011
7:00 p.m.**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Councilman Espino

Salute to the Flag: Audience participation
- 3. Awards & Presentations:**
 - A) Presentation of Pioneer Resident Award to James G. Caudle
 - B) Certificate of Sincere Appreciation to Carl Malek
- 4. Open Forum:** Persons wishing to speak on items of general city business, please sign the register located on the speaker's stand before the meeting begins
- 5. Approval of Council Minutes:**
 - A) 04-25-2011 – Regular Meeting

6. Reports from Boards & Commissions:

- A) 04-14-2011 – Board of Parks and Parkways – Minutes
- B) 04-18-2011 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes
- C) 04-19-2011 – Education Advisory Board – Minutes
- D) 04-21-2011 – Historic Preservation Board – Minutes
- E) 04-26-2011 – Ecology Board – Minutes
- F) 04-28-2011 – Code Review Board – Cancellation Notice
- G) 05-02-2011 – Zoning and Planning Board – Cancellation Notice
- H) 05-02-2011 – Memorial Committee – Minutes
- I) 05-03-2011 – Code Enforcement Board – Cancellation Notice
- J) 05-04-2011 – Architectural Review Board – Cancellation Notice
- K) 05-02-2011 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 2, 2011, Subject to the 10-day Appeal Period

7. Public Hearings:

- A) Second Reading – Ordinance No. 1017-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-046, Home/Business Occupational Use, Establishing Conditions of Eligibility; Specifying Operators; Permitting Limited Signage, Storage and Parking; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 4/25/2011 – Advertised: 4/27/2011)

8. Consent Agenda:

- A) Approval of the City Attorney's Invoice for April 2011 in the Amount of \$12,298.50
- B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$8,000.00, on an "As Needed" Basis, to Turf Choice for Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code
- C) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Diamond R. Fertilizer, Inc., Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$8,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code
- D) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Howard Fertilizer, Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$10,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code

8. Consent Agenda: (Continued)

- E) Recommendation that Council Award a Bid for Fertilizers and Chemicals to, Lesco John Deere Landscapes, Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$6,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code
- F) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$5,000.00, on an "As Needed" Basis, to Florida Superior Sand, for Topdressing/Amendments/Soil mixes, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code
- G) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$13,500.00, on an "As Needed" Basis, to Land and Sea for Fuel and Oil, Pursuant to Section 31.11 (E) (6) (g) of the City Code
- H) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$11,500.00, on an "As Needed" Basis, to Hector Turf, for Repairs/Parts, Pursuant to Section 31.11 (E) (6) (g) of the City Code

9. Old Business:

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) Discussion Regarding Code Compliance Timelines
- C) Discussion Regarding Code Compliance Sweep of Commercial Properties
- D) Golf Course Marketing Plan
- E) Discussion Regarding Advertising in the Conference Edition of Quality Cities Magazine
- F) Discussion of Status of Charter Amendment Petition Certification

10. New Business:

- A) Proposal from Calvin, Giordano & Associates, Inc. Regarding Zoning Map

10. New Business: (Continued)

- B) First Reading – Ordinance No. 1018-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-011, Utility Shed, by Providing a New Method of Calculating the Permitted Size of Utility Sheds on Residential Homesite Properties; Identifying a Further Limitation on Permitted Shed Sizes; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date
- C) Resolution No. 2011-3514 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting Rules and Regulations for the Recreation Department, Tennis, Racquetball and Basketball Courts, Children’s Playgrounds, Gym, Fitness Center and Dog Park; Providing for Longevity of the Rules and Regulations; Establishing Notification Responsibility of the Rules and Regulations; Authorizing Enforcement of the Rules and Regulations; Effective Date
- D) Resolution No. 2011-3515 – A Resolution of the City Council of the City of Miami Springs Establishing a City Youth Advisory Council; Providing for Council Membership, Appointment Procedures, Term of Membership, Meetings of the Council, Council Officers and Duties, City Support Services, School Support Services, Absences of Members, Applicable Law, Council Duties and Responsibilities; Continuity of Council; Effective Date
- E) Proposal for the City of Miami Springs to Host a Strategic Planning Retreat
- F) Discussion/Proposal Regarding Conducting an Outside Search to Fill the City Manager’s Position
- G) Approval of Contract with Ricardo Rodriguez, d/b/a Miami Dade Aquatic Club, LLC
- H) Consideration of Memorial Committee Recommendations

11. Other Business: None

12. Reports & Recommendations:

- A) City Attorney
- B) City Manager
- C) City Council

13. Adjourn

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.

Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.

DRAFT



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 25, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:02 p.m.

The following were present:

Mayor Xavier M. Garcia
Vice Mayor Bob Best
Councilwoman Jennifer Ator
Councilman Dan Espino
Councilman George V. Lob

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director William Alonso
Golf Director Michael W. Aldridge
Golf Superintendent Sandy Pell
Building & Zoning Office Supervisor Harold "Tex" Ziadie
City Clerk Magali Valls

2. Invocation: Vice Mayor Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Presentation from County Commissioner Rebeca Sosa Regarding 36th Street

County Commissioner Rebeca Sosa commended the Mayor and Council on their recent election and said that she is thankful to represent them and that she works hard to live up to the expectations of those who have trusted her for so long.

County Commissioner Rebeca Sosa stated that she was aware of the revitalization project for N. W. 36th Street and there had been discussion about the lighting project. She displayed a photograph of the lights that will decorate the street since they were able to secure the funding for an approximate cost of \$400,892.00. She said that it was her honor, on behalf of the County Public Works Department, who worked very hard, to give the good news to Miami Springs. The project consists of thirty-six street lights.

3B) Certificate of Appreciation to Former Mayor Billy Bain

Former Mayor Billy Bain received a Certificate of Sincere Appreciation plaque from Mayor Garcia in recognition of his dedicated service to the community as Mayor of the City of Miami Springs from April 2003 until April 2011. He thanked Mayor Bain for his service.

On behalf of the Mayor and Council, Councilman Lob presented former Mayor Bain with a leather jacket with the American Flag and City Seal.

3C) Certificate of Appreciation to Lt. Michael Cole for Thirty-One Years of Service to the City in the Police Department

Mayor Garcia presented a Certificate of Sincere Appreciation Plaque to Lt. Michael Cole in recognition of thirty years of dedicated service to the City in the Police Department.

Chief of Police Peter G. Baan stated that he has known and worked with Michael Cole for thirty years and he is one of the most loyal and dedicated police officers he has ever met. He is also the best investigator and everyone is going to miss him. He wished him luck in his retirement.

Sergeant Claire Gurney presented Lt. Cole with a gift card on behalf of the Fraternal Order of Police.

On behalf of the Administration, City Manager Borgmann presented a commemorative clock in recognition of his service to the City from December 1, 1980 to May 1, 2011. He wished him the best in his retirement.

Lt. Cole introduced his wife and thanked her for everything she has done and for her support. He said that he has enjoyed working for the City of Miami Springs and will miss everyone.

4. Open Forum:

Illegal Apartments

Chuck Adams of 101 Palmetto Drive stated that he was happy to see that a citizen found a way to help the City Code Enforcement crack down on an illegal apartment.

Mr. Adams said that it is unfortunate that the complaint had to be made to the federal government and it cannot be enforced by the City. He added that there was a case where someone had filed for two homestead exemptions.

Mr. Adams said that because the Code Compliance Officers live and work in the community it is very sensitive for them to tell their relatives or neighbors that they cannot convert their home and collect illegal rental income. He referred to another case of an illegal apartment in a garage at a house where there was an incident with a dog. Because it is not fair to burden the citizens who are legally paying their taxes and garbage fees, perhaps the Code Compliance officers should live outside the City.

5. Approval of Council Minutes: (approved simultaneously)

5A) 04-11-2011 – Special Meeting

Minutes of the April 11, 2011 Special Meeting were approved as written.

Councilman Lob moved the item. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

5B) 04-12-2011 – Regular Meeting

Minutes of the April 12, 2011 Regular Meeting were approved as written.

Councilman Lob moved the item. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 04-06-2011 – Architectural Review Board – Minutes

Minutes of the April 6, 2011 Architectural Review Board meeting were received for information without comment.

6B) 04-13-2011 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the April 13, 2011 Golf and Country Club Advisory Board was received for information without comment.

City Attorney Seiden stated that he was copied on an e-mail from Larry Butler who was questioning what Council was going to do about the memorial that was recommended for his mother. He asked if it was Council's intent to consider both issues for Thelma Butler and Amanda Haworth at the same time.

Council concurred that they would like to consider both memorials at one time.

7. **Public Hearings:**

Council sat as the Board of Appeals at 7:20 p.m.
The Mayor reconvened the City Council meeting at 7:38 p.m.

Council meeting reconvened at 7:38 p.m.

7. **Public Hearings:**

7A) Second Reading – Ordinance No. 1015-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-028, Architectural and Design Regulations; By Amending Subsection (F), Architectural and Design Guidelines, to Provide for a New Color Palette for all Commercial Development, Redevelopment, Renovation and Restoration Projects in the City, Except for the Northwest 36th Street District; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the second reading and public hearing and the revisions made to the ordinance were consistent with Council's direction at the last meeting. He referred to the resolution with the color palette that was placed on the dais.

Councilman Espino commented that the reference to the Pueblo/Mission style was to be stricken from the color palette.

City Clerk Magali Valls stated that Lorraine Tappen from Calvin, Giordano & Associates, Inc. is going to provide copies of new color palettes for both resolutions.

Mayor Garcia opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Lob moved to adopt Ordinance No. 1015-2011. Councilman Espino seconded the motion, which was unanimously carried on roll call vote.

7B) Second Reading – Ordinance No. 1016-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-028, Architectural and Design Regulations; By Amending Subsection (F), Architectural and Design Guidelines, to Provide for a New Color Palette for the Northwest 36th Street District of the City; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the second reading and public hearing. The ordinance was revised as directed by Council at the prior meeting and a copy of Resolution 2011-3511 provides for the actual color palette for the District.

Mayor Garcia opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Lob moved to adopt the ordinance. Councilman Espino seconded the motion, which was unanimously carried on roll call vote.

8. Consent Agenda:

8A) Recommendation that Council Award the Purchase of Fireworks for the July 4th Celebration to Firepower Displays Unlimited, LLC, in the Amount of \$15,000.00, Utilizing the City of Homestead Contract # 10-PR-020, as Provided in Section 31.11 (E) (5) of the City Code

City Manager Borgmann read the title of the award. He said that this is the same company that has been used for many years and they provide a great fireworks show that lasts approximately eighteen to twenty minutes. The number of shells and the dollar amount is the same as last year.

City Manager Borgmann said that the City spends \$15,000 for the fireworks and is reimbursed \$3,000 from the Village of Virginia Gardens.

Vice Mayor Best asked if the City had approached the Town of Medley to see if they would also contribute \$3,000.

The City Manager agreed to contact the new Mayor and Council in the Town of Medley.

Mayor Garcia mentioned that Medley has a small fireworks show.

Councilwoman Ator moved the item. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

Councilwoman Ator (Group IV) **confirmed the appointment** of Manuel Pérez-Vichot to the Board of Adjustment/Zoning and Planning Board for a full 3-year term ending on April 30, 2014.

Councilwoman Ator (Group IV) **confirmed the appointment** of Jean Ansbaugh to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2014.

Councilwoman Ator (Group IV) **confirmed the appointment** of Trina Aguila to the Ecology Board for an unexpired term ending on April 30, 2013.

Councilman Lob (Group III) **re-appointed** Irene Priess to the Board of Parks and Parkways for a full 3-year term expiring on April 30, 2014.

9B) Golf Related Items:

9B1) Summer Fees and Charges Recommendation

Golf Director Mike Aldridge stated that the rates were approved by the City Manager and they would go into effect on Saturday April 30th. The rates are identical to last year except for a super twilight rate that begins at 4:00 p.m. for \$18.69 plus tax or \$20.00. He is hoping to generate a little more revenue with the new rate.

Councilwoman Ator moved to approve the Golf Course summer fees as recommended by Mike Aldridge. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

City Manager Borgmann said that the Administration is planning to come back at the May 9th Council meeting with additional marketing questions and answers. He distributed material as a precursor to the proposed agenda item prior to that meeting.

Golf Director Aldridge explained that he would come back in two weeks with a formal plan, including costs.

City Manager Borgmann added that if Council had any questions they should call him and the information will be added to the discussion on May 9th.

(Agenda Item 11A – partially discussed at this time)

Finance Director William Alonso referred to page 17 of the budget report under Agenda Item 11A. The results for six months compared to the same period last year shows that revenues are down and this is partly due to the effect of the irrigation system installation in October, November and December. The year-to-date loss stands at \$150,000 compared to almost \$111,000 for the same period last year.

On a positive note, the driving range revenues significantly increased for the six months, according to Mr. Alonso. He spoke with Mr. Aldridge who said that this is an indication that golfers are starting to come back and eventually it should translate into more greens revenues. The bottom line is that costs are in line, maintenance costs are down, Pro Shop costs are about the same and the biggest hit is revenues. The fact that revenues are down is the reason for the current loss because that is what drives the profitability of the Golf Course.

Mayor Garcia stated that when Council discusses the marketing plan on May 9th he would like ideas on how to improve the memberships.

Mr. Aldridge clarified that memberships for the summer are up almost twice over last year. He is optimistic that it will be a very nice summer and fall memberships will be higher.

Councilman Espino wanted to determine what the situation is now for January, February and March without being affected by the irrigation system and if there is an improvement during those three months.

Finance Director Alonso stated that earlier before the meeting he met with Mr. Aldridge and the numbers for January, February and March were discussed. Unfortunately, revenues were down about \$10,000 compared to last year's revenue for the same period of \$356,000.

Golf Director Aldridge clarified that part of the reason for the reduction is that membership fees are allocated month by month and the loss for last fall was carried forward.

To answer Councilwoman Ator's question, Mr. Alonso said that the revenue for October through December 2010 was \$224,000 compared to \$256,000 for the same period in 2009, or \$32,000 less.

Golf Director Aldridge stated that going into late September and October the membership dollars that were lost will be regained.

Councilman Espino said that hopefully the marketing initiatives will help. He thanked Golf Director Aldridge and Golf Superintendent Sandy Pell.

Vice Mayor Best asked why the costs for the Pro Shop were up \$3,300.

Golf Director Aldridge responded that the credit card charges are up and a ball machine was replaced.

9B2) Golf Professional Consultant Agreement with Scott Jones

City Manager Borgmann stated that the most important part of the agreement is on page 5 where it refers to "Non-Exclusivity of Services". There was discussion about this provision with Mr. Jones and after further talks with Golf Director Aldridge and Roger Piermarini they agreed on the following:

1. All golf instruction at the Miami Springs Golf and Country Club shall be provided on a non-exclusive basis.
2. Each PGA Professional may continue to provide golf instruction to all current clients at the course.
3. The PGA Professionals will maintain a "free market" environment so as to permit prospective clients to choose whichever professional they may prefer to solicit for service.
4. In accordance with the PGA Code of Ethics and the mutual agreement of the PGA Professionals, solicitation of another professional's clients will not be permitted at the Miami Springs Golf and Country Club.
5. It is the intent of the City and the PGA Professionals that a respectful non-competitive environment shall exist at the course which will permit each of the professionals to function successfully while providing golfers with alternate options for golf instruction.

City Manager Borgmann stated that the other provisions are relatively standard to these types of agreements and the Administration is recommending approval.

City Manager Borgmann explained that he met with Roger Piermarini last week and he was given a copy of this agreement and was asked to come back with some comments in regard to his own agreement that have not yet been received so he is pulling the next item.

Councilman Espino said that if Mr. Piermarini could provide back up information about his clientele and the revenue that he generates he would appreciate it.

Councilwoman Ator stated that she appreciated the non-exclusivity of services provision. Her only concern is related to number four because she would not want a situation that puts the City in the position of being a referee.

City Attorney Seiden suggested amending the language as follows: "In accordance with the spirit of the PGA Code of Ethics"

Councilwoman Ator agreed.

Councilwoman Ator said that in regard to the notice provision on page 11 “notice” she does not agree that notice should be given at the Miami Springs Golf and Country Club since people are not normally notified at work.

City Attorney Seiden clarified that the notice would be delivered to Scott Jones in person and the agreement includes two address options.

Councilman Espino referred to the Duties and Responsibilities of the City on page 3 that establishes a suitable office at the Golf and Country Club for the Golf Professional. He said that there is not that much space available and he would not want it to be exclusive use of an office.

City Attorney suggested amending the language as follows: “establish a suitable non-exclusive office.”

Councilman Espino agreed to change it to a “shared” office.

To answer Mayor Garcia’s question, Scott Jones of 5714 S. W. 139 Court stated that he reviewed the agreement and is satisfied. He had not considered the viewpoint that Councilwoman Ator mentioned at the previous meeting about Miami Springs’ residents being allowed to use his services without first going to either Mike Aldridge or Roger Piermarini. He was trying to protect everyone involved. He would not deny a resident his services. He likes the Golf Course and the putting greens.

Mayor Garcia commented that Mr. Jones’ reputation precedes him and the City is lucky to have him at the Golf Course.

Mr. Jones mentioned to Sandy Pell that Calusa Country Club has a lot of bunkers with sand that will be sitting there for a long time until the legal issues are finalized. He said that the City might be able to make arrangements to move the sand or soil, except for tainted sand.

Vice Mayor Best moved the item. Councilwoman Ator seconded the motion, which was carried 5-0 on roll call vote.

9B3) Agreement with Roger Piermarini

City Manager Borgmann pulled the item pending additional information from Mr. Piermarini.

9C) Approval of Work Order No. 7 – Airport Golf District Boundary Regulations and Design Guidelines

City Manager Borgmann stated that Council is desirous to continue working forward with the 36th Street project and the next portion is the Airport Golf District. Lorraine Tappen from Calvin, Giordano & Associates, Inc. has prepared a proposal for Professional Planning Services and an associated cost.

Senior Planner Lorraine Tappen with Calvin, Giordano and Associates stated that the work order is specifically for the Airport Golf District along the southern end of the Golf Course and the west end along Curtiss Parkway. It is a gateway area as people come off of N. W. 36th Street and they would like to highlight it for commercial redevelopment. Design guidelines are also included in the work order and they would like to look at the existing buildings to determine what would work with the neighborhood and the adjoining hotels along the airport.

Councilwoman Ator commented that the Architectural Review Board would like to see the design guidelines.

Councilman Espino moved the item. Vice Mayor Best seconded the motion, which was carried 5-0 on roll call vote.

Councilman Espino spoke with Richard Sala and he advised that at the request of the City Planner a work order for updating the zoning map was requested of Calvin, Giordano. It was submitted more than thirty-five days ago and Council has not yet received it. He would like to know the status of the work order and discuss it at the next meeting.

Councilwoman Ator attended the last Revitalization and Redevelopment Ad-Hoc Committee meeting and they were discussing the need to have developer tools.

Councilman Espino said that apparently the City Planner has the information. He asked the City Manager to let Council know the status.

9D) Status of Annexation Application with the County

City Manager Borgmann stated that for those that could not attend the County Commission meeting, the good news is that the annexation applications for all four cities were deferred indefinitely. There was some confusion as they were ready to vote for the deferrals and rescinded that motion to allow speakers against annexation. Once the speakers had their say, the motion was offered to defer the applications to an indefinite time in the future and the vote was unanimous. The speakers were an organized group of property owners from the various areas in line to be annexed by the four cities.

Previous correspondence and recommendations from the County Staff have spoken to the current economic crisis as a reason not to allow cities to annex at this time, according to Mr. Borgmann. He said that a lot of the recent annexation by the City of Sweetwater, including the Dolphin Mall, included a caveat from the City that they would keep the tax millage rate at the current UMSA levels (2+ mils) and the City of Miami Springs would not be able to do that. The analysis performed over the last eight years might get the millage rate down to 4.9, but that was based on higher assessed values that have gone down drastically.

The City Manager was of the opinion that it will be at least two more fiscal years before the County is in any financial position to release any of the areas and this could change if they decide to make all unincorporated areas become part of an abutting city.

Vice Mayor Best commented that he read a recent opinion from an official who said that the County is very much in favor of doing something with the unincorporated areas in order to discontinue service to those areas.

Councilman Espino stated that Senator Soto had proposed going to 100% incorporation of Miami-Dade County, similar to Broward County that is 99% incorporated. He thinks there are mixed feelings about this and that it is not being pursued because of the more pressing political charter reform concerns.

City Manager Borgmann said that the biggest factor is the millage rate and if the City were to set it at 4.9 mills, according to the old analysis, that is still more than double what the current property owners are paying.

9E) Code Compliance and Building Specialist Staffing

City Manager Borgmann stated that Council had asked for information on whether the City should hire a full-time or part-time Code Compliance Officer. This was considered along with another problem in that office when Building Specialists are off and the current Code Compliance Officers have to cover the service desk.

Assistant City Manager Ronald K. Gorland explained that the recommendation of the Administration is to fill the open, but unfunded Code Compliance position with two part-time Code Compliance Officers working an estimated twenty-nine hours per week for a total cost for both of approximately \$25,000 for the remainder of the Fiscal Year. The cost is based on \$20.00 per hour for twenty-nine hours per week. An additional \$4,500 will be needed for support requirements such as uniforms, laptop computers, vehicle, etc.

The second recommendation is to fill the open but unfunded fulltime Building Specialist position at a cost of \$13,100 plus benefits for the remainder of the Fiscal Year (\$26,845 plus benefits annually), according to Mr. Gorland. The combination of the two recommendations is approximately \$38,100.

Assistant City Manager Gorland stated that in the short term it is believed that part-time positions focused primarily on the commercial properties will provide the best and fastest return. Both part-time Code Compliance Officers will be hired with the understanding that they will have varying schedules that will include weekends, early start times and late hours. Initial efforts will cover all commercial areas to get the word to both businesses and property owners regarding the need to change commercial area appearance focusing on all "appearance" and safety related codes.

Assistant City Manager Gorland explained that the Administration feels that there will be more coverage using part-time positions for approximately the same cost as one fulltime position. If over time, part-time Code Compliance positions prove to be a problem, it is far easier to switch to a full-time position than the reverse. The efforts will be geared toward working with the commercial and business owners and citation revenues are not expected to be a material offset to the increased budget requirements. However, if Council prefers a much faster response, at some point in the future they can switch to the “warning and then citation” approach.

Assistant City Manager Gorland stated that part-time employees are much less expensive and support more extensive coverage for the same cost as one full-time employee. It would allow greater assignment flexibility, quicker initial coverage and greater backup support during absences. On the negative side, part-time employees have less job commitment, confront City Hall space limitations, require longer training time and present more consistency issues.

Assistant City Manager Gorland stated that because of the technical qualifications of the Building Department Specialist, an absence of either or both requires qualified Code Compliance personnel backup. Filling this open position with a full-time employee is a more cost-effective solution than continuing to rely on Code backup. Additionally, because revenues for building functions cannot exceed the costs per Florida Statute, the City is in a very good position to fill this vacancy because there is currently an excess of \$200,000 in revenues over allowed costs.

Assistant City Manager Gorland explained that they would try to hire experienced code enforcement officers that would expand the ability to respond on the building side. The strong revenues come from permitting and business licenses.

To answer Vice Mayor Best’s question, Mr. Gorland clarified that the recommendation is for two part-time employees instead of one full-time in order to satisfy the immediate requirement.

Vice Mayor Best asked how long it would take to train two part-time employees once they are hired.

Assistant City Manager Gorland stated that certain codes related to appearance could be done very quickly once the training is implemented. He added that Mr. Ziadie would be conducting the training; they will make sure there is a great deal of consistency and concentrating code by code they will make progress.

Councilwoman Ator was concerned because it is not only commercial business owners; it is the property owners that are responsible. In the notice and due process, the business owner may not be the right person to contact. She would recommend being more aggressive with a plan for correcting the violations.

Councilman Espino would like to know the approach currently being used for code compliance and if everyone can be placed on notice at the same time.

Councilman Lob stated that currently no enforcement is taking place and that is why Council is having this discussion.

Building and Zoning Office Supervisor Harold "Tex" Ziadie clarified that the department only deals with property owners and not the business owners. If the property records do not show the contact information a letter is sent to the property owner or they may talk to the business owner to acquire the landlord information.

In regard to the current process, Mr. Ziadie explained that it depends on the type of violation; a normal violation is dealt with by the Code Enforcement Board and a civil infraction is an offense that is ticketed. Normal violations have a three-step process as follows: courtesy notice, formal notice of violation letter and Code Enforcement Board. Civil infractions include a civil infraction violation notice and a ticket.

Councilwoman Ator asked if the violation notices are standard forms.

Mr. Ziadie explained that a system of notifications was developed over the last six years and every Code Compliance Officer has a file box including a folder for every possible violation and a print-out violation notice, copy of the code, time for compliance and all they have to do is sign it. There are only a few codes to deal with on a regular basis and the procedure is simple.

Vice Mayor Best commented that there must be a successful program in place because the Code Enforcement Board has not met in months.

Mr. Ziadie stated that there are good results with compliance and unfortunately a lot is not being done in the field because most of the work is complaint driven; they do not have the personnel to conduct the sweeps of the City. There is currently only one full-time Code Compliance Officer and in the past there were three. The sweeps take longer and the time frame for maintenance of property issues requires 30-days.

Councilwoman Ator commented that she is aware of the Code Enforcement Board proceedings and their efforts to work with the business or home owners in order for them to comply.

At Councilman Espino's request, Mr. Ziadie gave examples of the different violations. He said that maintenance of property for scaling paint or mildew on a house is a normal violation and a courtesy notice is given that informs the property owner that they have 30-days to paint their house. After 30-days the property owner is given a formal notice of violation letter, allowing another thirty days to comply. After that time, if the person still does not comply, they are sent a subpoena to appear before the Code Enforcement Board that has the authority to levy fines and lien the property, allowing additional time for compliance.

Civil infractions are very specific violations listed in the Code that are ticketed, according to Mr. Ziadie. For work done without a permit, the property owner receives a notice allowing seven days to apply for the permit and if they do not comply they are issued a ticket for \$100.00. The property owner can appeal to the Code Enforcement Board who has the authority to overturn or uphold the ticket.

Councilman Espino stated that complaints have been made about deteriorating conditions and the process allows a significant amount of procedures that could take up to six months.

City Attorney Seiden clarified that the original system is the same system that was handled by the County Court and when the authority was given to the municipalities it was the only system that existed. After a number of years, the State Legislature authorized the supplemental ticket system that is covered in Chapter 101 of the City Code and applies to certain violations. He said that the policy on Code Enforcement in the City has been to allow a lot of notice and opportunity to comply.

City Attorney Seiden explained that it is a good system and it could be more restrictive with Council's direction.

Councilman Lob said that he is fine with allowing residents more time due to financial constraints. A property owner that runs a business should have the funds set aside for maintenance of their building and this should be addressed in the commercial areas.

Councilwoman Ator asked if thirty days notice is a state requirement. She suggested allowing fifteen days instead to cut the time in half.

City Attorney Seiden stated that the thirty day provision is not the problem; the problem is all the extensions that are granted.

Mr. Ziadie continued to explain the enforcement process for code violations.

Councilman Espino agreed with Councilman Lob that there is a difference between commercial and residential properties and perhaps different standards should apply. Complaints have been made about violations in the neighborhood from people who are trying to sell their home. From his perspective, he wants to begin enforcement as soon as possible. He mentioned work that was being done on Westward Drive and hoped that it was a result of the Revitalization and Redevelopment Ad-Hoc Committee discussions that motivated the property owner to paint their building.

City Attorney Seiden explained that the goal is to have people comply; sometimes there are economic issues and other times people are defensive and refuse to do anything. There are many legitimate complaints that need to be addressed and Council can direct Staff to get the City into shape both residentially and commercially.

Councilman Espino suggested a flyer with the most common violations, what needs to be addressed with an explanation that the City will be enforcing those violations and everyone is on notice.

City Manager Borgmann said that in the past several brochures were developed; one outlined the top ten code enforcement violations and it was mailed out with the water bills.

Assistant City Manager Gorland added that advertisements were placed in the River Cities Gazette and the brochure has been revised for future distribution.

Councilman Lob would like to be specific to each building to let the owner know what is wrong and needs to be corrected. He said that it is time to make Westward Drive look nicer.

To answer Councilwoman Ator's question, Mr. Ziadie explained how the time frame for compliance was established depending on the type of violation. The Code does not specify the requirement for a courtesy notice but it does specify notice of violation.

City Attorney Seiden clarified that Chapter 162 of the Florida Statutes does require a certain amount of early notice.

Mayor Garcia asked to place an item on the next agenda to discuss the amount of time to give as courtesy notices.

Councilman Lob asked how many calls Code Compliance responds to on a single day.

Mr. Ziadie responded that this year the monthly average is 96 cases and each one involves two inspections. In Fiscal Year 2007, the department was handling 195 cases.

Vice Mayor Best moved to give authority to the Administration to hire two part-time employees. Councilman Lob seconded the motion.

Mayor Garcia clarified that the motion was related to two part-time Code Compliance Officers only.

The motion was carried 5-0 on roll call vote.

To answer Councilman Espino's question, Assistant City Manager Gorland explained that the Building Specialist would be an entry level Administrative Assistant I position. It is an important position because there is expected to be an opening in the Building Department next February.

Councilwoman Ator added that people are frustrated with the Building Department because they are given conflicting information and the employees need to be trained.

Mayor Garcia stated that he has heard similar issues and they were rectified immediately and he credits the Building Department. He does see a need for the position.

Vice Mayor Best moved to approve the recommendation to fill the open unfunded full-time Building Specialist position. Councilwoman Ator seconded the motion.

Mayor Garcia asked how much the annual benefits would be.

Assistant City Manager Gorland responded that the annual benefits are approximately 30%.

The motion was carried 5-0 on roll call vote.

Councilman Espino asked the Administration to place the apartment efficiency issue on the May 9th Council agenda for discussion.

Councilman Lob stated that Council had approved a full-time Building Official position and he would like to know the status of that recommendation.

Vice Mayor Ator said that moving forward with all the changes in the Code for N. W. 36th Street, the Abraham Tract and the Airport/Golf District and the anticipation of more activity in the Building Department she would also recommend improving the technology in the Building Department.

Councilman Espino thanked the Revitalization and Redevelopment Ad-Hoc Committee members for sparking the issue regarding code enforcement.

9F) Establishment of a Youth Advisory Board

City Manager Borgmann stated that he put a supplementary document on the dais that includes information from Education Advisory Board member Libby Manning regarding other cities and counties that have a Youth Advisory Board. Most cities establish the Board by ordinance with members in grades 8-12. Some have application forms and most meet on a quarterly basis. The last time this topic was discussed the question was raised about the Sunshine Law and the information shows that the Miami-Dade County Youth Commission is subject to the Government in the Sunshine and public records requirements.

City Manager Borgmann asked for feedback from Council as to the age requirement, number of members, meeting frequency, etc. An application can be set for the process and the City Attorney can draft the appropriate ordinance or resolution.

Councilman Lob recalled that the Education Advisory Board had suggested that each Council member have one appointee and based on the information provided it seems that each should appoint two.

Councilman Espino suggested putting the burden on the schools to select the members based on certain criteria because the schools are best equipped to know which student is responsible and committed to represent the school and the community at large. His thought was that members should be in the fifth grade or higher and from each school in the City and the members would sit for one term.

Councilman Lob commented that his idea was one member from each of the elementary schools, one from the Middle School and two from the High School.

Councilman Espino said that the High School student should chair the meeting and when the student graduates the school would recommend another student.

Councilman Lob explained that the schools could submit a list of viable candidates that are narrowed down by the Education Advisory Board before recommending one or two candidates from each school.

City Attorney Seiden stated that the Village of Pinecrest resolution is very well done, clear and concise. The final decision as to who is appointed comes to Council and they could have the authorization of the school principal.

Councilwoman Ator referred to the County ordinance and criteria for membership of a minimum grade point average and participation by public and private schools. She said that certain kids are the ones that always are selected to participate in all the activities.

Councilman Espino stated that looking at the County ordinance a significant amount of vetting has to occur for the Youth Commission to happen, which schools already do as part of allowing kids to participate in extracurricular activities. The student government students will be responsible and committed. His concern is that every school is represented, including the private schools. He questioned whether or not Council wanted to undertake the selection process.

Councilman Lob felt that the schools should vet the selection and the Education Advisory Board should be involved in the process before the recommendations are made to Council.

Mayor Garcia does not want the Education Advisory Board to be involved. He likes Councilwoman Ator's idea and the school should give at least three to five recommendations for Council to choose from even though it might be the same kids that are always involved. He suggested that Council could interview three to five kids from each of the schools before making the selection.

City Attorney Seiden asked Council for their ideas on how many members should be on the Board.

Vice Mayor Best suggested representatives from the High School, Middle School, Springview and Miami Springs Elementary, Blessed Trinity and All Angels' Academy.

Councilwoman Ator stated that the Seventh Day Adventist School has middle school students.

There would have to be a Miami Springs residency requirement according to Mayor Garcia. There are seven schools who could recommend a total of twenty-one kids and each Councilmember would select one member for a total of seven on the Board.

Councilwoman Ator said that if the schools are asked to submit three names and Council has to vote for one member she would highly be opposed to that. She would agree for the schools to select one kid.

Councilman Espino said that each school could send one kid and if a kid does not work out then another could be selected.

City Attorney Seiden stated that his understanding is that there are seven members from seven schools who are Miami Springs' residents, authorized by the schools in the fifth grade or higher for one year terms.

Councilman Espino reiterated that the high school students should chair the meeting.

City Attorney Seiden said that instead of choosing the members, Council would ratify the school appointments. Meetings would be held on a quarterly basis and the three absence rule would apply.

Councilwoman Ator added that the Village of Pinecrest resolution provides that they meet on a quarterly basis, no more than three absences and the duties and responsibilities are also appropriate.

Councilwoman Ator felt that the adult advisor should be a Staff person or a clerk.

City Attorney Seiden said that the City could ask for an adult advisor from the schools that is rotated on an annual basis. A school counselor would have the skills to be the advisor. The Clerk would take minutes and the Sunshine Law would be applicable. He said that the school year would end about the same time the resolution would be ready. He asked when it would go into effect.

Mayor Garcia said that the school year begins the end of August and the first meeting could be in October.

City Attorney Seiden said that the Village of Pinecrest Board meets quarterly and it is done on May 31st.

Council **agreed** by consensus to direct the City Attorney to draft a resolution establishing a Youth Advisory Board consisting of seven members, fifth grade or higher, who are Miami Springs residents, chosen by the schools (Miami Springs Senior High School, Miami Springs Middle School, Miami Springs Elementary School, Springview Elementary School, All Angels Academy, Blessed Trinity Catholic School, Seventh Day Adventist School) and ratified by Council, that will meet quarterly and serve one-year terms.

5 minute recess at 9:11 p.m.

9G) Discussion of Status of Westward Drive Charter Amendment Petitions

City Clerk Magali Valls read her memorandum into the record explaining that the petitions were returned to the Elections Department following the signature verification process, so that the Elections Department could review the petitions for sufficiency in the five other categories specified in the correspondence to the City. Subsequent correspondence received from the Elections Department noted certain potentially disqualifying violations related to the reviewed petitions. Unfortunately, despite calls to the County Attorney and the Elections Department they have not provided the City with more detailed information in regard to why "... 26 petitions would not meet requirements numbers 2 through 5".

City Attorney Jan K. Seiden stated that the question is whether or not the signatures are at a point of certification. One document is titled certification but the certification of 1,064 signatures came with a letter that qualified it except for the review of the other five categories. The Elections Department was asked to review the five categories to make sure it was certified. The response in the letter of April 6th said that the review was completed and based upon the request of the letter, none of the petitions meet the requirements of number one and in addition, twenty-six petitions would not meet the requirements of two through five.

To answer Councilman Espino's question, City Attorney Seiden clarified that number one is related to the title being in three languages.

City Manager Borgmann added that the signature section showed that it could be read in English, Spanish or Creole, but the actual verbiage in the question was only in English.

City Attorney Seiden said that the City is bound by the County Code and procedures. At the point of certification an election is required no sooner than 60 days and no later than 120 days. The question is whether they are certified at this point. There are three alternatives:

- 1) Determine that they are not certified and direct the City Clerk and City Attorney to deal with the County Elections Department or County Attorney and try to get further and final clarification of the provisions of the April 6th letter.
- 2) Determine, based upon the record, that it is certified and based upon the determination of the letters Council can place the question on the ballot and waive the disqualifying characteristics that were pointed out by the County Elections Department.
- 3) Determine that it is certified but that it will not be placed on the ballot because the disqualifying characteristics are substantial enough to have impacted the validity of the petitions.

To answer Mayor Garcia's question, the City Attorney explained that number one is for Council to make a determination, based upon the letter and the memo from the Clerk, that there is not enough information based upon the sentence that says: "In addition, 26 petitions would not meet the requirements of two through five." The assumption is that there were other disqualifications implied and he does not know why the Elections Department is withholding that information.

Council can make a determination, based on the information, that they do not feel "certification" has been met at this point. If Council feels they have enough information by reviewing the documentation submitted that in fact "certification" has been met they can ignore the disqualifying characteristic as to the title not being in English, Spanish and Creole and the additional language, although it is not specific. Council can ignore it and say that they are not substantial enough to disqualify the petitions and agree to place the question on the ballot. All this may be subject to legal action by those who are for and against the petitions since it is not the normal process.

Councilwoman Ator said that since the signatures are not certified, Council would be saying that it does not matter and they are willing to place the question on the ballot.

The City Attorney agreed that Council would have to waive the requirement of number one.

Mayor Garcia stated that he would like to know beyond all certainty that the signatures are certified by the County. Council cannot place the question on a ballot having any doubt that the County is not 100% certifying the petitions giving the go ahead for an election. If it is the will of the people who have circulated the petitions and they have done their due diligence then Council should set an election, but the County must provide a definite answer. He asked when the last letter was sent to the County.

City Attorney Seiden explained that the City Clerk spoke with the Elections Department after receipt of their letter and he called the County Attorney approximately one week ago and has not received a response. He could write to the County Attorney if directed by Council.

Mayor Garcia reiterated that he would like a solid answer from the County Elections Department stating that the signatures are certified and Council is approved to move forward with an election before incurring in the cost of an election and finding out that the signature petitions were not certified correctly. Since this is very important and it could be very costly, he would like consensus from Council to direct the City Attorney to send a letter.

The City Attorney offered to send a letter to the County Attorney who handles these types of cases for the County and send a copy to the Miami-Dade County Supervisor of Elections Lester Sola asking for an explanation as to what was meant by the phrase "and/or" a final determination in their minds that they are either not going to answer or that this is the best answer that they can provide.

Councilwoman Ator asked where the "and/or" reference is included in the documentation.

The City Attorney responded: April 6, 2011.

Councilman Lob said that it could mean that 26 pages did not meet all four of the requirements besides the title. There is not enough information.

City Attorney Seiden stated that the County's thinking might be that since none of the petitions met number one, there is no need to review two through five. They said in addition, 26 petitions would not meet the requirement of numbers two through five.

Councilman Espino asked what record would be set for future petition drives if one of the requirements is not met and if it would cause problems.

The City Attorney explained that the difficulty with charter amendment processes is that they are not spelled out clearly and they follow the initiative process. The County is considering many charter amendments and they should clarify their process. They have said that the petition form that will be used from now on is one signature per page in order to include all pertinent information. There have been many problems with elections issues and the petitions so they are trying to resolve them.

City Attorney Seiden said that the new form will specifically provide all the information and it should take care of the problems in the future. If Council were to approve and waive the language requirement part of the motion would be that it is only being done this one time in light of the fact that the process is changing. The new form is designed so that there is nothing to doubt. He was told in a prior conversation with the County Attorney's Office that the failure to have the question in three languages was sufficient enough for them to disqualify.

Vice Mayor Best said that a total of 1,240 petitions were submitted and 1,054 were certified and 26 pages are being questioned.

City Attorney Seiden said that there has never been an issue when the City received a certification and the accompanying letter said that for purposes of verification the Code of Miami-Dade County states that a petition should be disqualified for the following reasons one through five. However, for municipal petitions, his office does not review the information and they encourage the municipality to ensure compliance with municipal charter. The bottom line is that the City must abide the prior case; he agrees with the opinion that the 10% is standard and he also agrees that once the City has approved the form, the burden falls on the person or the group who circulates the petition to do it in accordance with the County standards.

The City Attorney said that the City needs to do the best job possible to get as much information as possible. If it turns out in the final analysis that the County is unwilling or unable to provide further information, Council will have to make a determination based upon the information they have.

Council **directed** the City Attorney to send a letter to the County Attorney with a copy to Miami-Dade County Elections Supervisor Lester Sola asking for an explanation about the twenty-six petitions that do not meet requirements two through five.

10. New Business:

10A) Discussion Regarding Chapter 33 of the Code of Ordinances

City Attorney Jan K. Seiden referred to the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County. During the recent election, he received a call from a Washington, D.C. law firm, Greenberg Traurig. The attorney he spoke to asked about Section 33-06 of the City of Miami Springs Code that reads: "No person shall accept as a political contribution a sum in excess of \$50.00 from any person or organization." This provision has been in the Code since 1973.

City Attorney Seiden spoke with the City Clerk who said that the provision had never applied during her entire tenure in office as the Supervisor of Elections and the standard for all candidates is to file reporting with the State of Florida. Chapter 33 was probably something that did not exist in the County or elsewhere when it was adopted thirty-eight years ago. It provides for conflict of interest and ethics laws that would be applicable to local officials, although it does not have any enforcement provisions.

City Attorney Seiden explained that a few years ago the City adopted one section of the Miami-Dade County Code of Ethics that dealt with lobbying. Council is under the State of Florida ethics statutes to the extent that they are prosecutable by the State or the County. Some of the provisions apply, and it would be in everyone's best interest to clarify the situation, repeal the section and adopt the Miami-Dade County Commission on Ethics rules. He said that the City of Miami Springs was recently reported in regard to a code enforcement issue, and it was determined to be a "no cause" finding. No one knew about it because the County processes deal with intervention investigation first and it does not become a public matter until they find probable cause.

City Attorney Seiden said that the County does a very good job, the Commission on Ethics is one of the best run County Departments. The City can be more stringent than the County and a lot of municipalities use the County Code as their basis; there are alternatives for violations and his recommendation would be to repeal Chapter 33 and adopt the provisions in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and all future amendments.

Vice Mayor Best suggested giving Council time to review the County ordinance before making a decision.

The City Attorney explained that he was bringing this to Council's attention. To the best of his knowledge the provision in the City Code had not been used. It includes some penalties, but there are no enforcement powers or due process.

Mayor Garcia suggested and Council agreed to schedule the item for the first meeting in June.

10B) Resolution No. 2011-3512 – A Resolution of the City Council of the City of Miami Springs Providing for the Third Amendment to the FY2010-2011 General Fund and Special Revenue and Capital Projects Fund Budgets; by Increasing General Fund Revenues from Unappropriated Reserves to Cover Authorized and Approved General Fund Expenditures; by Increasing the Law Enforcement Trust Fund Budget from Law Enforcement Trust Funds to Cover the Costs of Training Certification for Two New Officers; Providing Intent; Specifying Compliance with Accepted Budgetary Processes and Procedures; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that the second “Whereas” clause answers all questions regarding the items dealt with in the General Fund, including the webcasting, acoustical work, playground and bleacher repairs and City fire alarm system improvements.

To answer Councilman Espino’s question, Finance Director William Alonso clarified that funds for the elevator were removed from the budget. There will be a recommendation forthcoming once the City receives new quotes for the elevator and that will require another budget amendment.

City Manager Borgmann stated that the elevator was repaired and the Administration is still looking to replace the elevator.

Vice Mayor Best moved to adopt resolution No. 2011-3512. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.

10C) First Reading – Ordinance No. 1017-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-046, Home/Business Occupational Use, Establishing Conditions of Eligibility; Specifying Operators; Permitting Limited Signage, Storage and Parking; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that his memorandum references Code Section 150-046 that was enacted in 2003, to allow homeowners to operate small and inoffensive businesses from their homes. Many municipalities have permitted neighborhood type businesses to use residential structures as business offices in areas adjacent to major roadways or business districts. While such uses may not be practical or appropriate for Miami Springs, it has been suggested that a minor expansion and liberalization of the existing code section might be beneficial to the City.

The proposed amendment to the Code Section would allow a more “business like” use of a limited number of qualifying properties that physically adjoin a business district of the City and would likely increase the real property taxes that the City would receive from the properties, according to the City Attorney.

City Attorney Seiden explained that in an abundance of caution, and to avoid any appearance of securing personal gain from her position, Councilwoman Ator who discussed this matter with him and worked on the proposed amendment, will not be participating in any debate or discussion of the ordinance amendment.

The second page of the ordinance provides a business use that is a little more liberal than the home business occupation use that will still apply. He read the compliance provisions in Section (H) 1 through 5 of the proposed ordinance. The idea is to allow properties adjoining a business district to use homes for business occupational use and it could create more revenue and encourage revitalization.

Vice Mayor Best thanked Councilwoman Ator for assisting with the proposed ordinance and he congratulated her for joining the business area.

Vice Mayor Best moved to approve the ordinance on first reading. Councilman Lob seconded the motion.

Councilman Lob commented that he has an issue with the provision for a 50 square foot monument sign that is huge.

Councilman Espino stated that a 24 square foot sign is 4' x 6' and 50 square feet is 5' x 10'. He knows that in some places the signs are letters and they are not obstructive. He would also like to change the sign provision to allow for smaller signs.

Vice Mayor Best amended his motion to allow for six square foot signs.

Vice Mayor Best moved to approve, as amended, the ordinance on first reading. Councilman Lob seconded the motion, which carried 4-0 on roll call vote, with Councilwoman Ator abstaining.

(Conflict of Interest form attached)

10D) Consideration of Advertising in Conference Issue of Quality Cities Magazine

City Manager Borgmann stated that the Florida League of Cities is requesting that the City advertise in the conference issue of the Quality Cities Magazine. He referred to the ad that ran last year; a one page black and white ad is \$500.00; a one page four-color ad is \$1,000.

Councilman Espino explained that the publication is distributed to elected officials throughout the State and some cities take the opportunity to promote or market their city.

Mayor Garcia said that he was not thinking of spending \$1,000, but he would like a presence in the magazine. He suggested a full-page black and white ad with creative marketing.

Councilman Espino said that he would like to see what other cities have done.

The item was tabled for further consideration.

11. Other Business:

11A) FY 2010-2011 Second Quarter Budget Status Report (Unaudited)

Finance Director William Alonso stated that this is the financial report for the first half of Fiscal Year 2010-2011 and he does not like to make predictions until nine months into the fiscal year. The financial dashboard indicates that revenues are in line with last year and all departments are within budget. One key point is that the State Board of Administration (SBA) account is improving with an unrealized loss of less than \$23,000.

Finance Director Alonso said that March 31st is the last day to pay the property tax bill without a discount and normally 100% of people pay their bills before that time in order to avoid the tax certificate sales that happen in May and June. He said that there is still more than \$800,000 in uncollected property tax bills in the City of Miami Springs.

City Attorney Seiden stated that the County is just beginning to consider the 2010 tax appeals.

Finance Director Alonso explained that sometime in May there will be a published list of tax certificate sales for every city in the county and that will show how many homes there are in Miami Springs and how much they owe.

Councilman Espino referred to proposed legislation of the Miami-Dade County School Board to collect school taxes on properties that file an appeal.

City Manager Borgmann said that the delinquent ad valorem taxes collected total \$122,000 as shown on the revenue sheet.

12. Reports & Recommendations:

12A) City Attorney

Notice of Voluntary Dismissal – Petition for Writ of Mandamus: Westward Drive Charter Amendment

Attorney Seiden stated that he received a Notice of Voluntary Dismissal of the Petition for Writ of Mandamus that is now officially closed.

Architectural Review Board

Attorney Seiden stated that the Architectural Review Board has requested his presence to attend their meeting to discuss development review procedures with them. His response was that he cannot attend their meeting in May, but is able to do so in June or they can send their questions in writing and he would be glad to answer them. He requested Council authorization.

By consensus, Council **authorized** the City Attorney to discuss the development review procedures with the Architectural Review Board.

12B) City Manager

Dog Park

City Manager Borgmann stated that the Dog Park will be closed until Friday afternoon for the installation of the new water fountain for the dogs.

The Wrecking Crew

City Manager Borgmann commented that the Wrecking Crew movie was very well received by those that attended.

Civics Week

City Manager Borgmann reminded everyone that Civics Week starts tomorrow with Miami Springs Elementary beginning at 9:45 a.m. in the Council Chambers. Department Heads will give brief overviews of their departments and the children will be taken in the bus to either the Community Center or the historic sites in the City. Council is invited to attend any day if they want to speak.

Painting on Westward Drive

City Manager Borgmann said that the building down the street on Westward Drive that was shown in the code violations is being painted.

Arbor Day

City Manager Borgmann reminded Council that Arbor Day will be celebrated on Thursday, April 28th at 10:00 a.m. at the George Washington Park in front of the library.

Prescription Drug Turn-in

City Manager Borgmann said that the Police department is sponsoring a prescription drug turn-in for unwanted or expired medications on Saturday, April 30th from 10:00 a.m. to 2:00 p.m.

Mother/Son Date Night

City Manager Borgmann announced that the Mother/Son Date Night would be held on Saturday, May 7th at the Optimist Club.

Hialeah-Miami Springs Rotary Golf Tournament

City Manager Borgmann stated that the Hialeah-Miami Springs Rotary Club will hold their golf tournament on Saturday, April 30th. Anyone interested can call Bob Schwinger or Dr. Tom Campbell for more information.

North Royal Poinciana Lane Closure

City Manager Borgmann reported that from May 6th through May 20th at the intersection at Crane and North Royal Poinciana Boulevard there will be underground repairs.

City Manager's Retirement

City Manager Borgmann read a letter announcing his retirement effective on January 2, 2012.

12C) City Council

Happy Easter

Councilwoman Ator wished everyone a Happy Easter and Passover.

Invitation

Councilwoman Ator announced that she received a lovely invitation to Laced with Charm Boutique's grand opening on Friday, April 29th at 6:30 p.m.

Pizza Restaurant

Councilwoman Ator mentioned that the new pizza restaurant on North Royal Poinciana opened recently and she has heard many good things about it.

Out of Town

Councilwoman Ator announced that she will be out of town and unavailable the first week of May. She will handle her correspondence when she returns.

Happy Easter

Councilman Espino wished everyone a Happy Easter and Passover.

Read to the Kids

Councilman Espino reported that he had the pleasure of reading to a group of kids from the Baptist Church pre-school during National Library Week in the newly renovated library.

CMI Meeting

Councilman Espino stated that CMI recently met and work is proceeding at the Curtiss Mansion.

Relay for Life

Councilman Espino announced that Relay for Life held their wrap-up party for the season at the Optimist Club. He said that the Relay for Life Committee thanks the Optimist Club for their generosity. There were more than 100 people in attendance and they are already geared up for next season. His wife will be serving as Chairwoman for the second year.

Strategic Planning Retreat

Councilman Espino mentioned holding a strategic planning meeting or retreat and conducted some research for information. He explained that it would be a general planning session meeting and he is proposing for Council to develop a series of topics, a date and meeting location outside of City Hall. Committees would discuss various topics in a broad scope planning capacity in order to have equal representation. The meeting would be open to the public, noticed and recorded. This would allow discussion in greater volume and marshal together with the help of Staff, the Administration and the residents to come up with either detailed or loose plans. He is asking Council to consider this as an agenda item for the next agenda.

City Manager's Resignation

Councilman Lob referred to the manager's resignation, thanking him for his years of service and giving him credit for turning the City's financial situation around.

Pizza Restaurant

Councilman Lob stated that the pizza at the new restaurant is good and he highly recommends the restaurant.

City Manager's Resignation

Vice Mayor Best referred to the City Manager's resignation letter. He said that the City Manager is resigning with class, offering to go through another budget session and not leaving until the first of the year. He thanked him for everything he has accomplished.

Ludlam Paving

Vice Mayor Best said that the Ludlam re-paving job is very good.

Vice Mayor Best wrote a letter to the County regarding East Drive between La Baron and 36th Street and they came back and did the work over and it seems to be in order.

Commissioner Sosa

Councilman Lob thanked Commissioner Sosa for all she has done for the City. He really appreciates her help with the lighting project on N. W. 36th Street that is going to look great.

City Manager's Resignation

Mayor Garcia referred to the City Manager's resignation. It seems to be a somber tone when considering retirement, but some of his friends have retired and they are having a blast and are not looking back. He is sure the City Manager will be enjoying his daughter's marriage, future grandchildren and he will enjoy his life outside of government and politics. He thanked the City Manager for his professionalism.

Mayor Garcia said that he will call upon the City Attorney to let Council know the correct process and procedure for replacing the City Manager to ensure due diligence and put the right person in his place. He credited the Assistant City Manager for his qualifications, but wants the public to know that Council will perform due diligence.

City Attorney Jan K. Seiden said that he visited the Human Resources Director in the hospital, she is doing much better and will be able to give Council the answers they want when she returns.

Councilman Espino expressed his discomfort about waiting until January. He wants to begin the search to fill the position as soon as possible. Since the Assistant City Manager seems to be a potential candidate for the job, he wants to facilitate a transparent search without conflict.

City Attorney Jan K. Seiden said that Council would have to determine the scope. The State of Florida might be enough, but there are also national searches. He will get the information from the Human Resources Director when she returns.

Commissioner Sosa

Mayor Garcia thanked Commissioner Sosa for her help with the lighting project. He said that it was a coordinated effort based on telephone calls that Council received from residents and business owners that were concerned about the placement of the light poles in the N. W. 36th Street area. He likes the fact that the residents reached out to Council and they called the necessary elected officials.

Easter Egg Hunt

Mayor Garcia said that he attended the Easter Egg Hunt. The City is becoming a popular destination for the holiday celebrations. He has confidence in Staff that they will take appropriate measures to curtail the amount of people that attend. The attendance has a lot to do with the fact that the River Cities Gazette is posted on www.miamiherald.com and it is a matter of proper management and details. His kids had a great time and he credited Programs Supervisor Patti Bradley and Parks and Recreation Director Omar Luna for a good job.

Career Day

Mayor Garcia will be speaking to the students at Springview Elementary School on Wednesday, April 27th. He would like to attend the various Civic Week events if the information is provided to the City Clerk.

Read to the Kids

Mayor Garcia read to the kids from the Kid's Kollege and had a great time at the Library.

13. **Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:32 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved during meeting of: ____

Transcription assistance provided by Suzanne S. Hitaffer.

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

DRAFT



City of Miami Springs, Florida

The Board of Parks and Parkways held a regular meeting on Thursday, April 14, 2011 at 7:00 P.M. in the City Hall Council Chambers.

1. ROLL CALL/CALL TO ORDER

Present were: Eric Richey – Chairman
Jean Ansbaugh – Vice Chairman
Board Member Irene Priess

Absent: Board Member Jorge Filgueira
Board Member Tammy K. Johnston

Also Present: Robert Williams, Public Works Director
Thomas Nash, Parks Maintenance Foreman
Board Liaison Councilwoman Jennifer Ator
Board Secretary Aly Paz

2. APPROVAL OF THE MINUTES

The minutes of the March 10, 2011 regular meeting were approved as written.

The motion to approve was offered by Board member Irene Priess, seconded by Vice Chair Jean Ansbaugh and it was unanimously carried on voice vote.

3. OLD BUSINESS

A. Adopt-A-Park Program

Chairman Richey requested Board member Priess read the excerpt, item 9E, provided from the City Clerk's office from the March 13, 2011 City Council regular meeting regarding the Adopt-A-Park Program.

Chair Richey then asked the board members to look at the copies of two interoffice memos City Manager James Borgmann had provided to the board this evening with more information regarding the Adopt-A-Park Program.

Chair Richey would like to suggest to the board that given the amount of information that was received tonight that this item be tabled for the next Board meeting. Board members could then read through this information City Manager Borgmann has provided and be better able to speak on the topic.

Discussion followed.

Chair Richey stated that the Board members feel it is important enough to do the Board's typically good job of research before making a recommendation to the Council.

Board member Preiss requests the board secretary mail the information to the two absent board members for them to view prior to the May meeting.

Board members agreed to table the item until the May 12, 2001 meeting.

B. Library Grounds

Chair Richey wished to distinguish between the Butterfly Garden and the library grounds. He asked Mr. Williams who was responsible for which.

Public Works Director Robert Williams informed the board that the County had approached him a few weeks ago stating they would like to take care of the library grounds. Mr. Williams suggested to them that the City of Miami Springs maintain the Butterfly Garden.

Chair Richey inquired if the County had informed him of their maintenance schedule.

Mr. Williams stated they had not, but he could contact them to find out.

Chair Richey highly recommends they mow at least weekly, since it is brand new and healthy sod. He also spoke on the problem with the seagrape tree leaves taking over the grounds.

Discussion followed.

Chair Richey requests the minutes to reflect that the Board recommends for Council to please drive by or walk by the library grounds and look at the mess the sea grape tree is making.

Chair Richey would like the minutes to reflect the Board would like to discuss the possible removal of the sea grape or the black olive tree from the library grounds at the next meeting since they would like the input of the absent board members and from Council if possible. This would enable the board to make a determination at the next meeting as to what the Board would recommend to Council.

C. Removal of Pine Trees at Prince Field

Chairman Richey asked Mr. Williams for any update on the removal of the pine trees at Prince Field Park.

Mr. Williams stated the problem with the removal of the trees is money. The City had planned on money from the CITT fund and found out that they could not use that fund for this project. Since they had planned on using the fund money, no money was budgeted in this year's budget for this project. If no money comes available, he assured the Board that money would be budgeted in the upcoming year's budget.

Chair Richey inquired if the replacement of the trees was part of the expense.

Mr. Williams stated that it is part of the plans, but also parking spaces were part of the plan along with smaller trees. Similar to what has been done at the new Community Center.

Chair Richey asked if the City knew if other residents in the area felt as Board member Jorge Filgueira does and is afraid of them falling during a bad storm.

Mr. Williams stated that the consensus is 50/50. Many of the residents want the shade and felt the trees help block out the bright lights from the park at night.

Chair Richey requests this item and the other old business items be kept on the agenda for the May 12, 2011 meeting.

Chair Richey invited Councilwoman Jennifer Ator to approach the podium for her to inform the Board of any updates or input she might have.

Councilwoman Ator stated that the board should advise Council of their recommendations. She also thanked the Board members for the work they do.

4. NEW BUSINESS

A. Palms at Recreation Center

Vice Chair Ansbaugh stated that she was concerned about the palms in front of the Recreation Center. They are turning yellow and she questioned if it was lack of fertilizer or something else.

Mr. Williams requested that Arborist Tom Nash to check out the palms.

B. 36th Street Renovations

Board member Priess spoke on the issue of Council's plans to revitalize NW 36th Street. She would like the Board of Parks and Parkways to be consulted with any plans. She feels any new buildings should have some type of setback.

Chair Richey would like the minutes to reflect that the Board of Parks and Parkways would request to be consulted of any landscaping type business that comes before the Council when they consider their plans for NW 36th Street.

C. Selection of Trees for Planting

Chair Richey would like to re-volunteer, if Public Works would be amiable to it and if they thought we could be of any help in the selection of trees to purchase for planting. He is retired now and would be more than willing to go with Vice Chair Ansbaugh to tag the trees.

Mr. Williams stated that Ms. Ansbaugh has done this in the past and he absolutely would welcome Ms. Ansbaugh or Mr. Richey to accompany either Mr. Nash or himself, or they could go on their own to tag the trees.

Chair Richey inquired when tree planting would be done.

Mr. Williams asked Mr. Nash to respond.

Mr. Nash stated that they recently planted 33 trees and is waiting to hear on the pending grant. When they hear on the grant they can then plan on more planting and it will take three to four months from that time to meet the criteria from the state before they are able to do any planting.

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Secretary to the Board

Approved as _____ during meeting of: _____

Words ~~-stricken through-~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

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REVITALIZATION AND REDEVELOPMENT AD- HOC COMMITTEE

The meeting of the Miami Springs Revitalization and Redevelopment Ad-Hoc Committee was held on Monday, April 18, 2011 in the Council Chambers at City Hall.

1. Call to Order/Roll Call

The meeting was called to order at 7:07 p.m.

Present were: Laz Martinez
 Arturo Rabade
 Wade Smith
 Todd Stiff
 Joe Valencia

Also Present: Councilwoman Jennifer Ator
 City Planner Richard Ventura
 Deputy City Clerk Suzanne Hitaffer

2. Approval of Minutes: March 21, 2011

Committee member Smith moved to approve the minutes as amended. Vice Chair Stiff seconded the motion which carried unanimously on voice vote.

3. Discussion Regarding the Abraham Tract

Chair Martinez felt that it would help the Committee to get the information as soon as it is released from the Consultants so they have a chance to review it and make recommendations to Council before they consider approval. The Abraham Tract was placed on the agenda for discussion and recommendations can be made without the Consultant's approval, but he would like to make recommendations on what they are proposing.

City Planner Ventura stated that he received a draft of the revised land development regulations for the Abraham Tract and the Consultant is proposing to present the ordinance for first reading at the May 9th Council meeting. He reviewed the document that basically breaks out land development regulations for the Abraham Tract from the existing Airport, Highway, Marine Business District (AHMBD). The proposed regulations closely follow the recently adopted regulations for N. W. 36th Street. The only outstanding use that is characteristic to the Abraham Tract as opposed to 36th Street is an allowance of adult uses.

Chair Martinez asked about multi-family use in the Abraham Tract. His guess is that it is not a preferable use for this district, while multi-family is an allowable use on 36th Street as long as it is setback from the front of the building.

Committee member Smith said that he did not understand the purpose of adult usage since the Abraham Tract is almost built-out.

Councilwoman Ator explained that there must be a place in the City that is zoned for adult usage and the Abraham Tract is the preferred District for this use since it cannot be excluded from the entire City.

Committee member Valencia suggested that the uses should be more liberal in the Abraham Tract.

Chair Martinez stated that the Abraham Tract is the area that should allow more uses. He asked to consider if there should be a larger minimum lot size requirement for new construction in order to encourage development.

Committee member Valencia explained that allowing a higher floor area ratio (FAR) is one way to encourage development and it would be appropriate in the Abraham Tract since the area does not seem like it is part of Miami Springs.

City Planner Ventura clarified that the Comprehensive Plan would have to be amended to allow the FAR to be more than 3.0.

Committee member Smith asked about the FAR for the Embassy Suites Hotel as it seems to be the tallest building in the Abraham Tract.

City Planner Ventura stated that he would have to bring back the information for the Embassy Suites.

Committee member Smith mentioned that the Abraham Tract is in the line of the flight path for Miami International Airport.

Committee member Rabade agreed with Mr. Smith that the FAA flight path is a consideration that might affect the height of a building.

Committee member Valencia said that all plans for development over 35-feet in height must be approved by the FAA.

City Planner Ventura explained that the City has a formal agreement with Miami-Dade County Aviation Department and any new site plans for the Abraham Tract would be submitted to their planning department.

Chair Martinez asked to consider ideas for what kind of environment is desired for the Abraham Tract as it is not the same environment that is wanted for N. W. 36th Street or the Airport Golf District. He expressed his disappointment that the Consultant has taken 36th Street zoning and added adult use for the Abraham Tract.

City Planner Ventura explained that the land development regulations for the Abraham Tract closely follow 36th Street. He continued to review the list of proposed permitted uses.

Chair Martinez felt that the Abraham Tract is the prime location to try to “think outside the box” because the concerns are not the same as N. W. 36th Street since it does not abut any residential zoning districts. He would like to be more creative and he suggested a minimum lot size in order to encourage larger scale developments.

Committee member Rabade asked if anyone knew how much acreage is available for development in the Abraham Tract.

Chair Martinez stated that except for the Embassy Suites, there is really no large scale development.

Committee member Smith commented that the parking lot in the Abraham Tract is not generating as much revenue as a 300-room hotel or residential condominiums. He said that the area could be developed similar to Midtown Miami on N. E. 29th Street and 2nd Avenue with shops, a courtyard environment and restaurants.

Committee member Rabade agreed that the proposal for a Midtown would be nice except for the large aircraft that fly over at sixty or seventy feet in the air. He suggested that it would be a good area for something that would accommodate the existing structure, like a small convention center or meeting place because of the close vicinity to the airport and the Miami Intermodal Center.

City Planner Ventura stated that a hotel/convention center would be an ideal development for the Abraham Tract.

Chair Martinez said that he looked at the property cards and there are many individual owners of smaller parcels in the Abraham Tract. He said that the changes that are made will ultimately determine the development in that area and this is one reason he thought about the minimum lot size.

Councilwoman Ator explained the problem with the minimum lot size is that many property owners get together in an attempt to develop the land and it can cause the cost of the land to double; this has happened in the City before. She also questioned the legality of restricting the lot size for development.

Chair Martinez said that projects will require multiple lots in order to be developed and it would be good to encourage larger scale development. He said that Miami Beach had a requirement for minimum lot size in the South Point area and eventually it was changed in order to develop the in-fill areas.

Discussion ensued regarding the boundaries of the Abraham Tract and the Park & Fly facility.

Vice Chair Stiff was of the opinion that a minimum size building lot is not a good idea for the Abraham Tract. This would convey the message to certain lot owners that their property is worthless compared to what they thought it was and it essentially forces them to sell to their neighbors. They have the freedom to combine lots now and Council made it clear in the 36th Street boundary regulations that it is viable and they will work with the property owners to combine lots. Including a restriction in the Code for minimum lot size would be telling some lot owners that their lot cannot be built on and this could cause a legal dispute.

To answer Vice Chair Stiff's question, City Planner Ventura clarified that the Abraham Tract currently has a maximum 2.5 FAR and the draft regulations would provide an increase to 3.0 given a bonus situation based on certain amenities being provided by a potential developer. He quoted the following proposed regulation: *"Sites in the Abraham Tract District may have an FAR up to 3.0 only after City Council review and approval. Preliminary approval for proposed developments with an FAR greater than 1.0 shall be given only for specific projects which are determined by the City Council to substantially increase public transit use, decrease private automobile use and"*

Vice Chair Stiff said that the jump from 1.0 to 3.0 is based on bonuses that give an owner the incentive to build to the City's vision and this should not be a concern in the Abraham Tract, especially because it is dominated by the Embassy Suites. He would recommend 2.5 and a couple of bonuses to raise it to 3.0 FAR without incentives.

Discussion ensued regarding the FAR regulations in the Abraham Tract.

City Planner suggested getting feedback from the Miami-Dade County Aviation Department on allowable building height. He offered to send an e-mail the next day advising them that the building height of 120 feet is under review and ask for their feedback.

Chair Martinez agreed that the City should know beforehand what the FAA limitations are.

Committee member Valencia would like to challenge the consultants to be more creative. He said that it is important to foster a special environment in Abraham Tract.

Chair Martinez reiterated that the Abraham Tract should be a special area and to copy the regulations for N. W. 36th Street is disappointing.

José García of 69 South Royal Poinciana Boulevard expressed his frustration about the run down apartments behind the gym that are rat infested with trash all over the place.

Committee member Smith stated that the apartments were being converted to condominiums.

Chair Martinez stated that the property had been for sale and he called the owner a few times. He explained that the Committee could not help and that Mr. Garcia should express his comments to the Code Enforcement Department.

Committee member Smith advised Mr. Garcia to speak to the City Council during Open Forum at their next meeting on Monday, April 25th.

Mr. Valencia stated that he is aware of the condition of the property since he lives across from it on South Drive. He knows that no work has been going on at the site for the past three years.

Further discussion ensued regarding the unsafe condition of the property mentioned by Mr. Garcia.

4. Discussion Regarding the Airport Golf District

The City Planner advised the Committee members that Calvin, Giordano & Associates would be presenting a proposed work order for the Airport Golf District at the April 25th Council meeting. He explained that this is a special district in which the character must be preserved and it would not follow the same template as the other districts.

Chair Martinez stated that the Airport Golf District is a gateway opportunity and he had asked about the possibility of a gateway for Curtiss Parkway. He spoke with Councilman Espino who said that he approached Virginia Gardens Mayor Spencer Deno and they are trying to set up a meeting with the consultants regarding the gateway.

The City Planner said that a gateway on Curtiss Parkway is something that Council might want to consider approaching Virginia Gardens about. He referred to photograph # 3 for a gateway that was included in his presentation materials.

Chair Martinez felt that it is important for the gateway to be seen from 36th Street.

Discussion ensued regarding the various design options and locations for gateways.

Committee member Valencia suggested a design competition for architects to design a gateway.

Chair Martinez informed Councilwoman Ator that the Committee had suggested that architectural schools could participate in “debugging” the District Boundary Regulations.

Committee member Valencia clarified that his suggestion was related to a competition. He said that the architects would pay a fee to enter into the competition, the designs are judged and the winning architect is awarded a contract to provide the drawings. He gave an example of a competition that he entered for the Miami Bridge.

Additional discussion ensued regarding gateway options for the entrances to the City.

Vice Chair Stiff commented that any recommendation for a gateway would be “putting the cart before the horse” as he would not want to welcome people to the Parkway Inn. There is already a monument sign on Curtiss Parkway before the Golf Course where the area is more appealing. He said that coming into the City from Hialeah there is a monument on the Circle and this is also more appealing.

Chair Martinez continued discussing the gateway/monument options for the Airport Golf District.

The City Planner explained that the issue in the Airport Golf District is about protecting the area around golf course and the height limitation is limited to four stories or 55-feet. In the past there was an opportunity to bring in quality development that would have replaced the Parkway Inn.

Discussion ensued regarding the N. W. 36th street light replacement project and possible funding from the County for black decorative poles.

Committee member Smith mentioned that the project is on hold because the ADA requirements do not allow foundations for light poles on N. W. 36th Street since the sidewalk is too narrow. He added that N. W. 36th Street is under the jurisdiction of the Florida Department of Transportation.

Committee member Valencia stated that there are major problems that have to be fixed on 36th Street.

5. Discussion Regarding Information Requested from the City Planner on the Parkway Airport Motel

Vice Chair Stiff asked the City Planner to pull together information for the Parkway Airport Motel as a frame of reference when considering the FAR requirements. He was surprised that the Parkway Inn has an FAR of .74 according to the City Planner’s calculation.

City Planner Ventura stated that the problem with the Parkway Airport Motel has been maintenance and code enforcement. He asked the Police for crime statistics but had not received them; he noted that there are numerous incident reports.

Vice Chair Stiff said that he was aware of problems with the property but he was more interested in the FAR. The property is essentially under-built and this example gives an idea of what the building regulations will achieve. He commented that there are not many attractive properties on that street and the regulations will hopefully make the parcels more valuable to potential developers so that the area can be more appealing with an improved tax base.

City Planner Ventura explained how he arrived at the FAR calculations. He added that the Airport Parkway Inn is deficient in parking since it is an older development.

Discussion ensued regarding a property on North Royal Poinciana Boulevard that has limited parking for the newly opened restaurant establishment.

The City Planner explained that the Central and Neighborhood Zoning District regulations provide that existing parking can be used as long as the building is not added onto.

Chair Martinez noted there are many outstanding violations at the Parkway Airport Motel. He would like to follow up on code compliance issues and determine if the fines had been waived. It does not seem that the building is up to code yet there only three active violations that are basically related to inoperative vehicles.

Committee member Valencia mentioned that there is a requirement for a 40-year certification.

Chair Martinez asked the City Planner to check on the procedure for instituting compliance of the 40-year recertification.

6. Discussion Regarding Information Requested from the City Planner on a Possible Gateway for Miami Springs on Curtiss Parkway

City Planner Ventura stated that the Committee's recommendation is for Council to follow-up on the provision of a gateway at two or more locations into the City, including the cost estimate and a design competition.

Extensive discussion ensued about the Committee's recommendation to ask for assistance from university students to test the code as a semester project and a design competition for the gateways.

Chair Martinez asked Councilwoman Ator to mention the Committee's recommendation at the next Architectural Review Board meeting.

Councilwoman Ator asked Mr. Valencia for more information about the design competition since he had participated in a competition in the past.

Committee member Valencia explained that the architects who enter the competition are provided site information, surveys, photographs, a verbal intent for the project including a budget and deadline for the competition.

Chair Martinez stated that the recommendation to utilize university students was included in the minutes of the last meeting, it was not addressed and perhaps it is something that the Architectural Review Board could discuss.

Further discussion ensued regarding the Committee's recommendation to utilize university students.

Committee member Valencia suggested that if Juan Calvo is still teaching at the university he could bring up the idea for an urban design student to take on the study of the Code as a semester project. He explained that the design competition for the gateways is a separate recommendation from testing the Code.

Vice Chair Stiff was of the opinion that the gateways are at the bottom of the list of priorities for consultants. The Consultants are setting up the district regulations for building codes and hopefully the "bugs" in the new Code will be found before the developers come to the City. He explained that he sits on a board with a lawyer who teaches a class at Florida International University and he often brings his students to those County meetings. He proposed this idea to the lawyer because he thought it would be a good exercise for one of his classes to look at the new Code.

Chair Martinez asked Councilwoman Ator to mention the Board's recommendation at the next Council meeting and direct the Administration to look into the proposal for the university students to review the district boundary regulations. He said that the students' renderings would show what could be done and it would serve more than one purpose.

Chair Martinez reiterated his recommendation for the Architectural Review Board to be involved in the process.

Vice Chair Stiff stated that the mission should be for someone to come up with a design that is legally approved, but will not be what the Council wants, understanding the intent of the new code and forcing the city to approve something they do not want.

Councilwoman Ator explained that Council had spent hours working through the N. W. 36th Street district boundary regulations.

Chairman Martinez reported that there was an annexation meeting on April 13th that he could not attend, but his understanding is that the annexation application has been tabled until the new County Administration is in place.

Discussion ensued regarding various issues related to the annexation application.

Chair Martinez announced that he would like the agenda for the May 16th Revitalization and Redevelopment Ad-Hoc Committee meeting to include an item for discussion on the shuttle bus route since he has heard it is not being utilized properly and it does not bring people to places in the City where they need to be. He felt that the Committee could make recommendations related to revitalization and bringing people from the hotels into the area.

Chair Martinez explained that the shuttle is paid for with transportation related funding and he is not sure what limitations there are for altering the route.

Chair Martinez added that the next agenda should also include an item to discuss the Abraham Tract.

Committee member Smith stated that he would like to see an artist's rendering of what 36th Street and the Abraham Tract would conceptually look like.

Committee member Rabade asked how difficult it would be to prepare a model for 36th Street.

Committee member Valencia explained that a virtual model would be very expensive since it is time consuming and it could be another project for the university students.

7. **Adjourn**

The meeting was duly adjourned at 9:18 p.m.

Suzanne Hitaffer
Clerk of the Board

Approved as _____ on _____

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CITY OF MIAMI SPRINGS, FLORIDA

The **Miami Springs Education Advisory Board** met at 6:30 p.m., on Tuesday, April 19, 2011 in the City Hall Council Chambers.

The meeting was called to order at 6:31 p.m.

1) Call to Order/Roll Call

The following were present: Chair Mindy McNichols
Rob Gordon (*arrived at 6:37 p.m.)
Libby Manning
John Salomon

Also Present: Deputy City Clerk Suzanne Hitaffer

2) Approval of Minutes: Wednesday, March 23, 2011 Regular Meeting

Minutes of the Wednesday, March 23, 2011 meeting were approved as written.

Board member Manning moved to approve and Board member Salomon seconded the motion, which carried unanimously on voice vote.

3) School Reports:

Chair McNichols thanked all the school principals for attending. She said that the purpose of establishing the Education Advisory Board was to have more collaboration and a better relationship with the School District.

Principal Maria Mason of Miami Springs Middle School stated that the Science FCAT for the eighth graders was completed today with 99.8% of students tested. She also reported on student articulation, end of course (EOC) exams, and the 2011-2012 schedule.

*Rob Gordon arrived at this time.

Principal Mason announced that Experience Aviation is making a presentation at the school media center on Thursday, April 28th at 7:00 p.m. She also reported on various school activities, including the Minor Mentalist Club's trip to Busch Gardens, honor roll students' visit to Chuck E. Cheese, the Cultural Passport drama show, May 11th community blood drive, May 12th Math Night, Grad Venture at Universal Studios, May 19th keyboard and orchestra show, Teacher Appreciation Week May 2-6th and Administrative Assistant Week.

Principal Mason also reported on various P.T.S.A. activities and fundraisers, plans for Civics Week and the school beautification project.

Chair McNichols stated that the Education Advisory Board needed to discuss the Board's goals for next year and she asked if the school principals would share their goals for the upcoming school year at the next meeting. She explained that in previous years a "wish list" for each of the schools was prepared and the Education Advisory Board was able to assist with special needs or projects. She said that the Region or District officials should be advised and possibly the Education Advisory Board could assist.

Principal Mason said that P.T.S.A. President Susan Baan does a fabulous job and their main goal is to get shade for the school patio.

Miami Springs Elementary School Principal Sally Hutchings reported on student awards and achievements in art and writing. FAIR testing has begun, the portfolios for 3rd grade are in progress and the 5th grade science testing will be finished tomorrow. The school gained three more students since last month.

Principal Hutchings announced various activities including Chuck E. Cheese night, Radio Disney, 5th grade articulation, Treat's honor roll lunch, 4th grade trip to St. Augustine, kindergarten trip to Butterfly World, the Arts and Partnership with Amigos for Kids performances, and field days. The 5th grade will travel to Washington, D.C., Islands of Adventure and American Airlines. Kindergarten students began a school clean-up, the P.T.A. will hold a mega-party to celebrate the completion of the FCAT and SAT, a luncheon will be held for Secretary and Staff Appreciation Week, followed by a Spring Dance. Parent meetings will be held for the parents of the kids that will participate in the Washington D.C. and St. Augustine trips.

Principal Hutchings reported that Civics Week began with a campaign by those students who are running for office with speeches and an official debate followed by the official election. The students will tour the historic sites in the City and the Police and Fire Departments, City Hall, the Community Center and the Historical Museum. There will also be an Arbor Day planting.

Principal Mayte Dovale of Springview Elementary School reported on the Science Teacher of the Year for 2010-2011 that was awarded to 4th grade teacher Ms. Duque who received a grant from Fairchild Gardens for her Learning Garden project.

Principal Dovale announced that FCAT testing will conclude with the 5th grade science testing; attendance has ranged between 99.2 to 99.6%; 1st and 2nd grade SAT testing is finished; grades K-2 FAIR assessments are complete and 3rd, 4th, and 5th grade testing is pending. Activities include an FCAT "Chill Out" Day on April 29th, 4th grade trip to the Museum of Miami, and Earth Day events.

Principal Dovale announced that Civics Week activities include Career Day with many guest speakers and students will tour the City's historical sites. The Math Bowl is scheduled for May 7th and three students will participate in the oratorical competition on May 3rd. Other activities include the Book Fair on May 17th, Mother's Day Breakfast and the 5th grade field trip to Animal Kingdom.

Miami Springs Senior High School Principal Thomas Ennis reported that Miami-Dade County Public Schools has been offered a technology grant and the majority of public schools participate. The grant application is initiated at the District level and the funds are awarded and disbursed to the schools. This particular grant is for computers that are given to those schools that can tie the use to student achievement. Springview Elementary will receive 82 computers; Miami Springs Elementary will get 26; Miami Springs Middle will receive 120 and Miami Springs Senior will get 237 in the fall.

Further discussion ensued regarding the High School's use of the computers, proposed requirements for virtual school classes and computer based testing.

Principal Ennis reported on student activities, including softball, baseball, track semi-finals, Thespian Golden Players annual frolics, and the Medical Hawks Autism Team's trip to California. He reported that the Mu Alpha Theta Math Club placed 12th out of 56 schools at the State competition in Orlando, winning 32 trophies and awards.

Principal Ennis announced that attendance for FCAT testing for grade nine reading was 99%, grade ten reading 99%, grade eleven science 98.2% and grade ten science 99.6%. The school placed second out of thirty-four high schools for attendance. FAIR placement testing for reading will begin; the end of course Biology field test will occur the first week of May and end of course Algebra I the second week of May, as well as advanced placement and final exams.

Further discussion ensued regarding the requirements for computer based testing and monitoring and Civics Week activities.

Board member Gordon mentioned that the Board had discussed articulation at their last meeting and the understanding is that parents do not have enough information to help their students make decisions.

Board member Gordon suggested one way to circulate information is on-line, which he understands has been set up with the course descriptions. The second is having the materials available at the Middle School and thirdly, an open house to enhance communication.

Principal Ennis said that next year he would try to do a connect-ed message from the Middle School saying that Miami Springs Senior High School will be conducting articulation with the 8th graders and he would discuss this component with Principal Mason. He also suggested the possibility of holding an open meeting at the high school next year before articulation.

Principal Ennis reported that the National Academy Foundation awarded the school one of seven awards in the United States for Hospitality and Tourism.

Chair McNichols asked Principal Ennis to coordinate with the P.T.A. and prepare a “wish list” for the next meeting. She mentioned that she would like the Education Advisory Board to work toward increasing business involvement with schools for funding and other resources like internships. Some of the larger businesses could be involved and Council is very interested in the revitalization of 36th Street.

Principal Ennis explained that there is a need for more volunteer help, especially in the media center.

Board member Manning mentioned that more companies might get involved now that the High School has the STM Academy.

Board member Gordon talked to a number of aviation companies that might be interested in engineering related opportunities.

4) PTA/PTSA Reports

The school principals covered their respective P.T.A. reports under School Reports.

5) Business/Reports:

a. Civics Week

Chair McNichols thanked Board member Salomon for his work in planning Civics Weeks. She is thrilled since the Board had been discussing the event for almost two years and she would like the River Cities Gazette to publish the information.

Board member Salomon offered to contact the River Cities Gazette and Board member Manning mentioned that after Civics Week is over it would be a good follow-up story.

Chair McNichols felt that the Learning Garden and the Fairchild Grant would also be an interesting news story.

b. Youth Advisory Council

Board member Manning announced that she would meet with City Manager Borgmann on Wednesday, April 20th to discuss the establishment of a Youth Advisory Council.

c. Enhanced Academic Committee

Board member Gordon announced that he worked to coordinate the articulation issues that are related to marketing the High School to the Middle School. The students were open to receiving information and they were not getting that communication from the High School. He said that the process will hopefully improve next year, although some action may be taken this year.

Board member Manning stated that the information is on the website and more papers were sent to the Middle School. She said that it is hard to fix at this point, but hopefully the articulation process will be better next year.

Discussion ensued regarding articulation and how other schools handle the process.

Board member Gordon reported that the High School will hold a Senior Awards Ceremony on Thursday, April 28th at 6:30 p.m. in the auditorium and he has been working with the school administration to implement the Junior College Book awards that will be held on May 25th at 8:00 a.m. Participating colleges include Princeton, Dartmouth, Harvard, the University of Virginia and University of Pennsylvania.

Chair McNichols reiterated her goal for more business involvement with the schools. She said that the District has created the Foundation for Education Initiative and they can receive large donations that are tax deductible.

Board member Gordon asked Chair McNichols to provide the information for the Foundation for Education Initiative to the Board members since it is a community foundation for education.

Board member Manning complimented Mr. Gordon for his work on the Academic Enhancement Committee. She said that she would like more involvement from the science teachers since there is a move toward the Science, Technology and Math (STM) Academy and there are no sponsors for the Southeastern Consortium for Minorities in Engineering (SECME) Club. The kids are interested, they are being offered a forensic class and the eleventh graders are encouraged to take science.

Discussion ensued regarding teacher sponsors for Anchor and Odyssey of the Mind.

d. Legislative Issues

Board member Manning commented that teacher's pay will be tied to student performance and it is going to be unfair based on the possibility of invalid computer test results.

Chair McNichols heard that the Florida Education Association may file a lawsuit in regard to the legislation.

Chair McNichols reported that there is legislation supporting the designation of Charter Schools as high performing schools and they receive a certification from the Commissioner of Education if they are designated an "A" or "B" school in the last three years and they do not have to meet adequate yearly progress (AYP).

Chair McNichols added that there is legislation related to high performing districts that must have an "A" to qualify, while a Charter School is allowed a "B" and they are run by private management companies and will receive an automatic 15-year contract, and enrollment increases without having to go before the School Board. She added that the legislation is being pushed by the Jeb Bush Foundation and it would create two classes of charter schools, while there is no parallel certification for traditional schools.

Another proposed bill would impose a new governing board structure on the School Board, according to Chair McNichols. Currently there are nine single-member districts and the School Board elects a Chair and Vice Chair that serve for one year. The bill is proposing seven single-member districts and two at-large that are elected from the entire county for the positions of Chair and Vice Chair. She was of the opinion that the legislation would cause a lot of havoc and disruption in the community.

e. EAB Goals for Next Year

Chair McNichols asked the Board members to think about Education Advisory Board goals for the May meeting. She announced that the Board would not meet in June, July or August.

Board member Salomon said that the Village of Pinecrest has a program called "Smarty Dogs for Smart Boards" that involves artists who complete an application process for painting fiberglass animals. The animals are auctioned off and the funds go toward the purchase of the smart boards for every classroom. He is currently working on a dog that that will be displayed in the Pinecrest Village Hall.

Board member Salomon explained that he has the contact information and suggested that Miami Springs could have a similar program that all schools could share in for something they need. He will invite the representative to the May Education Advisory Board meeting.

6) **Other Business**

Board member Manning encouraged Chair McNichols to continue serving on the Education Advisory Board.

Chair McNichols stated that Mayor Garcia is reviewing all his board appointments and she received a letter asking her to respond with her desire to continue serving, along with her qualifications.

Ecology Board member Carl Malek of 172 Curtiss Parkway stated that he is a member of the Springs River Festival Committee and has conducted a clean up along the streets prior to the festival. He spoke with Ana Ferrer at the Middle School who suggested that the Ecology Board could work with the Education Advisory Board to conduct a clean-up once a month in different areas of the City with the schools and clubs participating.

Chair McNichols said that Mr. Malek could advise the Ecology Board that the Education Advisory Board is interested in supporting such an effort. She suggested placing the project on the list of goals for the next school year.

Board member Manning suggested contacting the Anchor Club or Mu Alpha Theta Math Club members who might be able to initiate the first clean-up.

Mr. Malek advised the Chair that he can be reached at 305.888.6281 or on his cell phone at 305.384.5569.

7) **Adjourn**

There was no further business to discuss and the meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Suzanne Hitaffer
Clerk of the Board

Approved as written/amended at meeting of:

The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council.

DRAFT



CITY OF MIAMI SPRINGS, FLORIDA

The **Miami Springs Historic Preservation Board** met at 7:00 p.m., on Thursday, April 21, 2011 in the City Hall Council Chambers.

The meeting was called to order at 7:02 p.m.

1) Call to Order/Roll Call

The following were present: Chair Mary Ann Goodlett-Taylor
Vice Chair Sydney Garton
Charles M. Hill
Yvonne Shonberger

Absent: Michael Windrem

Also Present: Clerical Assistant Lina Bryon

2) Approval of Minutes: February 17, 2011 Regular Meeting

Minutes of the February 17, 2011 meeting were approved **as amended**.

Board member Shonberger moved to approve the minutes as amended and Board member Hill seconded the motion, which carried 4-0 on voice vote.

3) Old Business

Chair Goodlett-Taylor asked the Board members if they had any news about the Golf Designation plaques.

Vice Chair Garton stated that she would like the minutes to reflect that the Historic Preservation Board members were inquiring about the status of the Golf Course designation plaques. She said that this is very important.

Board member Shonberger recalled that the recommendation of the Board was one plaque for the building and the other on the first hole.

4) New Business:

A. Pioneer Resident Nomination: James G. Caudle

Vice Chair Garton stated that James G. Caudle did a fine job completing his Pioneer Resident Profile form and also sent photographs. She said that one photograph was taken in 1952, when he was the Player of the Week for his baseball tryout and was given the second base position.

Vice Chair Garton moved to accept the Pioneer History Profile from James Caudle and Board member Shonberger seconded the motion which was approved 4-0 by voice vote.

The Board members agreed to submit this nomination to the City Council for consideration at their Regular Meeting of May 9, 2011.

B. Curb Appeal

Board member Hill did not have any new nominations for Curb Appeal. He inquired if the letters had been sent to the addresses on Pocatella Street, as discussed at the last meeting.

Chair Goodlett-Taylor explained that she normally signs the letters when they are ready.

Vice Chair Garton asked the Board Secretary to check with the Deputy City Clerk to see if the Curb Appeal letters were prepared and mailed.

5) Reports/Requests:

a. Council Liaison

Discussion ensued regarding the Council Liaison appointment to the Historic Preservation Board.

Vice Chair Garton said that Councilman Espino was the Liaison before the election.

b. Board members

Board member Shonberger reported that Miami Springs Elementary and Miami Springs Middle school students are going to the Miami Springs Historical Museum for Civics Week.

Chair Goodlett-Taylor explained that the children will visit the museum next week on Tuesday, April 26th and Wednesday, April 27th.

Vice Chair Garton added that the schools are having "Career Day" and "Bring Your Child to Work Day." She said that members of the Rotary Club are participating in "Career Day."

6) Adjourn

There was no further business to discuss and the meeting adjourned at 7:18 p.m.

Respectfully Submitted,

Suzanne Hitaffer
Clerk of the Board

Approved as written at meeting of:

The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council.



DRAFT

CITY OF MIAMI SPRINGS, FLORIDA

The **Ecology Board** met in Regular Session at 7:00 p.m., on Tuesday, April 26, 2011 in the Council Chambers at City Hall.

1. ROLL CALL/CALL TO ORDER

Present were: Chairman Martin Crossland
 Vice Chair Wendy Anderson-Booher
 Board Member Ann Trina Aguila
 Board Member Carl Malek

Absent: Board Member Dr. Mara Zapata

Also present: Board Secretary Aly Paz

2. APPROVAL OF MINUTES

The minutes of the March 22, 2011 regular meeting were approved as written.

The motion to approve the minutes was offered by Vice Chair Wendy Anderson-Booher, seconded by Board member Carl Malek and it was unanimously carried on voice vote.

3. OLD BUSINESS

A. Visit to Waste Management Recycle Plant

Chair Martin Crossland spoke about his visit to the Waste Management recycling plant in Pembroke Pines, which he found extremely interesting.

Discussion followed.

Chair Crossland will pass on the contact information in case other board members would like to also tour the facility. He has already passed on the information to the Elderly Services Director Karen Rosson so she may contact Waste Management Recycling Division to do a presentation at the Senior Center.

B. Commercial Recycling Memo

Board members have still not received any feedback from Council members regarding the suggested commercial recycling memo created by Board member Dr. Mara Zapata.

Discussion followed. Board members again agreed to try to contact their respective Council members for direction regarding this memo and report back at next month's meeting.

C. Trash containers

Board member Zapata was not in attendance and therefore no report was presented. Item will remain on the agenda until she is able to give her report.

Vice Chair Anderson-Booher explained why Board member Zapata was going to do the trash container count and the Boards concerns with no recycling containers being available through out the City.

D. Recycling at City Events

Vice Chair Anderson-Booher spoke on recycling at events held in the City of Miami Springs. She mentioned containers had been available at the recent events and unfortunately they were not being used correctly. The Eco Hawks and Anchor Club were very active at the Springs River Festival in collecting recycling items. They would go through the trash containers and remove any items that could be recycled and took the trash out of the recycle containers provided.

Discussion followed.

Board members felt having special containers just for recycling would help. There are specific recycle containers that have a different opening, making it more difficult to put regular trash in them. Board members agreed they would try to contact there respective Council person to get their input about inquiring into any grant money that might be available to purchase special recycle bins.

E. Sunshine Law Video

Board members would like to view the Sunshine Law Video now that they have a full board at the next Board meeting. Due to board members being out of town in May, the next board meeting will be on June 28.

4. NEW BUSINESS

A. Recycling Items in Swales

Board member Ann Trina Aguila lives near the clay pit by Miami Springs Senior High School and notices recycling and trash on the swales in this area. She wondered if the Eco Hawks or the Anchor Club would be able to pick up the recycling in the area as part of the community services students need to do.

Discussion followed.

The Board members agreed to contact their respective council members about this issue also.

B. Trash Containers on Curtiss Parkway Walk Path

Board member Malek questioned if there was any way the trash containers along the walk way could not be moved closer to the benches making it more convenient to use them.

Discussion followed.

5. ADJOURNMENT

There was no further business to be discussed and the meeting was adjourned at 8:02 p.m.

Respectfully Submitted,

Aly Paz
Board Secretary

Attachments

Approved as _____ during meeting of: _____

“The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council”.



CANCELLATION NOTICE

CODE REVIEW BOARD

Due to the fact that the City Council has not directed the Code Review Board to review any ordinances this month, the regular meeting of Thursday, April 28, 2011 has been canceled in advance.

Magali Valls

Magali Valls, CMC
City Clerk

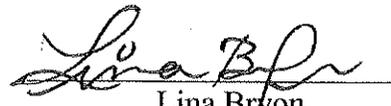
cc: Mayor and Council
City Manager
Assistant City Manager
City Attorney
Code Review Board Members and Secretary
Post



Zoning and Planning Board

Cancellation Notice

The Zoning and Planning Board meeting of Monday, May 2, 2011 has been canceled in advance.


Lina Bryon
Board Secretary

cc: City Council
City Manager
City Attorney
City Planner
City Clerk
Zoning and Planning Board Members
Post

DRAFT



CITY OF MIAMI SPRINGS, FLORIDA

The **Miami Springs Memorial Committee** met at 6:00 p.m. on Monday, May 2, 2011 in the City Hall Council Chambers.

The meeting was called to order at 6:11 p.m.

1) Call to Order/Roll Call

The following were present: Chair Eric Richey
Manuel Pérez-Vichot
Pastor Van Lahmeyer

Absent: John Shapiro
Mary Ann Goodlett-Taylor

Also Present: City Attorney Jan K. Seiden
Secretary to the Board Lina Bryon

2) Approval of Minutes: April 4, 2011 Regular Meeting

Approval of the Minutes of the April 4, 2011 meeting was **tabled**.

3) Old Business:

a. Selection of a Vice Chairman

Committee member Pérez-Vichot moved to nominate John Shapiro for the position of Vice Chairman. Pastor Van Lahmeyer seconded the motion and it carried 3-0 on voice vote.

b. **Consideration of a Memorial for Police Officer Amanda Haworth**

Chairman Richey stated that at the last meeting the nomination for Amanda Haworth was considered based on the number of criteria that qualified her for a memorial. Committee member Pérez-Vichot suggested that consideration could be given to a memorial specifically for fallen officers of the law and firefighters in Miami Springs or residents who lost children or relatives.

Chairman Richey explained that the Committee members agreed to look at the Stafford Park site, although Mr. Shapiro noted that the School Board owns the property. Mr. Richey said that if the School Board decided to change the use of the property he doubts that they would move a memorial of the City. He suggested attaching the memorial to an existing structure.

Committee member Pérez-Vichot stated that there are two or more memorials on Curtiss Parkway. One is for prominent citizens who contributed to the City and another honors those who gave their life for their Country. There is a third memorial that is specifically for the Marines and contains the name of George Geiger who served in World War I.

Committee member Pérez-Vichot thought that a location could be selected that already has an established memorial structure in order to avoid creating a new one. He noted that there is a memorial for Officer Stafford in front of the Police Department. The memorial closer to the Circle honors those who gave their life for the Country and it would seem to be appropriate.

Chair Richey was of the opinion that the intent of the Circle memorial is for people who fought in wars and died in military action. He asked how Mr. Pérez-Vichot felt about Stafford Park.

Committee member Pérez-Vichot commented that there are no plaques at Stafford Park; it only has a sign identifying the park and Prince Field does not have anything either. That is why he was thinking of a location that already has a memorial monument.

Further discussion ensued regarding the existing war memorial on Curtiss Parkway and other memorials throughout the City.

Miami-Dade County Police Sergeant Lynn Brooks of 520 Falcon Avenue stated that the smaller memorials throughout the City honor past elected officials.

To answer Pastor Lahmeyer's question, Chairman Richey explained that Amanda Haworth was a Miami-Dade County Police Officer who died in the line of duty a few months ago and her parents are residents of Miami Springs.

Sergeant Brooks explained that Amanda attended Grace Lutheran Church and participated in the church softball league with her father. Her son was confirmed at the church and he was involved with the Little League.

Sergeant Brooks stated that Officer Haworth loved animals and baseball and that is why she was thinking of a memorial by the Dog Park and the baseball field. She also thought of placing a sign on the fence at the softball field or across from the Community Center as opposed to a structure.

Chairman Richey said that he preferred the Stafford Park site since it is already related to an established Police Officer death. The Committee could recommend that site to Council and perhaps something specific on that site.

City Attorney Seiden explained that the field at the University of Miami is named in honor of benefactors and it is called Alex Rodriguez Field at Mark Light Stadium. He asked how many fields are contained in Stafford Park

Pastor Lahmeyer replied that there are two softball diamonds and they also play soccer.

City Attorney Seiden said that the recommendation could be for Council to select an area at Stafford Park and one of the softball fields could be named "Amanda Haworth Softball Field at Stafford Park" with a plaque or sign to commemorate that field.

The City Attorney suggested a motion could be made to recommend that a memorial be established at Stafford Park, based upon the fact that it is already an acknowledged location for a fallen officer. To be more specific, one of the softball fields could be named for Officer Haworth.

Pastor Lahmeyer approved the City Attorney's suggestion. He said that Amanda's father Bob Haworth has been very involved with sports and softball all his life.

Committee member Pérez-Vichot moved to recommend that Stafford Park should be used to establish some type of memorial or recognition for Officer Haworth either: 1) a separate memorial or, 2) the dedication of one of the softball fields in her memory. Pastor Lahmeyer seconded the motion, which carried 3-0 on voice vote.

Sergeant Brooks explained that if there is a memorial in honor of Officer Haworth some people would be interested in giving donations.

City Attorney Seiden stated that donations could be given to the family and the City would probably provide the funding for a memorial plaque or monument.

4) Establish Date for Next Board Meeting, if Necessary

Chair Richey explained that there is no need to establish a date for the next meeting.

5) **Adjourn**

There was no further business to discuss and the meeting adjourned at 6:26 p.m.

Respectfully Submitted,

Suzanne Hitaffer
Clerk of the Board

Approved as written at meeting of:

The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council.



**CITY OF MIAMI SPRINGS
FLORIDA**

**CANCELLATION NOTICE
CODE ENFORCEMENT BOARD**

The regular meeting of the Code Enforcement Board scheduled for Tuesday, May 3, 2011 has been canceled in advance due to no cases to be heard.

Tex Ziadie

Tex Ziadie
Building and Code Compliance Department Supervisor
Code Compliance Officer

cc: City Council
City Manager
Code Enforcement Board Members by E-Mail
Post



City of Miami Springs, Florida

Architectural Review Board

CANCELLATION NOTICE

The Architectural Review Board meeting of May 4, 2011 has been canceled in advance.

A handwritten signature in cursive script, appearing to read "Lina Bryon", is written over a horizontal line.

Lina Bryon
Board Secretary

cc: City Council
City Manager
Assistant City Manager
City Attorney
City Clerk
City Planner
Architectural Review Board Members
Post



CITY OF MIAMI SPRINGS, FLORIDA

The **Board of Adjustment** met in Regular Session at 7:00 p.m., on Monday, May 2, 2011 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at: 7:02 p.m.

The following were present:

Chairman Manuel Pérez-Vichot
Vice Chairman Francisco Fernández
Kevin Berounsky
Ariana Fajardo *
Alternate Bill Tallman

Absent: Ernie Aloma

Also present: City Attorney Jan K. Seiden
City Planner Richard E. Ventura
Board Secretary Lina Bryon

(*Board member Fajardo arrived at 7:10 p.m.)

2) Approval of Minutes

Minutes of the April 4, 2011 meeting were approved **as amended** upon motion by Vice Chair Fernández seconded by Board member Berounsky and carried **4-0** by voice vote.

3) **Old Business**

- A) **Case # 10-V-11**
Jorge and Ana Fernández
565 East Drive
Zoning: R-1C, Single-Family Residential
Lot Size: 70' x 126.65'

Applicants are requesting a variance from Code Section 150-043 R-1C district (C) *Building site area required*: To construct an addition to their home on an undersize lot.

Note: This case was tabled at the April 4, 2011 Board of Adjustment.

City Planner Ventura stated that Code Section 150-043 (C) requires a minimum average lot width of 75 feet; in the present case the lot is 70 feet. He explained that the home meets the Code requirements at the front, back and south side yard setbacks, but pointed out that there is an existing encroachment in the north side yard and a detached structure in the southeast back corner of the lot which encroaches on the south side yard setback.

City Planner Ventura said that there is a shed toward the northeast back corner that encroaches on the rear yard setback. He noted that a search of the on-line records for the Building Department did not produce permits for either the existing detached structure or the shed.

The City Planner further explained that the proposal is to construct an open terrace to the rear of the home. If constructed as proposed, only the rear yard setback would change, at 51 feet, within code requirements and the resulting area would be approximately 13 percent, again within code requirements.

Staff therefore recommends approval for this proposed installation of a covered terrace at 565 East Drive.

Chairman Pérez-Vichot said that the applicants would have to sign a covenant with the City.

City Attorney Seiden explained that the covenant says that the terrace will remain as an open space and will never be enclosed or screened.

The applicants agreed.

Chairman Pérez-Vichot asked if there was any correspondence received regarding the proposed variance.

City Planner Ventura responded that the 29 courtesy notices did not generate any response.

Chairman Pérez-Vichot asked for comments from the Board or the audience.

Vice Chair Fernández moved to approve the requested variance of constructing an open terrace with the condition that the applicants sign a covenant with the City that it will remain as an open space. Board member Tallman seconded the motion and it was unanimously carried by voice vote.

City Attorney Seiden reminded the Applicant of the ten-day appeal period and explained that this Board makes only recommendations.

City Planner Ventura asked the applicants to go the Building Department one week after this Friday for the signing of the covenant.

4) New Business:

- A) Case # 12-V-11**
Kristine and Remberto Morejón
661 Plover Avenue
Zoning: R-1B, Single-Family Residential
Lot Size: 75 ft. x 135 ft.

Applicants are seeking a variance from Code Section 150-017 Recreational Vehicles (B) *Parking and storage*: To store a boat in the side yard of their property.

City Planner Ventura read the applicant's statement:

"I have a boat that measures 25 ft. and with the trailer measures 29 ft. Please grant me the right of having my boat next to my house, being that I can't put it behind my house."

City Planner Ventura stated that Code Section 150-017 (B) (3) requires "...If the recreational vehicle cannot be parked or stored in an enclosed structure or in the rear yard because of an obstruction which cannot be removed so as to permit parking of the vehicle...the property owner must apply for a variance to permit the recreational vehicle to be parked or stored ... in the side yard...not closer than three feet from any property line."

City Planner Ventura explained that the boat at 661 Plover Avenue is being maintained in the west side yard as indicated in the first case photo. The boat is 29 feet in length and 8 feet in width with a height of 10 feet. He noted that second and third case photos show that the boat is of such width that it could not simply be backed up into the rear yard given the obstructions, including the trees, shown along the inside of the west side yard fence.

The City Planner further explained that the case photo number four indicates sufficient room in the back yard to re-place the boat there, and with the home being the second house in from the west of the block, a rolling gate should be installed along the back yard fence for access from the back alley.

The only other alternative that Staff could recommend is that the boat be removed from the property entirely, as it is too high to be screened by an elongated wood fence and gate.

Remberto Morejón, from 661 Plover Avenue said that the boat looks bigger than it really is, because of the canopy. He explained that he keeps the boat at the side of the house because if he pushes the boat to the back he will have to cut several trees.

Chairman Pérez-Vichot asked if there was any correspondence received regarding the proposed variance.

City Planner Ventura responded that the 27 courtesy notices generated no response.

City Attorney Seiden said that sometimes it is difficult to apply the ordinances, because each property is different and what is big for one is not that big for another, and that is the reason the Code has general rules; and in some cases the applicant should come and get a variance and let the Board members make a judgment based on the facts.

Chairman Pérez-Vichot noted that he will like to see the boat without the canopy.

Board member Fajardo asked if the boat has a t-top and the applicant said that it has a canopy.

The applicant recognized that he put so much money into the boat and asked the Board members to work with him on this request.

Chairman Pérez-Vichot recognized that the boat could not be pushed back more than where it is.

City Attorney Seiden asked to whom belongs the wooden fence.

Mr. Morejón answered that it should belong to his house.

Chairman Pérez-Vichot replied that the survey does not show any fence in his yard.

City Planner Ventura said that the survey was updated.

Chairman Pérez-Vichot stated that it should have explanatory notes.

Board member Fajardo asked about the neighbor's opinion on the boat.

Kristine Morejón, from 661 Plover Avenue, replied that if nobody answered anything in the courtesy notices it is because nobody has a problem with their boat.

The applicant commented that nobody said anything about the boat.

Board member Fajardo advised the applicant that the boat is really big and if they could buy that kind of boat they should be able to find a place to park it. She said that at least they will be able to remove the canopy of the boat and she remembered a case in which the owners had to remove the t-top of the boat.

Vice Chair Fernández said that looking at the wind shield and the canopy goes above the flat roof on the back.

The applicant said that he will remove the canopy if he is asked to do it.

Vice Chair Fernández noted that the boat is too big for that property even if the owner takes off the canopy.

Vice Chair Fernández moved to deny the requested variance. Board member Fajardo seconded the motion and it was unanimously carried by roll call vote.

City Attorney Seiden said that the owner has two alternatives: Appeal to the City Council, or experiment with a rolling gate as the City Planner suggested, even though the house will lose some trees.

Chairman Pérez-Vichot said that the owner has some options if he decided to appeal to the City Council, including taking a picture of the boat without the canopy.

Ms. Morejón explained that she has seen boats in the City at the side of the houses without a fence or anything; big boats full of mold.

Board member Fajardo asked the applicant to report those cases.

City Attorney Seiden explained that cases like that come before the Board of Adjustment when somebody reports them. He affirmed that this Board has been always very consistent in their recommendations to the Council.

Board member Fajardo reiterated that the applicants can make an appeal.

Chairman Pérez-Vichot clarified that this Board makes only recommendations and the Council is the body that denies or approves the variances.

The applicant asked if he can place the boat in the back yard if the Council denies the appeal.

Board member Fajardo said that they can put the boat at the back of the house or remove it from the property.

To answer the applicant's question, the City Attorney responded that the appeal process could take around a month.

City Planner Ventura asked the applicants to contact him tomorrow if they are going to appeal and to prepare a special letter that goes with that process.

The applicant asked if they can put the boat in the back of the house if everything else fails.

Board member Fajardo answered affirmatively.

The applicant asked if he decided to place the boat at the back of the house if he can cut several trees.

The Chairman said that they need a permit for tree removal.

**B) Case # 14-V-11
Alexis Nieto and Clara Alvarez
1061 Plover Avenue
Zoning: R-1C, Single-Family Residential
Lot Size: 75 ft. x 127 ft.**

Applicants are seeking a variance from Code Section 150-017 Recreational vehicles (B) *Parking and storage*: To store a boat in the side yard of their property.

City Planner Ventura stated that Code Section 150-017 (B) (3) requires "...If the recreational vehicle cannot be parked or stored in an enclosed structure or in the rear yard because of an obstruction which cannot be removed so as to permit parking of the vehicle...the property owner must apply for a variance to permit the recreational vehicle to be parked or stored ... in the side yard...not closer than three feet from any property line."

City Planner Ventura explained that the boat at 1061 Plover Avenue is parked in the east side yard along with what appears to be two jet-skis and one all-terrain vehicle (ATV) in front of the boat at the time that case photo number two, was taken. The boat is directly underneath a canopy, but a search of the Building Department's file did not produce a permit for the canopy.

The City Planner noted that both, the case survey and the case photo number four, indicate that there is sufficient room in the far east side of the back yard to simply back up not only the boat, but the ATV and the two jet skis past the back wall of the home.

The canopy, which cannot remain in the side yard, can be moved to cover the boat at its new location but it must meet rear and side yard setback requirements.

Therefore Staff recommends denial of this variance request to maintain not only the boat but the jet skis and the ATV [which Staff has concluded fall under the definition of *Recreational vehicles* per Sec. 150-017 (A) (1)] in the forward east side yard of 1061 Plover Avenue.

Chairman Pérez-Vichot said that the canopy and the boat are two different issues and this requested variance is only for the boat.

Alexis Nieto from 1061 Plover Avenue said that the house has a fence and a quarantine area for his dog.

The Chairman reiterated that there is enough room to place the boat at the back of the house.

City Planner Ventura pointed out that after looking at case photo number five it is evident that the house has enough room at the back to put the boat there.

Mr. Nieto replied that he decided moving to Miami Springs in 2002 to have enough space for his kids to play.

Chairman Pérez-Vichot noted that the Code says that if a house has space in the back yard a boat has to be there; the Chairman recognized that everybody wants to have the back yard clear but that is what the Code establishes.

Chairman Pérez-Vichot said that the boat is small and barely visible from the street, is the canopy that is visible.

The City Planner asked the applicant which of the Code Enforcement officers talked to him.

Mr. Nieto said that it was a man.

Vice Chair Fernández stressed the fact that the maximum amount of recreational vehicles allowed at the back of the house is three; in this case one of them is at the side.

The applicant recognized that he will have two more four wheelers and a trailer coming next month from North Carolina.

City Attorney Seiden remarked that he can have the vehicles inside a garage where they are not visible.

The Chairman commented that the Applicant could place the vehicles inside the trailer and there will only be two.

City Attorney Seiden recommended not making a decision about that because it is a separate issue. He advised not speculating about this and if something changes in the future Mr. Nieto will see it by then.

Chairman Pérez-Vichot commented that the applicant could make a commitment for storing the vehicles inside the trailer.

City Attorney Seiden affirmed that only three vehicles are allowed per residence and explained that if the circumstances change the applicant could come back and ask for another variance at any time.

Mr. Nieto said that his dog has to be quarantined because it is not very friendly.

Vice Chair Fernández suggested that the applicant could make a kennel for the dog.

Mr. Nieto remarked that he does not want to put his dog in a kennel, and explained that his dog is in a section of the yard and around his vehicles to protect them.

Vice Chair Fernández commented that the house has another fence that did not appear in the drawings.

City Attorney Seiden said that the house has a gate in the fence which allows the applicant to move the boat back and forth still having the quarantine area.

Board member Fajardo noted that if the applicant wants to quarantine his vehicles, he should move everything back, readjust the gate and put his dog back there.

The applicant commented that he does not want to install another fence and does not want to occupy all the back yard.

Board member Fajardo emphasized that the house has plenty of room at the back to place everything.

Vice Chair Fernández pointed out that the same way the applicant bought that property to live in Miami Springs and have a big yard for his kids, people moved here to appreciate the surroundings and look at the beautiful trees. He said that the applicant placed the boat at the side yard for his own convenience when he has space at the back yard. The Vice Chair remarked that the applicant does not have a hardship.

The applicant recognized that the boat is the problem because he can deal with the rest of the recreation vehicles.

Chairman Pérez-Vichot recommended that the applicant should push the boat back.

Board member Berounsky noted that besides the number of vehicles, the boat is barely seen from the street.

Chairman Pérez-Vichot asked if the applicant has a screen on the side of the house.

The applicant answered that there is a six foot fence all around the house. The Chairman asked about the correspondence received and the City Planner replied that one letter opposing the granting of the variance was received.

Chairman Pérez-Vichot asked the audience for opinions in favor or against it and there were no comments.

Board member Fajardo advised that the Board should comply with what the Code says, not with the spirit of the Code, because it could be dangerous.

Chairman Pérez-Vichot pointed out that somebody could have a 2' by 2' boat and cannot keep it on the side if there is a back yard to place it.

City Attorney Seiden stated that there it is a priority as to where the boat should be placed.

Mr. Nieto said that he can remove the canopy of the boat.

The Chairman replied that the canopy is not the problem.

Board member Fajardo moved to deny the requested variance because the applicant has not demonstrated a real hardship. Vice Chair Fernández seconded the motion and it was carried 3-2 by roll call vote, with Alternate Tallman and Board member Berounsky casting the dissenting votes.

Vice Chair Fernández explained that the applicant could make an appeal to the City Council.

Chairman Pérez-Vichot recognized that it would make sense to address the size of the boat.

Mr. Nieto replied that the only reason that the boat was visible is because they lift it up to drain it, because it was there since 2002. He recognized that he did not know about the ordinance.

City Attorney Seiden reminded the Applicant of the ten-day appeal period and explained that this Board makes only recommendations.

C) Case # 15-V-11
Jesús Román
391 North Royal Poinciana Boulevard
Zoning: NBD; Neighborhood Business District
Lot Size: 13,890 sq. ft. total

Applicant is seeking a variance from Code Section 150-005 *Alcoholic beverages* (A) (4), (B), (D) and (F): For the placement of a 2-COP beer and wine license at an existing restaurant.

City Planner Ventura said that Code Section 150-005 (A) (4) states that a series 2-COP license is required for the sale of beer and wine for consumption on-premises and in sealed containers for consumption off-premises.

City Planner Ventura noted that Code Section 150-005 (B) requires City approval for the sale or consumption of alcoholic beverages, when operating under a series 2-COP license, within 300 feet of any residential district or within 500 feet of any church or public school.

City Planner Ventura advised that Code Section 150-005 (D) requires City approval for the sale or consumption of alcoholic beverages, when operating under any State of Florida alcoholic beverage license, if the premises are located within 1,000 feet of any other licensed premises already in operation.

The City Planner pointed out that Code Section 150-005 (F) requires City approval for the issuance or the transfer of a liquor license.

Mr. Ventura explained that 391 North Royal Poinciana Boulevard is Roman's Pizza, and the owner, Mr. Jesús Román, has submitted copies of his proposed menu and articles of incorporation.

Staff therefore recommends approval of this variance request to Code Sections 150-005 (A) (4), (B), (D) and (F) for the granting of a series 2-COP license at 391 North Royal Poinciana Boulevard.

Chair Pérez-Vichot said that the applicant should sign a covenant with the City.

City Attorney Seiden explained that the covenant is a document in which he guarantees that 51% of his revenues will be generated from the sale of the food and not for the sale of the drinks.

The applicant pointed out that he will sign the covenant.

City Planner Ventura asked the applicant to come one week after this Friday to sign it.

Chairman Pérez-Vichot asked for any comments from the Board or the audience in favor or against it.

Vice Chair Fernández moved to approve the requested variance for the 2-COP License. Board member Fajardo seconded the motion and it was unanimously carried by voice vote.

City Attorney Seiden reminded the Applicant of the ten-day appeal period and explained that this Board makes only recommendations.

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 7:52 p.m.

Respectfully Submitted,

Lina Bryon
Clerk of the Board

Approved as _____ during meeting of: _____

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

“The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council”.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF MIAMI SPRINGS
PUBLIC HEARING - MAY 9, 2011

in the XXXX Court,
was published in said newspaper in the issues of

04/27/2011

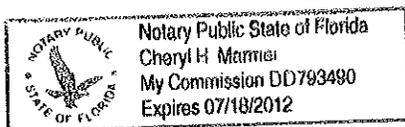
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

27 day of APRIL, A.D. 2011

(SEAL)

MARIA MESA personally known to me



PUBLIC HEARING

The Miami Springs City Council will conduct a public hearing at their regular meeting on Monday, May 9, 2011, at 7:00 p.m. in the Council Chambers at City Hall, 201 Westward Drive, Miami Springs, Florida regarding the following proposed ordinance:

ORDINANCE NO. 1017-2011 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-046, HOME/BUSINESS OCCUPATIONAL USE, ESTABLISHING CONDITIONS OF ELIGIBILITY; SPECIFYING OPERATORS; PERMITTING LIMITED SIGNAGE, STORAGE AND PARKING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

Anyone wishing to offer verbal or written comment regarding the proposed ordinance may do so at the public hearing. A copy of the proposed ordinance is posted for public review on the bulletin board located next to the elevator on the first floor at City Hall.

Magali Valls, CMC, City Clerk

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. §286.0105).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: 305.805.5006, no later than seven days prior to the proceeding.
4/27 11-3-116/1689367M

\$ 80.60

RIVER CITIES GAZETTE
Dolphin Publishing Company
PUBLISHED WEEKLY
MIAMI-DADE-FLORIDA

STATE OF FLORIDA)
COUNTY OF DADE)

ss:

Before the undersigned authority personally appeared

Thomas D. Coats

who on oath says that he/she is

Publisher

of the River Cities Gazette, a weekly newspaper published at Miami in Dade County, Florida; that the attached copy of advertisement was published in said newspaper in the issue(s) of

April 28, 2011

Affiant further says that the said the River Cities Gazette is a newspaper published at Miami, in the said Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Dade County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; that the said newspaper has been entered as second class mail matter each week; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

[Signature]

Sworn to and subscribed before me this _____ day of

_____ A.D.

My commission Expires: _____



CITY OF MIAMI SPRINGS, FLORIDA PUBLIC HEARING

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Published, April 28, 2011.

20-02

Agenda Item No. 7A
SECOND READING
City Council Meeting of:
5-9-2011



ORDINANCE NO. 1017-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-046, HOME/BUSINESS OCCUPATIONAL USE, ESTABLISHING CONDITIONS OF ELIGIBILITY; SPECIFYING OPERATORS; PERMITTING LIMITED SIGNAGE, STORAGE AND PARKING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, in 2003, the City enacted Code of Ordinance Section 150-046 to permit the operation of small businesses from residential properties by homeowners; and,

WHEREAS, this type of Ordinance has been used and expanded in many ways by other municipalities in Miami-Dade County; and,

WHEREAS, although many of the Ordinance expansions enacted by other Miami-Dade County municipalities would be inappropriate for Miami Springs, it is believed that a limited expansion of the intent and impact of this subject code section would be beneficial to the City; and,

WHEREAS, the City Council of the City of Miami Springs has determined that it is in the best interests of the City and its citizens to authorize the expansion of the use permitted by Code Sections 150-046:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 150-046, Home/Business Occupational Use, is hereby amended as follows:

Section 150-046. Home/Business Occupational Use.

- (A) ...
- (B) ...
- (C) ...
- (D) ...
- (E) ...
- (F) ...
- (G) ...
- (H) Business Occupation Use. The business use of residential properties provided in the foregoing provisions is hereby expanded to permit a Business Occupation Use that is in compliance with the provisions of this Ordinance, except as provided below:

1. To be eligible for a Business Occupation Use, any property line of the subject property must directly adjoin a substantial portion of a property line of a property in a commercial district of the City.
2. The operator of the business would not need to reside in the dwelling unit.
3. One double-faced business wall sign of 6 square feet may be attached to the residential structure and one double-faced business monument sign of 6 square feet may be located in the front yard set-back area of the subject property.
4. There may only be incidental and limited storage of supplies, goods or products in the premises.
5. Business parking is permitted to the same extent that parking for the residential use is allowed.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this 9th day of May, 2011.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Best	" _____ "
Councilman Espino	" _____ "
Councilman Lob	" _____ "
Councilwoman Ator	" _____ "
Mayor Garcia	" _____ "

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 04/25/2011
Second reading: 05/09/2011

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.