

CITY OF OPA-LOCKA

"The Great City"

CLERK'S ACTION SUMMARY MINUTES

SPECIAL COMMISSION MEETING

Wednesday, January 15, 2020

5:30 P.M.

Sherbondy Village Auditorium

215 Perviz Avenue

Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Matthew Pigatt called the meeting to order at 5:30 p.m. on Wednesday, January 15, 2020 in the Sherbondy Village Auditorium, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Mayor Matthew Pigatt, Vice Mayor Chris Davis, Commissioner Sherelean Bass, and Commissioner Alvin Burke. Also in attendance were: City Manager John E. Pate, City Attorney Burnadette Norris-Weeks, and City Clerk Joanna Flores. Commissioner Joseph L. Kelley was not in attendance.

3. INVOCATION:

The invocation was delivered by Commissioner Sherelean Bass.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. PUBLIC INPUT: Agenda Items Only

Marc Cooper, 6801 SW 75th Terrace, Miami, FL 33143, thanked the commission for the opportunity to speak and went on to say that the tenants for his property under the public hearing item has obtained all licenses and permits necessary to operate in the City. They came up with a timeline to correct all other issues at the business and want to come into compliance.

Attorney Michael Pizzi, 6625 Miami Lakes Drive, Miami Lakes, FL, said he is representing NFL Recycling who has been operating lawfully and legally in the City since 2014. They applied for licenses, paid all the fees and have been operating for years. While they are agreeable to do everything the City is asking, they did not agree to comply within sixty (60) days nor are they agreeing to building a closed in facility as this will cost too much money. He asked the commission to approve the public hearing item.

6. RESOLUTIONS:

a) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-

LOCKA, APPROVING A SETTLEMENT AGREEMENT IN THE CASE OF JOSEPH BARTON AND JAIDEN CONTRERAS VS. CITY OF OPA-LOCKA, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager Deffered from 01/08/2020 Regular Commission Meeting*

The above resolution was read by Attorney Norris-Weeks.

It was moved by Vice Mayor Davis, seconded by Commissioner Bass for discussion.

Mayor Pigatt said he is uncomfortable with the item and asked the manager what is being put in place to ensure this does not happen again.

City Manager Pate said Commissioner Kelley is bringing forth legislation to review all properties in the City to ensure they meet all standards.

City Attorney Norris-Weeks said the City is holding no liability with the item.

There being no discussion, the motion on the resolution passed by a 4-1 vote.

Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Yes
Commissioner Bass	Yes
Mayor Pigatt	No

7. PLANNING & ZONING:

A. PUBLIC HEARING:

- 1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING APPROVAL OF A REQUEST FROM NFL RECYCLING CORP. (C/O NELSON FUENTES LARA) AND 25th AVENUE WAREHOUSE LLC (C/O MARIANELA SANDIGO) TO GRANDFATHER, AS A NON-CONFORMING USE, A SCRAP METAL YARD/OUTDOOR RECYCLING OPERATION AT 14569 NW 25th AVENUE, OPA-LOCKA, FLORIDA, 33054; IDENTIFIED BY FOLIO 08-2122-002-0430 IN THE I-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager Deffered from 01/08/2020 Regular Commission Meeting***

The above resolution was read by Attorney Norris-Weeks.

It was moved by Commissioner Burke, seconded by Commissioner Kelley for discussion.

Mayor Pigatt opened the floor for a public hearing.

Attorney Michael Pizzi, 6625 Miami Lakes Drive, Miami Lakes, FL, said the company has complied with everything City staff has asked them to do thus far. The company has agreed to

completing what is being asked, but there is a twenty third condition that is not feasible for the company; it is impossible. The City will cause people to be out of jobs if this is not approved.

There being no further persons to speak on the public hearing, the public hearing was closed.

Commissioner Burke said the enclosure of the business was not included in the original paperwork. DERM has a moratorium for new construction in the area. He said this is setting the business owners up for failure.

Vice Mayor Davis asked staff to provide a response as to why the twenty third condition was added at the last minute.

Planning and Community Development Director Gregory Gay said recycling is allowed in a wholly enclosed area in the I-2 zoning district. There are two other operations that have a scrap metal business in the area and they are grandfathered in because the businesses predate the current ordinance. They looked at the conditions and came to the conclusion that if the business was enclosed, they would be conformed and would not need grandfathering. He said they are making it as easy as possible for the business to come into compliance.

Commissioner Burke said it is unfair to put the additional condition in place when the business will not be able to comply.

Commissioner Kelley asked why the addition was included at this time when it was not included at the last meeting.

City Manager Pate said staff had not informed him about the additional item and he is requesting that it be removed at this time.

Commissioner Kelley said he does not like how the item is being handled and will not support it with the twenty third item. He said he is disappointed with this.

A motion was made to amend the resolution to remove the twenty third item under Section 3-2.

It was moved by Commissioner Burke, seconded by Vice Mayor Davis to pass the amendment.

Mayor Pigatt said he is concerned that staff has stated that this is an unlawful business that is operating in the City. Staff has provided for the business to come before the commission as a conforming business and to remove one of the stipulations of doing this is being amended. He suggested that time be given for the business to come into compliance. He does not support the amendment.

Commissioner Bass asked if a meeting can be held with the company to come to a resolve.

Mr. Pizzi said one year ago Mr. Gay sent a memo recommending that the business be allowed to operate lawfully and not impose the new zoning regulations.

Mr. Gay said the memo is accurate based on the time it was written. They had not had the time to research and determine the permits that were denied in 2013. Also Miami Dade County property

appraisers office has aerial photos that show the site had changed over the years. It was determined that the site did not start until after the new code was put in place.

Mr. Pizzi said it would be impossible to comply with condition twenty three. Even if it is deleted with this amendment, he is requesting additional time to come into compliance with the other conditions.

Mr. Cooper asked the commission to do the right thing with this item so it does not come up again in the future.

Commissioner Kelley asked the attorney to draft legislation speaking to the fact that people come before the commission and forward one copy of a document for the commission to quickly scan and make a decision right then and there. If it is not given to staff in advance, then the commission should take a ten minute recess to go over the information. If he needs to deliberate, he needs to see everything without scanning and making a decision.

There being no further discussion, the motion on the amendment passed by a 4-1 vote.

Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Yes
Commissioner Bass	Yes
Mayor Pigatt	No

There being no discussion, the motion on the resolution passed by a 4-1 vote.

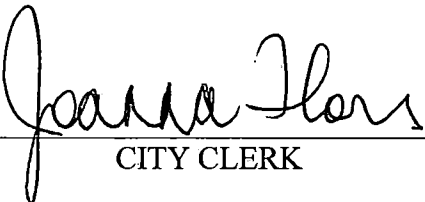
Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Yes
Commissioner Bass	Yes
Mayor Pigatt	No

6. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Burke, seconded by Commissioner Kelley to adjourn the meeting at 6:16 p.m.


MAYOR

ATTEST:


CITY CLERK