

City of Opa-locka

*Commission Chambers
215 Perviz Avenue
Opa-locka, FL 33054*



Special Commission Meeting Agenda

Wednesday, January 15, 2020

5:30 PM

City Commission

Mayor Matthew A. Pigatt

Vice Mayor Chris Davis

Commissioner Sherelean Bass

Commissioner Alvin Burke

Commissioner Joseph L. Kelley

Appointed Officials

City Manager John E. Pate

City Attorney Burnadette Norris-Weeks

City Clerk Joanna Flores, CMC

SPEAKING BEFORE THE CITY COMMISSION

NOTE: All persons speaking shall come forward and give your full name and address, and the name and address of the organization you are representing.

There is a three (3) minute time limit for speaker/citizens forum and participation at all city commission meetings and public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If your matter requires more than three (3) minutes, please arrange a meeting or an appointment with the City Clerk prior to the commission meeting. *City of Opa-locka Code of Ordinances Section 2-57*

DECORUM POLICY

Any person making impertinent or slanderous remarks or who become boisterous while addressing the commission, shall be declared to be out of order by the presiding officer, and shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members. *City of Opa-locka Code of Ordinances Section 2-58*

NOTICE TO ALL LOBBYISTS

Any person appearing in a paid or remunerated representative capacity before the city staff, boards, committees and the City Commission is required to register with the City Clerk before engaging in lobbying activities. *City of Opa-locka Code of Ordinances Section 2-18*

FLORIDA STATUTES, CHAPTER 285.0105:

“If a person decides to appeal any decision made by the Board, Agency or Commission with respect to the proceedings, and that, for such purpose, that person 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 to be based.”

CITY OF OPA-LOCKA

“The Great City”

SPECIAL COMMISSION MEETING

Wednesday, January 15, 2020

5:30 p.m.

Sherbondy Village Auditorium

215 Perviz Avenue

Opa-locka, FL 33054

AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
3. INVOCATION:
4. PLEDGE OF ALLEGIANCE:
5. PUBLIC INPUT:
(Agenda Items Only)
6. RESOLUTION:
 1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, 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 NECESSARY ACTION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager* **Deferred from 01/08/2020 Regular Commission Meeting**
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* **Deferred from 01/08/2020 Regular Commission Meeting**
8. ADJOURNMENT:

RESOLUTION 6.1

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF OPA-LOCKA, FLORIDA, 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
NECESSARY ACTION; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, on November 13, 2019 the parties in the case of Joseph Barton and Jaiden Contreras vs. City of Opa-Locka attended a Court ordered mediation; and

WHEREAS, neither party admits liability in this matter, however, in an effort to resolve the pending controversy, all parties desire to amicably and expeditiously resolve all claims and avoid continued litigation; and

WHEREAS, Section 166.02(1), Florida Statutes and Resolution 08-7317 grants the City Commission the authority to declare property that has become inadequate for public purposes as surplus, and

WHEREAS, The City Commission hereby accepts the City Manager's recommendation to declare certain properties as surplus, as set forth in Exhibit "A"; and

WHEREAS, the parties desire to enter into a Settlement Agreement with the intended purpose of resolving all claims as set forth in Exhibit "A".

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, THAT:

Section 1. **Adoption of Representations.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. **Approval of Settlement Agreement.**
The City Commission of the City of Opa-Locka hereby approves the settlement agreement between the Plaintiffs Joseph Barton, Jaiden Contreras and the City of Opa-Locka, consistent with the Agreement attached hereto as Exhibit "A"; and further authorizes the City Manager to take all necessary action consistent with this Resolution.

Section 3. Waiver of Resolution 08-7317 Provision. The City Commission hereby waives Resolution 08-7317 (3)(6) requiring advertisement of surplus properties.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption hereof and approval by the Governor of the State of Florida or his designee.

PASSED and ADOPTED this ____ day of January 2020.

Matthew A. Pigatt, Mayor

ATTEST:

Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P.A.

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	_____ (Yes)	_____ (No)
Commissioner Burke	_____ (Yes)	_____ (No)
Commissioner Kelley	_____ (Yes)	_____ (No)
Vice-Mayor Davis	_____ (Yes)	_____ (No)
Mayor Pigatt		

“Exhibit A”

PLANNING & ZONING PUBLIC HEARING

7.A.1

RESOLUTION NO. _____

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 SCRAPMETAL 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.

WHEREAS, pursuant to the City's Code of Ordinance and the City's Land Development Regulations, Ordinance 15-31, provides that the City Commission has the power to approve, approve with conditions or modifications or deny any site plan review request or development order; and

WHEREAS, the applicant has presented a request to continue their operation on the property located at 14569 NW 25th Avenue, Opa-Locka, FL because they were provided licensure without formal site plan review and approval; and

WHEREAS, the City Manager hereby recommends approval with conditions of the operations at 14569 NW 25th Avenue, Opa-Locka, FL, as set forth herein; and

WHEREAS, the City's Land Development Regulations, Section 22-11 regarding Nonconforming Development states: "It is the purpose and intent of this section to provide procedures whereby lawful nonconforming structures and uses may be maintained when not creating a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present standards to the maximum possible extent"; and

WHEREAS, Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resource Management has required NFL Recycling Corp., and 25th Ave. Warehouse LLC to comply with the terms of a Consent Agreement which requires City Commission approval or disapproval as to grandfathering of the subject business in the capacity of which it is currently operating to obtain City licensure approval and compliance with Chapter 24-31 of the Miami-Dade County Code; and

WHEREAS, the applicant has provided a site plan draft to the City to address its current operations and the Planning & Community Development Department staff has reviewed this site plan draft and, through the City Manager, recommends that approval as a legal non-conforming use should include certain conditions to be completed on the subject site consistent with the timeline specifications set forth herein; and

WHEREAS, the City Commission waives review by the Planning & Zoning Board, pursuant to the City Land Development Regulations, Ordinance 15-31, Section 22-32 which provides that the City Commission's authority shall include, but not be limited to, approval, approval with conditions or modifications or denial and hearing appeals from any board or administrative body of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

SECTION 2. Approval/Denial.

Approval/Denial of Site Plan. The City Commission of the City of Opa-locka hereby approves / denies NFL Recycling's Scrap Metal Yard/Outdoor Recycling operation as a Grandfathered Non-Conforming Use at 14569 NW 25th Avenue, and identified by Folios 08-2122-022-0430, in the I-2 Zoning District subject to progression of the following conditions set forth herein.

SECTION 3. Conditions of Approval.

The following conditions must be completed as set forth herein within the time frames specified or else the property site shall immediately revert back requiring full compliance with all terms and conditions of the City of Opa-Locka's Ordinances, Rules and Land Development Regulations for the subject property site. All of the following timeline specifications shall apply and to the extent that the parties disagree on the interpretation of a meaning as set forth herein, the meaning determined by the City of Opa-Locka shall apply:

- 1) Provide 15 Days after City Commission Approval:
 - ☐ The applicant/business owner must submit a letter of Intent to present how the business will operate on the site
 - ☐ Existing storage container must be removed.
- 2) All of the following conditions must be incorporated into the Site Plan and submitted to the City (PCD) 30 Days after City Commission Approval:

- ☐ Provide an accurate drawing scale must be provided to confirm site activities.
 - ☐ Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
 - ☐ Provide building heights and square footage of each building/structure.
 - ☐ Provide Existing easements with the recording information.
 - ☐ Provide Existing zoning and existing uses on adjacent properties.
 - ☐ Identify the loading and un-loading areas and provide proposed screening on the plan.
 - ☐ Provide location and access for dumpster enclosures for waste removal.
 - ☐ Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
 - ☐ Provide a tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.
 - ☐ Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
 - ☐ Flood Plans and drainage must be provided.
 - ☐ Provide landscaping and irrigation plan
 - ☐ Address civil plan for water retention, drainage. (Curb and Gutter, retention pond)
 - ☐ Provide Civil drawings which indicate if drainage is existing or proposed.
 - ☐ Provide a Traffic Impact Statement
 - ☐ Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
 - ☐ Installation of a new screening wall or fence
 - ☐ Location of Signage on site and on the building facade.
 - ☐ Site Lighting and visibility easements.
 - ☐ Building Color and façade.
 - ☐ The business operation must be conducted inside a wholly enclosed building or structure which must be shown on the site plan.
- 3) Additionally, Applicant shall: a) Submit Building Permits based on the City approved Site Plan 60 Days after City Commission Approval; b) Complete all of the construction based on the approved site plan and RER-DERM regulations 270 Days from City Commission Approval; and c) Complete all requirements for final inspection (CO) 365 Days after City Commission Approval.

SECTION 4. SCRIVENER'S ERRORS.

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 5. EFFECTIVE DATE.

This Resolution shall, upon adoption, become effective as specified by the City of Opa-locka Code of Ordinances and the City of Opa-locka Charter.

PASSED AND ADOPTED this _____ day of _____, 2020.

Matthew A. Pigatt, Mayor

ATTEST:

Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	(Yes) _____	(No) _____
Commissioner Burke	(Yes) _____	(No) _____
Commissioner Kelley	(Yes) _____	(No) _____
Vice-Mayor Davis	(Yes) _____	(No) _____
Mayor Pigatt	(Yes) _____	(No) _____

FROM PAGE 9A

LANSKY

'THE MOB'S ACCOUNTANT'

Lansky, known as "the Mob's accountant," a description he'd eschew, would come back to Miami Beach to take care of business himself.

The Russian-born Maier Suchowijansky was considered by law enforcement "to be a genius of finance with the proceeds of bootlegging and gambling with notorious associates including Lucky Luciano and Bugsy Siegel," the Miami Herald once said.

Lansky said "there's no such thing as organized crime" in 1978.

A police officer once described Lansky as "the Andrew Carnegie of the Mob," the Herald reported in 1983. His first arrest came in 1918, when he was about 16, for felonious assault in New York.

He reputedly joined forces with Benjamin (Bugsy) Siegel to form the Bugs and Meyer Mob in 1921, the Herald reported in his obituary. "The gang specialized in hijacking cars and guarding bootleg liquor shipments for other hoodlums during the Prohibition era."

In the 1930s and 1940s, Lansky was linked to illegal gambling casinos in South Florida, New Orleans, Havana and Saratoga, New York.

In 1972, Israeli authorities deported him back to South Florida, where the government brought Lansky to trial with the testimony of loan shark Vincent "Fat Vinnie" Teresa. Lansky was acquitted in 1974.

He'd cop to one thing: "I admit quite frankly that I made a fortune from bootlegging," he said in "Lansky, Mogul of the Mob," a book written by three Israeli journalists to whom



Meyer Lansky at Miami International Airport in February 1978.

LIVING IN MIAMI BEACH

Lansky spent the rest of his life in Miami Beach living with his second wife, Thelma, at the Imperial House in the 5200 block of Collins Avenue. He had three children from his first wife, Anna, whom he divorced in 1948 to marry Thelma. He reportedly doted on his children — Bernard, Paul and Sandra.

The Miami Herald once described Lansky as "a small, mild-mannered and grandfatherly man who looked like anyone else his age, playing out life's closing years in Miami Beach."

People recall seeing Lansky shopping at the men's clothing stores at Bal Harbour Shops and getting hair cuts at Carousel Barber Shop in Surfside.

The mobster also hung out at the Singapore on Collins Avenue and was often seen dining at the two Wolfe Sandwich Shop delis that were on Lincoln Road and Collins Avenue.

They were famed for their overstuffed pastrami sandwiches and superized slabs of their "world famous cheeseecake." Lansky died from lung cancer at Mount Sinai

Medical Center in Miami Beach on Jan. 15, 1983. He was 80.

"Lansky outlived all the big hoodlums of his era: Capone, Costello, Luciano, Giancana, Anastasia, Lepke, Joe Adonis, Longie Zwillman. His name is part of our history and our legend. But when the obits ran the other day, there was a sense that the true story was now gone forever," the Herald wrote a week after his death.

LANSKY ON AUCTION

The Fine Antiquities and Artifacts auction from RR Auction concludes Jan. 8. Auction spokesman Mike Graff expects the letter to attract interest.

"Gangster memorabilia is one of RR's most popular specialty categories," Graff said. "They are best known for selling the Bonnie and Clyde's guns for more than \$500,000, in 2012."

On Saturday, the Lansky letter had attracted a bid of \$220 so far.

In 2018, a 14-karat gold tie clip said to belong to Lansky went for \$526 after it was auctioned by Aaron Lombardo, Vincent Lombardo's grandson.

For information, visit www.rrauction.com.

FROM PAGE 9A

TREES

starting in the spring. Miami-Dade residents interested in the free mulch can sign up at: <http://cloud.info.miamidade.gov/christmastree> to be notified once it's available.

• Trees recycled in Broward County will be chipped and used for landscaping throughout the county park system. If you want to recycle your tree this year, here's what you need to know:

MIAMI-DADE COUNTY

1. Drop-off
You can drop off your clean, decoration-free Christmas Tree at the West Miami-Dade Home Chemical Collection Center, 8801 NW 58 St., or at one of the county's 10 Trash and Recycling Centers.

The centers are open seven days a week from 7 a.m. to 5:30 p.m.

• Eureka Drive - 9401 SW 184 St.
• Golden Glades - 140 NW 160 St.
• Moody Drive - 12970 SW 268 St.
• North Dade Landfill - 21500 NW 47 Ave.
• Norwood - 19901 NW Seventh Ave.

• Palm Springs North - 7870 NW 178 St.
• Snapper Creek - 2200 SW 117 Ave.
• South Miami Heights - 20800 SW 117 Ct.
• West Little River - 1830 NW 79 St.
• West Perrine - 16651 SW 107 Ave.

2. Place your tree at the curb by zone

Crews will be collecting trees at the curb between Jan. 7 and Feb. 1. You can use the map found on Miami-Dade County's website or refer to the schedule below to

determine what zone your home falls under:

• **Zone 1**
Location: South side of Southwest 152nd Street to Southwest 400th Street in Homestead
Place tree at the curb by Sunday, Jan. 5
Pick-up week: Jan. 7-11

• **Zone 2**
Location: South side of SW 88th Street to north side of SW 152nd Street
Place tree at the curb by Sunday, Jan. 12
Pick-up week: Jan. 13-18

• **Zone 3**
Location: South side of NW 25th Street to north side of SW 88th Street
Place tree at the curb by Sunday, Jan. 19
Pick-up week: Jan. 20-25

• **Zone 4**
Location: NW 215th Street to the north side of NW 25th Street
Place tree at the curb by Sunday, Jan. 26
Pick-up week: Jan. 27 - Feb. 1

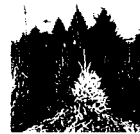
4. Use one of your available bulky waste pickups
Trees placed at the curb as part of a scheduled bulk waste pickup will not be recycled into mulch.

Miami-Dade County was not available for comment on what would happen to the trees collected in the scheduled bulk waste pickup.

BROWARD COUNTY
The free Chip-A-Tree program will be available at 13 parks through Jan. 20. Those who visit the park to recycle their clean, decorated-free Christmas tree will not have to pay the regular weekend and holiday gate entrance fee.

Tree collection hours vary by park and residents are asked to call ahead. Here are the participating parks:

• Brian Piccolo Sports



Recycle your tree for free

Park & Velodrome, 9501 Sheridan St., Cooper City
Phone: 954-357-5150
• C.B. Smith Park, 900 N. Flamingo Road, Pembroke Pines
Phone: 954-357-5170
• Easterlin Park, 1000 NW 38th St., Oakland Park
Phone: 954-357-5190

• Fern Forest Nature Center, 201 Lyons Road South, Coconut Creek
Phone: 954-357-5198
• Markham Park & Target Range, 16001 W. State Road 84, Sunrise
Phone: 954-357-8868
• Plantation Heritage Park, 1100 S. Fig Tree Lane, Plantation
Phone: 954-357-5135

• Rev. Samuel Delevoe Memorial Park, 2520 NW Sixth St., Fort Lauderdale
Phone: 954-357-8801
• Snake Warrior's Island Natural Area, 3600 SW 62nd Ave., Miramar
Phone: 954-357-8776

• Tradewinds Park & Stables, 3600 W. Sample Road, Coconut Creek
Phone: 954-357-8870
• Tree Tops Park, 3900 SW 100th Ave., Davie
Phone: 954-357-5130

• T.Y. (Toppekegee) Yaguel Park, 3300 N. Park Road, Hollywood
Phone: 954-357-8811
• Vista View Park, 4001 SW 142nd Ave., Davie
Phone: 954-357-8898

• West Lake Park, 1200 Sheridan St., Hollywood
Phone: 954-357-5161

Michelle Marchante:
305-376-2708



CITY OF OPA-LOCKA, FLORIDA NOTICE TO THE PUBLIC

NOTICE IS HEREBY GIVEN that the City Commission of the City of Opa-locka, Florida will hold public hearings at a Regular Commission Meeting on Wednesday, January 8, 2020 at 7:00 p.m. at the Sherbondy Village Auditorium, 215 President Barack Obama (Perviz) Avenue, Opa-locka, Florida to consider the following items:

RESOLUTION/PUBLIC HEARING:

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 AVE. WAREHOUSE LLC (C/O MARIANELA SANDIGO) TO GRANDFATHER, AS A NON-CONFORMING USE, A SCRAPMETAL YARD, SUBJECT TO CERTAIN CITY REQUIRED CONDITIONS FOR THE PROPERTY LOCATED AT 14569 NW 25th AVE. AND IDENTIFIED BY FOLIO 08-2122-002-0430 IN THE 1-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

SECOND READING ORDINANCES/PUBLIC HEARINGS:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING APPROVAL OR DENIAL OF A REQUEST TO REZONE THE PARCEL LOCATED AT THE CORNER OF NW 129th STREET AND NW 27th AVENUE FROM B-2 TO B-3 TO ALLOW THE CONSTRUCTION OF A SELF STORAGE FACILITY ON THIS PARCEL AND 12940 NW 27th AVENUE, OPA-LOCKA, FL 33054, IDENTIFIED BY FOLIOS 08-2128-004-0022 AND 08-2128-004-0031; PROVIDING FOR AN EFFECTIVE DATE (first reading/public hearing held on December 11, 2019).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 17, ARTICLE III OF THE CITY'S CODE OF ORDINANCES ENTITLED "PLANNING AND DEVELOPMENT" TO INCLUDE NEW DIVISION 3 TO BE ENTITLED "UNITY OF TITLE"; PROVIDING A DEFINITION FOR OF UNITY OF TITLE; ESTABLISHING REQUIREMENTS AND PROCESS FOR UNITY OF TITLE; AMENDING SECTION 2.655(GG) OF THE CITY'S CODE OF ORDINANCES TO INCREASE THE FINE FOR UNITY OF TITLE APPLICATION FROM \$200.00 TO \$500.00; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE (first reading/public hearing held on December 11, 2019).

Additional information on the above items may be obtained in the Office of the City Clerk, 780 Fisherman Street, 4th Floor, Opa-locka, Florida. All interested persons are encouraged to attend this meeting and will be heard with respect to the public hearings.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 953-2800 for assistance no later than seven (7) days prior to the proceeding. If hearing impaired, you may telephone the Florida Relay Service at (800) 955-8771 (TTY), (800) 955-8770 (Voice), (877) 955-8773 (Spanish) or (877)955-8707 (Crisis).

PURSUANT TO FS 286.0105: Anyone who desires to appeal any decision made by any board, agency, or commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for that reason, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

Joanna Flores, CMC
City Clerk
City of Opa-locka

RUN THE CITY
FEEL THE VIBES!

KINGSTON CITY MARATHON

1/2 MARATHON | 10K | 5K

MARCH 15, 2020

COME RUN IN JAMAICA!

MARCH 13th WELCOME PARTY

MARCH 14th LIFESTYLE & FITNESS EXPO

MARCH 15th RACE DAY | AWARDS CEREMONY

RUN THROUGH SOME OF KINGSTON'S TOP ATTRACTIONS IN JAMAICA!

JAMAICA

KINGSTONCITYRUN@GMAIL.COM

WWW.KINGSTONCITYRUN.COM

HCP media
www.ourjamaica.com



**City of Opa-Locka
Agenda Cover Memo**

RECEIVED
CITY OF OPA-LOCKA
OFFICE OF THE CITY CLERK

2019 DEC 23 PM 3: 31

Department Director:	Gregory Gay		Department Director Signature:				
Finance Director:			FD Signature:				
City Manager:	John Pate		CM Signature:				
Commission Meeting Date:	12-20-19	Item Type: (Enter X in box)	Resolution	Ordinance	Other		
Fiscal Impact: (Enter X in box)	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading	2nd Reading		
				X			
		X	Public Hearing: (Enter X in box)	Yes	No	Yes	No
				X		X	
Funding Source: Account# :	(Enter Fund & Dept) Ex: PTP		Advertising Requirement: (Enter X in box)	Yes	No		
				X			
Contract/P.O. Required: (Enter X in box)	Yes	No	RFP/RFQ/Bi#: N/A				
		X					
Strategic Plan Related (Enter X in box)	Yes	No	Strategic Plan Priority Area: Enhance Organizational ☐ Bus. & Economic Dev ☒ Public Safety ☐ Quality of Education ☐ Qual. of Life & City Image ☐ Communication ☐	Strategic Plan Obj./Strategy: (list the specific objective/strategy this item will address)			
	X						
Sponsor Name	City Manager		Department: Planning & Community Development	City Manager			

Short Title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING THE APPROVAL OR DENIAL OF NFL RECYCLING'S SCRAP METAL YARD/OUTDOOR RECYCLING OPERATION AS A GRANDFATHERED NON-CONFORMING USE AT 14569 NW 25TH AVENUE, OPA-LOCKA, FLORIDA, 33054 AND IDENTIFIED BY FOLIO 08-2122-002-0430 IN THE I-2 ZONING DISTRICT. PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Per the site plan that was provided by NFL Recycling, PCD staff recommend the issue of grandfathering the Scrap Metal Yard/Outdoor Recycling should be placed on the next Opa-locka City Commission agenda for their consideration. If considered for approval, per PCD Staff

reviewed the Site Plan Draft submitted by NFL Recycling, the following conditions are recommended:

- The applicant/business owner must submit a Letter of Intent to present how the business will operate on the site.
- Provide an accurate drawing scale must be provided to confirm site activities.
- Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
- Provide building heights and square footage of each building/structure.
- Provide Existing easements with the recording information.
- Provide Existing zoning and existing uses on adjacent properties.
- Identify the loading and un-loading areas and provide proposed screening on the plan.
- Provide location and access for dumpster enclosures for waste removal.
- Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
- Provide a Tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.
- Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
- Flood Plans and drainage must be provided.
- Provide irrigation plan
- Address civil plan for water retention, drainage. (curb and gutter, retention pond)
- Provide Civil drawings which indicate if drainage is existing or proposed.
- Existing storage container must be removed.
- Provide a Traffic Impact Statement
- Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
- Installation of a new screening wall or fence
- Location of Signage on site and on the building facade.
- Site Lighting and visibility easements.
- Building Color and façade.

These are the comments/conditions based on the engineering plans provided if grandfathership is being considered.

BACKGROUND

The site plan for NFL Recycling was forwarded to PCD office on November 21st 2019 for review. The property under its current use was cited by Code Enforcement. The business owners are looking to upgrade their site to comply with the I-2 zoning designation, however the use of a scrap metal recycling operation is not permitted within this zoning district. NFL Recycling has been operating under a license issued by the city since 2016, the licensure they have does not reflect the type of work being done by the company has been working under said license.

In September 2013, the business owners, Nelson Lara, applied for an occupational license to "storage and warehousing of electric motors, to cut up and sold." Staff determine this use as a scrap metal operation and the application was denied. The site appears to have had a variety of uses since 2005, from storage of containers, dumpsters, pallets, and heavy vehicles. In 2016, the

outside scrap metal operation appears to begin per the aerials provided by Miami-Dade Office of the Property Appraiser.

The type of open air/outside recycling operation they are conducting is allow in the I-4 Liberal Industrial Storage and Salvage zoning district. The I-4 zoning district is located in an area of the City bounded by NW 32 Avenue to the east, CSX ROW to the west and south of NW 135th Street to the City Limits along NW 127th Street. In order for this scrap metal recycling operation to be considered for grandfathership to the type of recycling allowed in the I-2 Industrial zoning District, the recycling should occur inside a wholly included building or structure.

Proposed Action:

Staff has recommended approval of this legislation.

Attachment:

Staff Memo-Recommendation
NFL Recycling Site Aerials
Consent Agreement – Miami Dade County DERM



Memorandum

TO: John E. Pate, City Manager

FROM: Gregory Gay, PCD Director
Gerald Lee, Zoning Official/Planner
Corion DeLaine, City Planner

DATE: December 20th, 2019

RE: NFL Recycling – Site Plan Review for Grandfathering of Use

Per the site plan provided by NFL Recycling, PCD staff recommend the issue of grandfathering the Scrap Metal Yard/Outdoor Recycling should be placed on the next Opa-locka City Commission agenda for their consideration. If the City Commission considers approval, per PCD Staff reviewed the Site Plan Draft submitted by NFL Recycling, the following conditions are recommended.

- The applicant/business owner must submit a Letter of Intent to present how the business will operate on the site.
- Provide an accurate drawing scale must be provided to confirm site activities.
- Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
- Provide building heights and square footage of each building/structure.
- Provide Existing easements with the recording information.
- Provide Existing zoning and existing uses on adjacent properties.
- Identify the loading and un-loading areas and provide proposed screening on the plan.
- Provide location and access for dumpster enclosures for waste removal.
- Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
- Provide a tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.
- Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
- Flood Plans and drainage must be provided.
- Provide landscaping and irrigation plan
- Address civil plan for water retention, drainage. (curb and gutter, retention pond)

- Provide Civil drawings which indicate if drainage is existing or proposed.
- Existing storage container must be removed.
- Provide a Traffic Impact Statement
- Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
- Installation of a new screening wall or fence
- Location of Signage on site and on the building facade.
- Site Lighting and visibility easements.
- Building Color and façade.

These are the comments/conditions based on the engineering plans provided if the grandfathership of this scrap metal yard/outdoor recycling use is being considered. Please keep in mind that this use was not submitted/subject to site plan review by the Planning Zoning Appeals Board for recommendation and City Commission for approval. This process circumvents the review process. For this scrap metal recycling operation to be considered permitted by right and allowed in the I-2 Industrial Zoning District, the recycling must occur inside a wholly included building or structure.

Background

The site plan for NFL Recycling was forwarded to PCD office on November 21st 2019 for review. The property under its current use was cited by Code Enforcement. The business owners are looking to upgrade their site to comply with the I-2 zoning designation, however the use of a scrap metal recycling operation is not permitted within this zoning district. NFL Recycling has been operating under a license issued by the city since 2016, the licensure they have does not reflect the type of work being done by the company has been working under said license.

In September 2013, the NFL business owners, Nelson Lara, applied for an occupational license to "storage and warehousing of electric motors, to cut up and sold." Staff determine this use as a scrap metal operation and the application was denied. The site appears to have had a variety of uses since 2005, from storage of containers, dumpsters, pallets, and heavy vehicles. In 2016, the outside scrap metal operation appears to begin per the annual aerials photos provided by Miami-Dade Office of the Property Appraiser.

The type of open air/outside recycling operation they are conducting is allow in the I-4 Liberal Industrial Storage and Salvage zoning district. The I-4 zoning district is located in an area of the City bounded by NW 32 Avenue to the east, CSX ROW to the west and south of NW 135th Street to the City Limits along NW 127th Street. In order for this scrap metal recycling operation to be considered as permitted by right and allowed in the I-2 Industrial zoning District, the recycling should occur inside a wholly included building or structure.

If you have any questions or concerns, please advise.

END OF MEMORANDUM



Memorandum

TO: John E. Pate, City Manager
Burnadette Norris-Weeks, City Attorney

FROM: Gregory Gay, PCD Director
Gerald Lee, Zoning Official/Planner
Corion DeLaine, City Planner

DATE: January 9, 2020

RE: Timeline for NFL Recycling Corp License/Site Plan Compliance Process.

Per the last City Commission meeting concerning NFL Recycling Corp, the Commission requested a timeline for the conditions. I recommend the following timeline based on the conditions provided in the PCD Memo:

Provide 15 Days after City Commission Approval

- ☐ The applicant/business owner must submit a letter of Intent to present how the business will operate on the site
- ☐ Existing storage container must be removed.

All of the following conditions must be incorporated into the Site Plan and submitted to the City (PCD) i30 Days after City Commission Approval

- ☐ Provide an accurate drawing scale must be provided to confirm site activities.
- ☐ Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
- ☐ Provide building heights and square footage of each building/structure.
- ☐ Provide Existing easements with the recording information.
- ☐ Provide Existing zoning and existing uses on adjacent properties.
- ☐ Identify the loading and un-loading areas and provide proposed screening on the plan.
- ☐ Provide location and access for dumpster enclosures for waste removal.
- ☐ Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
- ☐ Provide a tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.

- ☐ Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
- ☐ Flood Plans and drainage must be provided.
- ☐ Provide landscaping and irrigation plan
- ☐ Address civil plan for water retention, drainage. (Curb and Gutter, retention pond)
- ☐ Provide Civil drawings which indicate if drainage is existing or proposed.
- ☐ Provide a Traffic Impact Statement
- ☐ Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
- ☐ Installation of a new screening wall or fence
- ☐ Location of Signage on site and on the building facade.
- ☐ Site Lighting and visibility easements.
- ☐ Building Color and façade.
- ☐ The business operation must be conducted inside a wholly enclosed building or structure which must be shown on the site plan.

Applicant must submit Building Permits based on the City approved Site Plan 60 Days after City Commission Approval

Applicant must complete all of the construction based on the approved site plan and RER-DEEM regulations 270 Days from City Commission Approval

Applicant must have completed all requirements for final inspection (CO) 365 Days after City Commission Approval.

END OF MEMORANDUM

FILEMESSAGE

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Follow Up

Tags

Editing

Zoom

Barracuda Networks

Thu 1/9/2020 12:44 PM

Sha'mecca Lawson

FW: HRD Accomplishments

To Randy Grice

From: Kierra Ward
Sent: Thursday, January 9, 2020 12:43 PM
To: Sha'mecca Lawson <slawson@Opalockafl.gov>
Subject: HRD Accomplishments

Please see the below accomplishments for the Human Resources Department:

- 1.) Created internal processes and educated department directors in an effort to create uniformity and transparency in Human resources practices as it relates to : recruitment, employee accrual payouts, employee leave requests, personnel changes, Public Records Requests, employee accident/injury reporting
- 2.) Hosts quarterly meeting with the City manager and staff to discuss City business and employment
- 3.) Hired a Risk Manager and Budget Administrator
- 4.) Promotion of 2 police sergeants
- 5.) Employee Wellness Program
- 6.) Commenced negotiations for PBA & AFSCME Employee Unions
- 7.) Offered PPO health insurance option for employees



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2005 **Folio:** 08-2122-002-0430 **Address:** 14569 NW 25 AVE



2005 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2010 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE

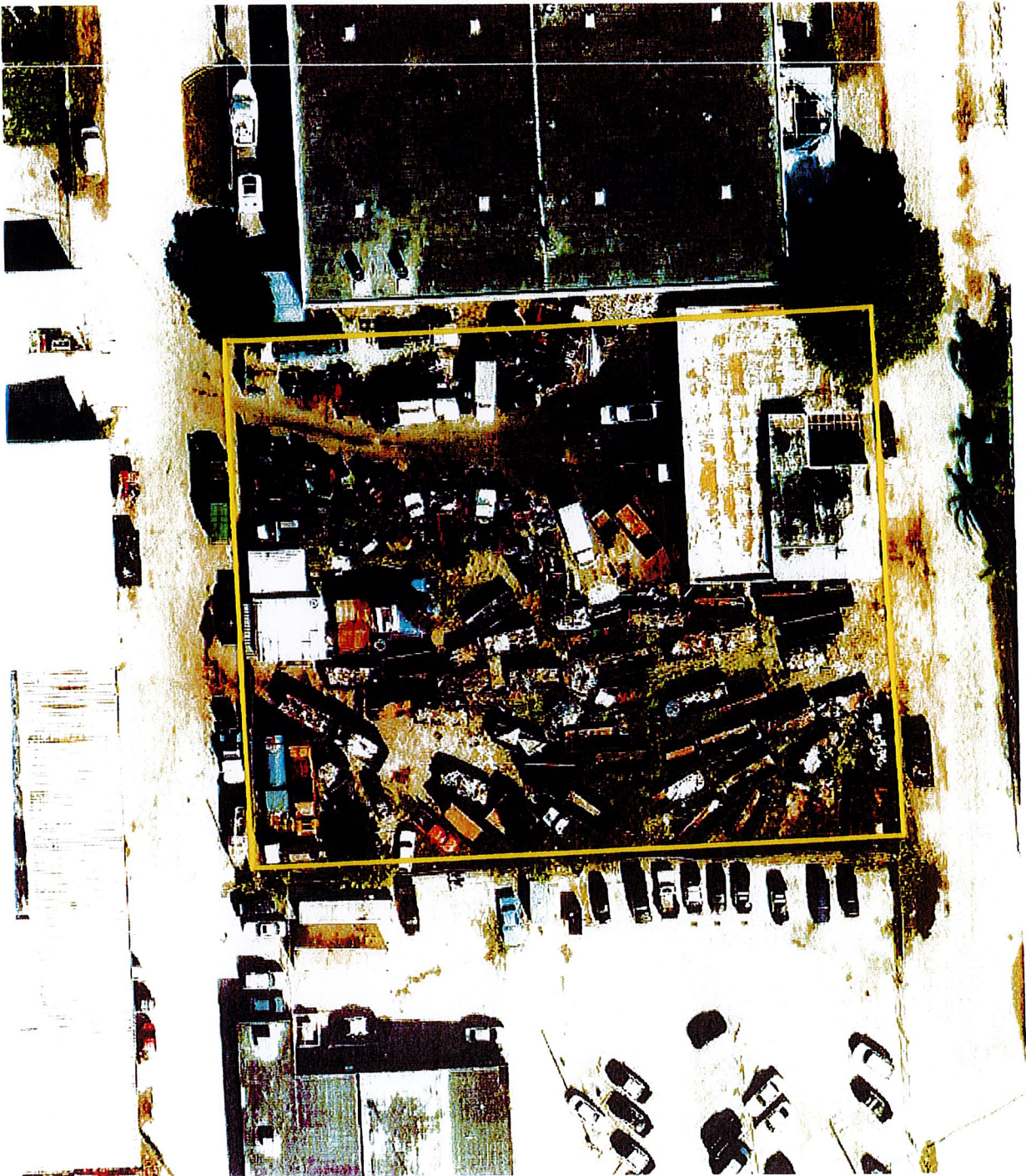


2010 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2013 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE

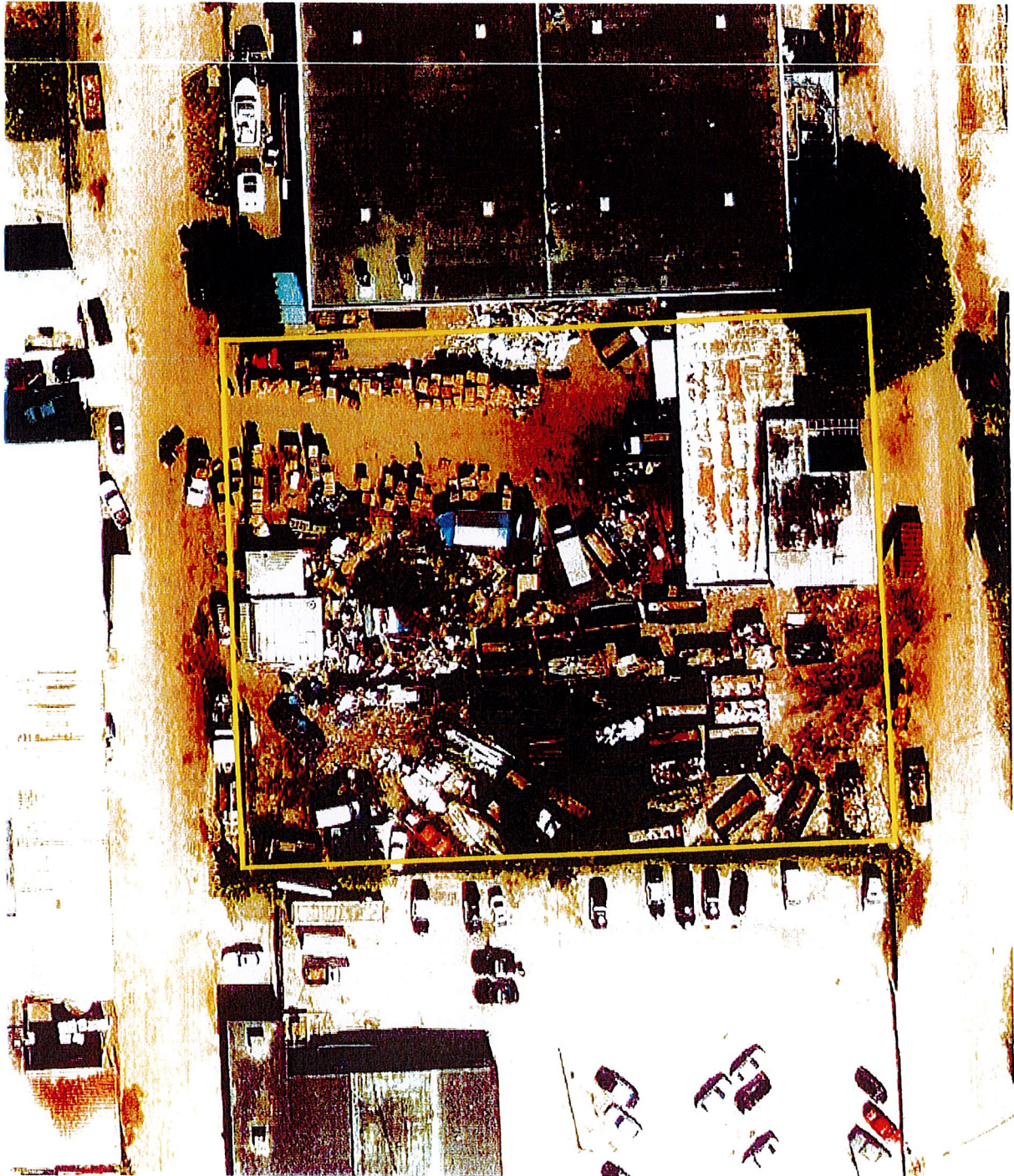


2013 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2014 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE

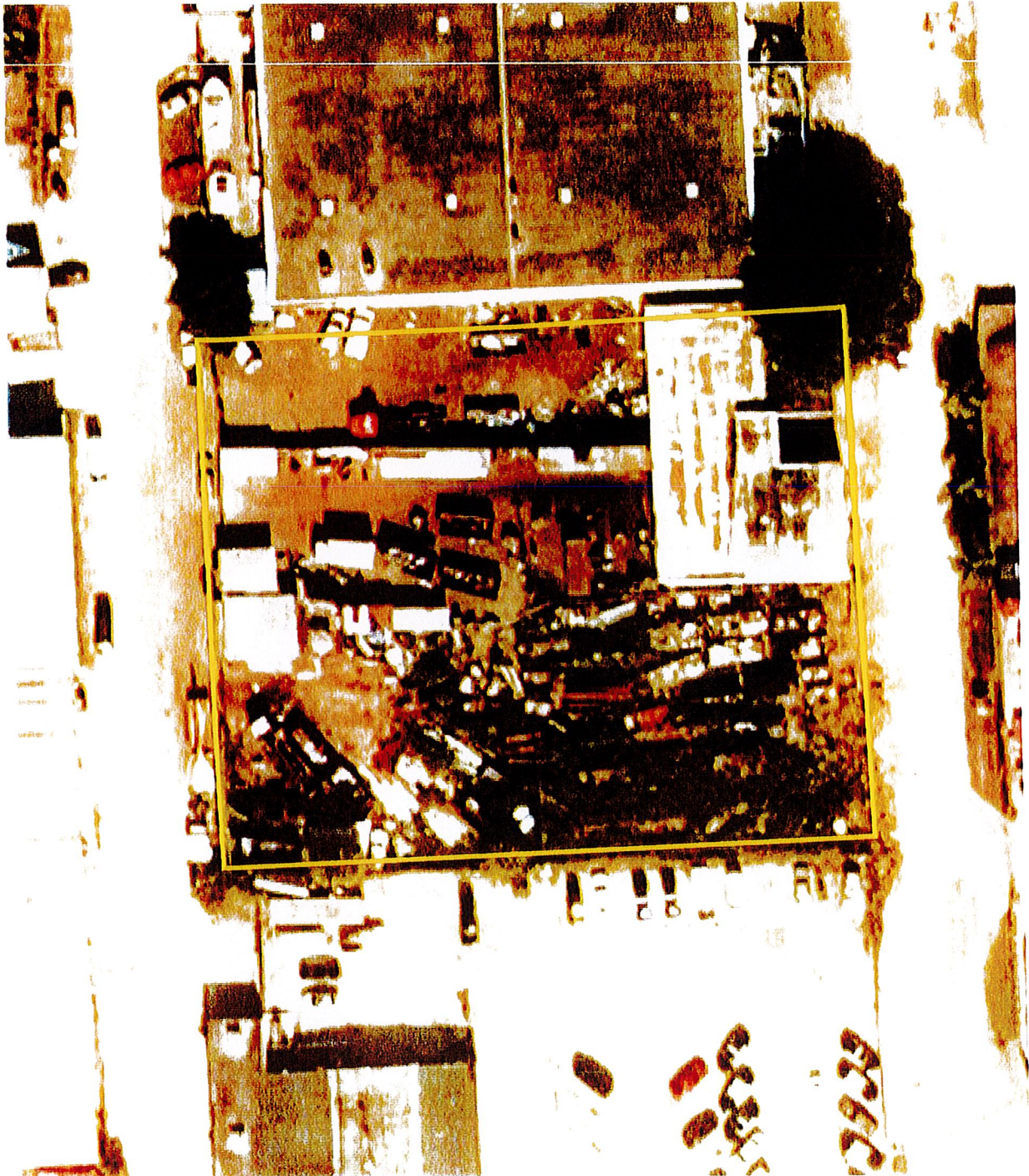


2014 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2015 **Folio:** 08-2122-002-0430 **Address:** 14569 NW 25 AVE



2015 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2016 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE



2016 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2018 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE



2018 Aerial Photography 60ft

**MIAMI-DADE COUNTY DEPARTMENT OF
REGULATORY AND ECONOMIC RESOURCES
DIVISION OF ENVIRONMENTAL RESOURCES
MANAGEMENT**

COMPLAINANT

vs.

**NFL Recycling Corp.
c/o Nelson Fuentes Lara, President**

**25th Ave. Warehouse LLC, Property Owner
Marianela Sandigo, Manager**

RESPONDENTS

**CONSENT
AGREEMENT**

This Agreement, entered into by and between MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT (hereinafter referred to as "DERM"), and NFL Recycling Corp, c/o Nelson Fuentes Lara, President and 25th Ave. Warehouse LLC, c/o Marianela Sandigo (hereinafter referred to as the RESPONDENTS), pursuant to Section 24-7(15), of Chapter 24 of the Code of Miami-Dade County, shall serve to redress violations of Chapter 24 and Chapters 62-701 of the Florida Administrative Code at the site located at, near or in the vicinity of 14569 NW 25 Avenue, Opa-Locka, Florida, Miami-Dade County, identified by Folio No. 08-2122-002-0430.

DERM finds and RESPONDENTS admits the following:

FINDINGS OF FACT

1. DERM is an agency of Miami-Dade County, a political subdivision of the State of Florida which is empowered to control and prohibit pollution and protect the environment within Miami-Dade County pursuant to Article VIII, Section 6 of the Florida Constitution, the Miami-Dade County Home Rule Charter and Section 403.182 of the Florida Statutes.

2. DERM's investigations have revealed that the subject facility operated as a metal recycler without the required Miami-Dade County Resource Recovery and Management Facility Operating Permit (SW) from the 2017 permit year through 2019 permit year, in violation of Section 24-18 of the Code of Miami-Dade County. The SW Operating permit year runs from January 1st through December 31th.
3. The RESPONDENTS hereby consent to the terms of this Agreement without either admitting or denying the allegations made by DERM in the Field Notices of Violation – Notice of Permit Requirement issued on February 15, 2017 and in Uniform Civil Violation Notice (UCVN) No. B202090 issued on August 8, 2017 in conjunction with this cause.
4. The RESPONDENTS paid the Civil Penalty of two hundred and fifty dollars (\$250.00) and the Surcharge of ten dollars (\$10.00) set forth in the UCVN on October 16, 2017. However, the violation was not corrected within the timeframes set forth within the UCVN and penalties accumulated to the amount of five thousand dollars (\$5,000.00).
5. RESPONDENTS hereby consent to this Agreement without either admitting or denying the allegations made by DERM in the August 8, 2017 UCVN issued in conjunction with this cause.
6. The Property Owner, 25th Ave. Warehouse LLC, c/o Marianela Sandigo, have requested to be party to the subject agreement via e-mail received by DERM on April 15, 2019 and as listed RESPONDENT, agree to assume joint responsibility as a liable party to this Agreement pursuant to the provisions of Chapter 24-31 of the Miami-Dade County Code.
7. In an effort to expeditiously resolve this matter and to ensure compliance with Chapter 24 of the Code of Miami-Dade County, and to avoid time consuming and costly litigation, the parties hereto agree to the following, and it is ORDERED:

COMPLIANCE OPERATING REQUIREMENTS

8. The RESPONDENTS shall within ninety (90) days of the effective date of this Agreement submit proof to DERM regarding the City of Opa-Locka Commission's decision (i.e. approval or disapproval) as to "grandfather-in" of the subject business in the capacity that it is currently operating.
9. Within thirty (30) days of any approval(s) obtained pursuant to paragraph 7 above, RESPONDENTS shall resume the SW permit application process initiated on September 26, 2017 to DERM for the subject Resource Recovery and Management Facility.
10. The RESPONDENTS shall complete the permit application process and obtain the required SW Operating Permit within twelve (12) months from the effective date of this Agreement.
11. If the RESPONDENTS receive a disapproval pursuant to paragraph 7 above, the RESPONDENTS shall cease and desist all operations requiring DERM operating permits within thirty (30) of the City Commission's decision. The RESPONDENTS shall remit receipts for the proper disposal of all solid waste materials stored onsite to DERM within seven (7) days of subject ceased operations and therefore unable to obtain .
12. If the RESPONDENTS is unable to obtain DERM Approval for the municipal occupational license or obtain all DERM Required operating permits pursuant to paragraph 9 above, all operations requiring DERM operating permits and approvals on the property shall cease within twelve (12) months from the effective date of this Agreement. The RESPONDENTS shall remit receipts for the proper disposal of all solid waste materials stored onsite to DERM within seven (7) days of subject ceased operations.
13. The RESPONDENTS shall maintain the subject site, during the pendency of this Agreement, in a manner, which shall not pose a hazard or threat to the public at large, or the environment, as set forth in Chapter 24, of the Code of Miami-Dade County.

14. The RESPONDENTS agree to operate the facility pursuant to the conditions listed on Attachment 1 until the requirements of this Agreement are met and a valid SW Permit is obtained.

SETTLEMENT COSTS

15. The RESPONDENTS hereby certify that they have the financial ability to comply with the terms and conditions set forth herein and to comply with the payments specified in this Agreement.

16. The RESPONDENTS agree to pay DERM the following:

- a. SW Permit fees for the 2017 through 2019 permit years. These fees total twelve thousand and nine hundred dollars (\$12,900.00).
 - i. Permit Year 2017 of \$4,000.00
 - ii. Permit Year 2018 of \$4,000.00
 - iii. Permit Year 2019 of \$4,000.00
 - iv. Surcharge (7.5%) of \$300.00 per permit year
- b. Administrative costs for the administration and follow-up for the Consent Agreement of one hundred and fifty dollars (\$150.00) which shall be sent to DERM along with the signed and notarized Consent Agreement(s) for execution.
- c. DERM has determined that a settlement of seven hundred and fifty dollars (\$750.00) is appropriate. This represents a reduction of the accrued penalty as stated in Paragraph 4.

Items a, b and c above, totaling thirteen thousand and eight hundred dollars (\$13,800.00), shall be paid over six (6) consecutive monthly installments. These monthly installments shall be paid in the amount equaling two thousand and three hundred dollars (\$2,300.00). The monthly installments shall be paid on or before the 1st day of the month with the first installment due on or before May 1, 2019.

Payments shall be in the form of certified check or money, made payable to Miami-Dade County. The RESPONDENTS shall include the case information (NFL recycling Corp – SW-1776) on the check to insure proper credit and delivered to:

Department of Regulatory and Economic Resources
Division of Environmental Resources Management
c/o Lynn Westall, Code Enforcement Officer 1
701 NW 1 Court - 6th floor, Miami, Florida 33136

Payments can also be made by phone with Credit Card, by calling the Code Enforcement Section at 305-372-6902.

VIOLATION OF REQUIREMENTS

17. This Agreement constitutes a lawful order of the Director of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management and is enforceable in a civil or criminal court of competent jurisdiction. Violation of any requirement of this Agreement may result in enforcement action by DERM. Each violation of any of the terms and conditions of this Agreement by the RESPONDENTS shall constitute a separate offense.
18. In the event the RESPONDENTS fails to comply with or complete those items listed in paragraphs 8, 9, 10, 11, 12 and 16 herein, the RESPONDENTS shall be subject to balance of the full accrued penalty of five thousand dollars (\$5,000.00) for UCVN B202090 and may be subject to further enforcement action in a civil or criminal court of competent jurisdiction for such failure pursuant to the provisions set forth in Chapter 24, of the Code of Miami-Dade County

GENERAL PROVISIONS

19. The RESPONDENTS shall allow authorized representatives of DERM access to the property at reasonable times for purposes of determining compliance with this Consent Agreement and the rules and regulations set forth in Chapter 24, of the Code of Miami-Dade County.

20. DERM expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violations of applicable statutes or the rules promulgated hereunder.
21. Entry of this Consent Agreement does not relieve the RESPONDENTS of the responsibility to comply with applicable federal, state or local laws, regulations and ordinances.
22. This Agreement shall neither be evidence of a prior violation of this Chapter nor shall it be deemed to impose any limitation upon any investigation or action by DERM in the enforcement of Chapter 24, of the Code of Miami-Dade County.
23. Where timetables or conditions cannot be met by the RESPONDENTS, due to circumstances beyond the RESPONDENTS control, the RESPONDENTS shall provide written documentation to DERM which shall substantiate that the cause(s) for delay or non-compliance was not reasonably in the control of the RESPONDENTS. A determination of the reasonableness of the delay shall be made by DERM for the purpose of extending timeframes if applicable or review for any continued enforcement action.
24. In consideration of the complete and timely performance by the RESPONDENTS of the obligations contained in this Agreement, DERM waives its rights to seek judicial imposition of damages or criminal or civil penalties for the matters alleged in this Agreement.
25. This Agreement shall become effective upon the date of execution by the Director, of DERM or the Director's designee.

Signatures on Following Page

Date

Nelson Fuentes Lara, President
NFL Recycling Corp

Date

Marianela Sandigo, Manager
25th Ave. Warehouse LLC

Before me, the undersigned authority, personally appeared _____,
who after being duly sworn, deposes and says that he has read and agreed to the
foregoing.

Subscribed and sworn to before me this _____ day of _____, 2019,

by _____
(name of affiant)

Personally Known ____ or Produced Identification ____
(Check One)

Type of Identification Produced: _____

Notary Public

DO NOT WRITE BELOW THIS LINE - GOVERNMENT USE ONLY

Date

Lee N. Hefty, Director
Division of Environmental Resources
Management

Witness

Witness

ATTACHMENT 1 – OPERATING CONDITIONS

NFL Recycling Corp

This facility is a metal recycler facility served by sanitary sewer.

Specific Conditions

1. The metal recycling facility shall be operated in strict accordance with Chapter 24-47, MDCEPO, "Regulations for the operations of metal recycling facilities." Especially the following items:
 - a. All shredder residue or prepared ferrous scrap which is placed on site shall be maintained on an impervious area, and
 - b. all prepared ferrous scrap shall be maintained in an area which either:
 - i. Is covered by a roof, or functional equivalent, sufficient to prevent stormwater from coming in contact with the shredder residue or prepared ferrous scrap, or
 - ii. Contains a stormwater management system approved by the Director or the Director's designee to contain, properly treat, handle, and dispose of any stormwater coming in contact with the shredder residue or prepared ferrous scrap.
2. 24-hour access control shall be maintained along the perimeter by means of a physical barrier (i.e., berm, wall, fence, etc.) and at the entrance(s) (i.e., locked gate, guard, etc.).
3. A representative of the operator, knowledgeable in the operating conditions, shall be on site whenever material is received, handled, or removed.
4. Stormwater drainage systems designed to carry stormwater shall be maintained free of solid waste, metal, and leachate at all times
5. The recycling facility shall be limited to accepting a maximum of 10 tons per day of ferrous and non-ferrous scrap metals

6. The tipping, processing, and storage of incoming materials shall be performed on an impervious concrete surface. The integrity of the concrete surface shall be maintained at all times against operational wear and tear (e.g., for major cracks, damages, etc.) and shall be repaired immediately to prevent any deterioration.
7. Unacceptables (e.g., wood, furniture, tires, etc.) and prohibited materials (e.g., garbage, hazardous wastes, etc.) inadvertently accepted shall be temporarily stored in containers to prevent spillages and potential storm water, ground, and/or groundwater contamination. Storage time shall be as follows: forty-eight hours (48) hours for Class I waste and hazardous materials, and thirty (30) days for all others. Materials shall be disposed of at an approved and permitted site and shall be managed in accordance with the provisions of Chapter 62-730, F AC.
8. All above ground tanks and storage areas for hazardous materials must have secondary containment. Design and construction of the secondary containment must have departmental approval.
9. A licensed hazardous waste handler shall be contacted to inspect segregated potential hazardous waste. If determined to be hazardous, arrangements shall be made to transport said waste via a licensed hazardous waste transporter to an approved hazardous waste disposal site. Any hazardous waste which is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, FAC.
10. Engine dismantling must take place indoors. All wastes from facility operations shall be handled, stored, transported and/or disposed of in compliance with County, State, and Federal regulations, and guidance documents.
11. Receipts from all industrial waste and/or wastewater disposal must be maintained at the business and be available for inspection by RER personnel. Receipts shall contain clear information as to the name of the hauler, type of material transported, and quantity of material picked up. Records shall be kept for a period of three (3) years.

12. Dust suppression; odor and litter control; and other measures shall be implemented, as applicable, to prevent nuisance conditions as defined in Chapter 24, MDCEPO.
13. A determined nuisance, as defined in Chapter 24, MDCEPO, public health threat condition, or abnormal occurrence (i.e., fires, explosions, spills) may result in orders for immediate corrective action in accordance with Section 24-7(15)(a) of the MDCEPO, possible modification to the operation, revocation of this operating Consent Agreement and/or closure of the facility. Any abnormal occurrences shall be reported to RER within 24 hours, and records shall be kept pursuant to Section 24-20, MDCEPO.

Prohibitions:

14. Open burning is not permitted at this site in accordance with Section 24-41.5 of the MDCEPO.
15. Waste streams other than those specifically authorized by this agreement including, but not limited to, Class I and Class III wastes as defined in Chapter 62-701, F.A.C., shall not be accepted at the facility.
16. Shredding of scrap metal is not allowed at this facility.
17. No repairs may take place on site, and any spills must be cleaned up immediately. Spill kits must be maintained on site and readily accessible at all times to facilitate clean up should a spill occur. Fueling on site must occur on an impervious surface.
18. No violations of the Miami-Dade County Water Quality Standards or Cleanup Target Levels (CTLs) as provided in Chapter 24-44, MDCEPO, shall occur as a result of the facility operations. Violations of said standards or CTLs may result in orders for immediate corrective action, possible modification to the operation, revocation of this Consent Agreement and/or closure of the facility.

Reporting/Monitoring Requirements:

19. A Monthly Operating Report (MOR) shall be submitted to the Environmental Evaluations Delegated Programs of the Pollution Regulation Division (PRD) of RER with the types and quantities of waste received and removed off-site and an electronic record from the facility weigh scale along with supporting disposal receipts. Said MOR shall be submitted by the 15th of the following month on the form provided by RER and hereby attached to this consent agreement.

These reports shall be submitted to the following address:

Attn: Danielle Jimenez
Environmental Evaluations Delegated Programs Section
Pollution Regulation Division
Department of Regulatory and Economic Resources
701 NW 1st Court, 7th Floor
Miami, Florida 33136

20. The Groundwater Monitoring Reports shall be submitted to the Environmental Monitoring and Restoration Division in accordance with the most recent RER approved groundwater monitoring plan. Sampling and reporting requirements may be modified by RER as needed. Semi-Annual reports shall be submitted on or before January 31 and July 31 of each year and shall include the following:
- a. The facility name and identification number, sample collection dates, and analysis dates;
 - b. All analytical results, including all peaks even if below applicable Cleanup Target Levels;
 - c. Identification number and designation of all ground water monitoring points;
 - d. Applicable water quality standards;
 - e. Quality assurance, quality control notations;
 - f. Method detection limits;
 - g. Water levels recorded prior to evaluating wells or sample collection. Elevation reference shall include the top of the well casing and land surface at each well site at a precision of plus or minus 0.01 foot (using a consistent nationally recognized datum);
 - h. An updated ground water table contour map signed and sealed by a Professional Geologist or Professional Engineer with experience in hydrogeologic investigations, with contours at no greater than one-foot

intervals unless site-specific conditions dictate otherwise, which indicates ground water elevations and flow direction;

- i. Original laboratory reports which include all information required in Chapter 62-160.340, FAC;
- j. Copies of the completed chain of custody records;
- k. Copies of the completed water sampling log forms;
- l. A summary of any water quality standards or criteria that are exceeded.

These reports shall be submitted to the following address:

Attn: Wilbur Mayorga, P.E.,
Chief Environmental Monitoring and Restoration Division
Department of Regulatory and Economic Resources
701 NW 1st Court, 4th Floor
Miami, Florida 33136

- 21. RER shall be contacted, in writing, three (3) working days in advance of all sampling events. All sampling event notifications shall be sent to the Environmental Monitoring and Restoration Division via fax at (305) 372-6982 or via e-mail: DERMPCD@miamidade.gov.
- 22. RER has the option to split any samples deemed necessary with the consultant or laboratory at the subject site. Sampling and analyses shall be performed in accordance with the Standard Operating Procedures referenced in Chapter 62-160, Florida Administrative Code (FAC). The laboratory analyzing the samples shall perform laboratory analyses pursuant to the National Environmental Laboratory Accreditation Program (NELAP) certification requirements. If the data submitted exhibits a substantial variance from the RER split sample analysis, a complete resampling using two independent certified laboratories will be required.
- 23. Any significant changes in facility operations or procedures shall be reported to RER in writing within thirty (30) days of the change.
- 24. All reports and other submittals required to comply with this Consent Agreement shall be signed, and certified, if required, by an appropriate and authorized entity (e.g., registered Professional Engineer, Professional Geologist, Professional Surveyor and Mapper, permittee or authorized legal representative, etc.

These reports shall be submitted to the following address:

Attn: Bernardo Bieler, P.E., Chief
Pollution Regulation Division
Department of Regulatory and Economic Resources
701 NW 1st Court, 7th Floor
Miami, Florida 33136

RESOLUTION 6.1

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF OPA-LOCKA, FLORIDA, 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
NECESSARY ACTION; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, on November 13, 2019 the parties in the case of Joseph Barton and Jaiden Contreras vs. City of Opa-Locka attended a Court ordered mediation; and

WHEREAS, neither party admits liability in this matter, however, in an effort to resolve the pending controversy, all parties desire to amicably and expeditiously resolve all claims and avoid continued litigation; and

WHEREAS, Section 166.02(1), Florida Statutes and Resolution 08-7317 grants the City Commission the authority to declare property that has become inadequate for public purposes as surplus, and

WHEREAS, The City Commission hereby accepts the City Manager's recommendation to declare certain properties as surplus, as set forth in Exhibit "A"; and

WHEREAS, the parties desire to enter into a Settlement Agreement with the intended purpose of resolving all claims as set forth in Exhibit "A".

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, THAT:

Section 1. **Adoption of Representations.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. **Approval of Settlement Agreement.**
The City Commission of the City of Opa-Locka hereby approves the settlement agreement between the Plaintiffs Joseph Barton, Jaiden Contreras and the City of Opa-Locka, consistent with the Agreement attached hereto as Exhibit "A"; and further authorizes the City Manager to take all necessary action consistent with this Resolution.

Section 3. Waiver of Resolution 08-7317 Provision. The City Commission hereby waives Resolution 08-7317 (3)(6) requiring advertisement of surplus properties.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption hereof and approval by the Governor of the State of Florida or his designee.

PASSED and ADOPTED this ____ day of January 2020.

Matthew A. Pigatt, Mayor

ATTEST:

Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P.A.

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	_____ (Yes)	_____ (No)
Commissioner Burke	_____ (Yes)	_____ (No)
Commissioner Kelley	_____ (Yes)	_____ (No)
Vice-Mayor Davis	_____ (Yes)	_____ (No)
Mayor Pigatt		

“Exhibit A”

PLANNING & ZONING PUBLIC HEARING

7.A.1

RESOLUTION NO. _____

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 SCRAPMETAL 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.

WHEREAS, pursuant to the City's Code of Ordinance and the City's Land Development Regulations, Ordinance 15-31, provides that the City Commission has the power to approve, approve with conditions or modifications or deny any site plan review request or development order; and

WHEREAS, the applicant has presented a request to continue their operation on the property located at 14569 NW 25th Avenue, Opa-Locka, FL because they were provided licensure without formal site plan review and approval; and

WHEREAS, the City Manager hereby recommends approval with conditions of the operations at 14569 NW 25th Avenue, Opa-Locka, FL, as set forth herein; and

WHEREAS, the City's Land Development Regulations, Section 22-11 regarding Nonconforming Development states: "It is the purpose and intent of this section to provide procedures whereby lawful nonconforming structures and uses may be maintained when not creating a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present standards to the maximum possible extent"; and

WHEREAS, Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resource Management has required NFL Recycling Corp., and 25th Ave. Warehouse LLC to comply with the terms of a Consent Agreement which requires City Commission approval or disapproval as to grandfathering of the subject business in the capacity of which it is currently operating to obtain City licensure approval and compliance with Chapter 24-31 of the Miami-Dade County Code; and

WHEREAS, the applicant has provided a site plan draft to the City to address its current operations and the Planning & Community Development Department staff has reviewed this site plan draft and, through the City Manager, recommends that approval as a legal non-conforming use should include certain conditions to be completed on the subject site consistent with the timeline specifications set forth herein; and

WHEREAS, the City Commission waives review by the Planning & Zoning Board, pursuant to the City Land Development Regulations, Ordinance 15-31, Section 22-32 which provides that the City Commission's authority shall include, but not be limited to, approval, approval with conditions or modifications or denial and hearing appeals from any board or administrative body of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

SECTION 2. Approval/Denial.

Approval/Denial of Site Plan. The City Commission of the City of Opa-locka hereby approves / denies NFL Recycling's Scrap Metal Yard/Outdoor Recycling operation as a Grandfathered Non-Conforming Use at 14569 NW 25th Avenue, and identified by Folios 08-2122-022-0430, in the I-2 Zoning District subject to progression of the following conditions set forth herein.

SECTION 3. Conditions of Approval.

The following conditions must be completed as set forth herein within the time frames specified or else the property site shall immediately revert back requiring full compliance with all terms and conditions of the City of Opa-Locka's Ordinances, Rules and Land Development Regulations for the subject property site. All of the following timeline specifications shall apply and to the extent that the parties disagree on the interpretation of a meaning as set forth herein, the meaning determined by the City of Opa-Locka shall apply:

- 1) Provide 15 Days after City Commission Approval:
 - ☐ The applicant/business owner must submit a letter of Intent to present how the business will operate on the site
 - ☐ Existing storage container must be removed.
- 2) All of the following conditions must be incorporated into the Site Plan and submitted to the City (PCD) 30 Days after City Commission Approval:

- ☐ Provide an accurate drawing scale must be provided to confirm site activities.
- ☐ Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
- ☐ Provide building heights and square footage of each building/structure.
- ☐ Provide Existing easements with the recording information.
- ☐ Provide Existing zoning and existing uses on adjacent properties.
- ☐ Identify the loading and un-loading areas and provide proposed screening on the plan.
- ☐ Provide location and access for dumpster enclosures for waste removal.
- ☐ Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
- ☐ Provide a tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.
- ☐ Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
- ☐ Flood Plans and drainage must be provided.
- ☐ Provide landscaping and irrigation plan
- ☐ Address civil plan for water retention, drainage. (Curb and Gutter, retention pond)
- ☐ Provide Civil drawings which indicate if drainage is existing or proposed.
- ☐ Provide a Traffic Impact Statement
- ☐ Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
- ☐ Installation of a new screening wall or fence
- ☐ Location of Signage on site and on the building facade.
- ☐ Site Lighting and visibility easements.
- ☐ Building Color and façade.
- ☐ The business operation must be conducted inside a wholly enclosed building or structure which must be shown on the site plan.

- 3) Additionally, Applicant shall: a) Submit Building Permits based on the City approved Site Plan 60 Days after City Commission Approval; b) Complete all of the construction based on the approved site plan and RER-DERM regulations 270 Days from City Commission Approval; and c) Complete all requirements for final inspection (CO) 365 Days after City Commission Approval.

SECTION 4. SCRIVENER'S ERRORS.

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 5. EFFECTIVE DATE.

This Resolution shall, upon adoption, become effective as specified by the City of Opa-locka Code of Ordinances and the City of Opa-locka Charter.

PASSED AND ADOPTED this _____ day of _____, 2020.

Matthew A. Pigatt, Mayor

ATTEST:

Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	(Yes) _____	(No) _____
Commissioner Burke	(Yes) _____	(No) _____
Commissioner Kelley	(Yes) _____	(No) _____
Vice-Mayor Davis	(Yes) _____	(No) _____
Mayor Pigatt	(Yes) _____	(No) _____

FROM PAGE 9A

LANSKY

'THE MOB'S ACCOUNTANT'

Lansky, known as "the Mob's accountant," a description he'd eschew, would come back to Miami Beach to take care of business himself.

The Russian-born Maier Suchowijansky was considered by law enforcement "to be a genius of finance with the proceeds of bootlegging and gambling with notorious associates including Lucky Luciano and Bugsy Siegel," the Miami Herald once said.

Lansky said "there's no such thing as organized crime" in 1978.

A police officer once described Lansky as "the Andrew Carnegie of the Mob," the Herald reported in 1983. His first arrest came in 1918, when he was about 16, for felonious assault in New York. He reportedly joined forces with Benjamin (Bugsy) Siegel to form the Bugs and Meyer Mob in 1921, the Herald reported in his obituary. "The gang specialized in hijacking cars and guarding bootleg liquor shipments for other hoodlums during the Prohibition era."

In the 1930s and 1940s, Lansky was linked to illegal gambling casinos in South Florida, New Orleans, Havana and Saratoga, New York.

In 1972, Israeli authorities deported him back to South Florida, where the government brought Lansky to trial with the testimony of loan shark Vincent "Fat Vinnie" Teresa. Lansky was acquitted in 1974.

He'd cop to one thing: "I admit quite frankly that I made a fortune from bootlegging," he said in "Lansky, Mogul of the Mob," a book written by three Israeli journalists to whom



Meyer Lansky at Miami International Airport in February 1978.

LIVING IN MIAMI BEACH

Lansky spent the rest of his life in Miami Beach living with his second wife, Thelma, at the Imperial House in the 5200 block of Collins Avenue. He had three children from his first wife, Anna, whom he divorced in 1948 to marry Thelma. He reportedly doted on his children — Bernard, Paul and Sandra.

The Miami Herald once described Lansky as "a small, mild-mannered and grandfatherly man who looked like anyone else his age, playing out life's closing years in Miami Beach."

People recall seeing Lansky shopping at the men's clothing stores at Bal Harbour Shops and getting hair cuts at Carousel Barber Shop in Surfside. The mobster also hung out at the Singapore on Collins Avenue and was often seen dining at the two Wolfe Sandwich Shop delis that were on Lincoln Road and Collins Avenue. They were famed for their overstuffed pastrami sandwiches and super-sized slabs of their "world famous cheeseecake."

Lansky died from lung cancer at Mount Sinai

Medical Center in Miami Beach on Jan. 15, 1983. He was 80.

"Lansky outlived all the big hoodlums of his era: Capone, Costello, Luciano, Giancana, Anastasia, Lepke, Joe Adonis, Longie Zwillman. His name is part of our history and our legend. But when the obits ran the other day, there was a sense that the true story was now gone forever," the Herald wrote a week after his death.

LANSKY ON AUCTION

The Fine Antiquities and Artifacts auction from RR Auction concludes Jan. 8. Auction spokesman Mike Graff expects the letter to attract interest.

"Gangster memorabilia is one of RR's most popular specialty categories," Graff said. "They are best known for selling the Bonnie and Clyde's guns for more than \$500,000, in 2012."

On Saturday, the Lansky letter had attracted a bid of \$220 so far.

In 2018, a 14-karat gold tie clip said to belong to Lansky went for \$526 after it was auctioned by Aaron Lombardo, Vincent Lombardo's grandson.

For information, visit www.rrauction.com.

FROM PAGE 9A

TREES

starting in the spring. Miami-Dade residents interested in the free mulch can sign up at: <http://cloud.info.miamidade.gov/christmastree> to be notified once it's available.

• Trees recycled in Broward County will be chipped and used for landscaping throughout the county park system. If you want to recycle your tree this year, here's what you need to know:

MIAMI-DADE COUNTY

1. Drop-off
You can drop off your clean, decoration-free Christmas Tree at the West Miami-Dade Home Chemical Collection Center, 8801 NW 58 St., or at one of the county's 10 Trash and Recycling Centers.

The centers are open seven days a week from 7 a.m. to 5:30 p.m.

• Eureka Drive - 9401 SW 184 St.
• Golden Glades - 140 NW 160 St.
• Moody Drive - 12970 SW 268 St.
• North Dade Landfill - 21500 NW 47 Ave.
• Norwood - 19901 NW Seventh Ave.

• Palm Springs North - 7870 NW 178 St.
• Snapper Creek - 2200 SW 117 Ave.
• South Miami Heights - 20800 SW 117 Ct.
• West Little River - 1830 NW 79 St.
• West Perrine - 16651 SW 107 Ave.

2. Place your tree at the curb
Crews will be collecting trees at the curb between Jan. 7 and Feb. 1. You can use the map found on Miami-Dade County's website or refer to the schedule below to

determine what zone your home falls under:

• **Zone 1**
Location: South side of Southwest 152nd Street to Southwest 400th Street in Homestead
Place tree at the curb by Sunday, Jan. 5
Pick-up week: Jan. 7-11

• **Zone 2**
Location: South side of SW 88th Street to north side of SW 152nd Street
Place tree at the curb by Sunday, Jan. 12
Pick-up week: Jan. 13-18

• **Zone 3**
Location: South side of NW 25th Street to north side of SW 88th Street
Place tree at the curb by Sunday, Jan. 19
Pick-up week: Jan. 20-25

• **Zone 4**
Location: NW 215th Street to the north side of NW 25th Street
Place tree at the curb by Sunday, Jan. 26
Pick-up week: Jan. 27 - Feb. 1

4. Use one of your available bulky waste pickups
Trees placed at the curb as part of a scheduled bulk waste pickup will not be recycled into mulch.

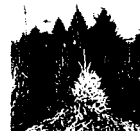
Miami-Dade County was not available for comment on what would happen to the trees collected in the scheduled bulk waste pickup.

BROWARD COUNTY

The free Chip-A-Tree program will be available at 13 parks through Jan. 20. Those who visit the park to recycle their clean, decorated-free Christmas tree will not have to pay the regular weekend and holiday gate entrance fee.

Tree collection hours vary by park and residents are asked to call ahead. Here are the participating parks:

• Brian Piccolo Sports



Recycle your tree for free

Park & Velodrome, 9501 Sheridan St., Cooper City
Phone: 954-357-5150
• C.B. Smith Park, 900 N. Flamingo Road, Pembroke Pines
Phone: 954-357-5170
• Easterlin Park, 1000 NW 38th St., Oakland Park
Phone: 954-357-5190

• Fern Forest Nature Center, 201 Lyons Road South, Coconut Creek
Phone: 954-357-5198
• Markham Park & Target Range, 16001 W. State Road 84, Sunrise
Phone: 954-357-8868

• Plantation Heritage Park, 1100 S. Fig Tree Lane, Plantation
Phone: 954-357-5135
• Rev. Samuel Delevoe Memorial Park, 2520 NW Sixth St., Fort Lauderdale
Phone: 954-357-8801

• Snake Warrior's Island Natural Area, 3600 SW 62nd Ave., Miramar
Phone: 954-357-8776
• Tradewinds Park & Stables, 3600 W. Sample Road, Coconut Creek
Phone: 954-357-8870

• Tree Tops Park, 3900 SW 100th Ave., Davie
Phone: 954-357-5130
• T.Y. (Toppekeegee) Yaguel Park, 3300 N. Park Road, Hollywood
Phone: 954-357-8811

• Vista View Park, 4001 SW 142nd Ave., Davie
Phone: 954-357-8898
• West Lake Park, 1200 Sheridan St., Hollywood
Phone: 954-357-5161

Michelle Marchante:
305-376-2708



CITY OF OPA-LOCKA, FLORIDA NOTICE TO THE PUBLIC

NOTICE IS HEREBY GIVEN that the City Commission of the City of Opa-locka, Florida will hold public hearings at a Regular Commission Meeting on Wednesday, January 8, 2020 at 7:00 p.m. at the Sherbondy Village Auditorium, 215 President Barack Obama (Perviz) Avenue, Opa-locka, Florida to consider the following items:

RESOLUTION/PUBLIC HEARING:

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 AVE. WAREHOUSE LLC (C/O MARIANELA SANDIGO) TO GRANDFATHER, AS A NON-CONFORMING USE, A SCRAPMETAL YARD, SUBJECT TO CERTAIN CITY REQUIRED CONDITIONS FOR THE PROPERTY LOCATED AT 14569 NW 25th AVE. AND IDENTIFIED BY FOLIO 08-2122-002-0430 IN THE 1-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

SECOND READING ORDINANCES/PUBLIC HEARINGS:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING APPROVAL OR DENIAL OF A REQUEST TO REZONE THE PARCEL LOCATED AT THE CORNER OF NW 129th STREET AND NW 27th AVENUE FROM B-2 TO B-3 TO ALLOW THE CONSTRUCTION OF A SELF STORAGE FACILITY ON THIS PARCEL AND 12940 NW 27th AVENUE, OPA-LOCKA, FL 33054, IDENTIFIED BY FOLIOS 08-2128-004-0022 AND 08-2128-004-0031; PROVIDING FOR AN EFFECTIVE DATE (first reading/public hearing held on December 11, 2019).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 17, ARTICLE III OF THE CITY'S CODE OF ORDINANCES ENTITLED "PLANNING AND DEVELOPMENT" TO INCLUDE NEW DIVISION 3 TO BE ENTITLED "UNITY OF TITLE"; PROVIDING A DEFINITION FOR OF UNITY OF TITLE; ESTABLISHING REQUIREMENTS AND PROCESS FOR UNITY OF TITLE; AMENDING SECTION 2.655(GG) OF THE CITY'S CODE OF ORDINANCES TO INCREASE THE FINE FOR UNITY OF TITLE APPLICATION FROM \$200.00 TO \$500.00; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE (first reading/public hearing held on December 11, 2019).

Additional information on the above items may be obtained in the Office of the City Clerk, 780 Fisherman Street, 4th Floor, Opa-locka, Florida. All interested persons are encouraged to attend this meeting and will be heard with respect to the public hearings.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 953-2800 for assistance no later than seven (7) days prior to the proceeding. If hearing impaired, you may telephone the Florida Relay Service at (800) 955-8771 (TTY), (800) 955-8770 (Voice), (877) 955-8773 (Spanish) or (877)955-8707 (Crisis).

PURSUANT TO FS 286.0105: Anyone who desires to appeal any decision made by any board, agency, or commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for that reason, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

Joanna Flores, CMC
City Clerk
City of Opa-locka

RUN THE CITY
FEEL THE VIBES!

KINGSTON CITY MARATHON

1/2 MARATHON | 10K | 5K

MARCH 15, 2020

COME RUN IN JAMAICA!

MARCH 13th WELCOME PARTY
MARCH 14th LIFESTYLE & FITNESS EXPO
MARCH 15th RACE DAY | AWARDS CEREMONY

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**City of Opa-Locka
Agenda Cover Memo**

RECEIVED
CITY OF OPA-LOCKA
OFFICE OF THE CITY CLERK

2019 DEC 23 PM 3: 31

Department Director:	Gregory Gay		Department Director Signature:		
Finance Director:			FD Signature:		
City Manager:	John Pate		CM Signature:		
Commission Meeting Date:	12-20-19	Item Type: (Enter X in box)	Resolution	Ordinance	Other
Fiscal Impact: (Enter X in box)	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading	2nd Reading
				X	
		X	Public Hearing: (Enter X in box)	Yes	No
				X	
Funding Source: Account# :	(Enter Fund & Dept) Ex: PTP		Advertising Requirement: (Enter X in box)	Yes	No
				X	
Contract/P.O. Required: (Enter X in box)	Yes	No	RFP/RFQ/Bi#: N/A		
		X			
Strategic Plan Related (Enter X in box)	Yes	No	Strategic Plan Priority Area: Enhance Organizational ☐ Bus. & Economic Dev ☒ Public Safety ☐ Quality of Education ☐ Qual. of Life & City Image ☐ Communication ☐	Strategic Plan Obj./Strategy: (list the specific objective/strategy this item will address)	
	X				
Sponsor Name	City Manager		Department: Planning & Community Development	City Manager	

Short Title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING THE APPROVAL OR DENIAL OF NFL RECYCLING'S SCRAP METAL YARD/OUTDOOR RECYCLING OPERATION AS A GRANDFATHERED NON-CONFORMING USE AT 14569 NW 25TH AVENUE, OPA-LOCKA, FLORIDA, 33054 AND IDENTIFIED BY FOLIO 08-2122-002-0430 IN THE I-2 ZONING DISTRICT. PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Per the site plan that was provided by NFL Recycling, PCD staff recommend the issue of grandfathering the Scrap Metal Yard/Outdoor Recycling should be placed on the next Opa-locka City Commission agenda for their consideration. If considered for approval, per PCD Staff

reviewed the Site Plan Draft submitted by NFL Recycling, the following conditions are recommended:

- The applicant/business owner must submit a Letter of Intent to present how the business will operate on the site.
- Provide an accurate drawing scale must be provided to confirm site activities.
- Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
- Provide building heights and square footage of each building/structure.
- Provide Existing easements with the recording information.
- Provide Existing zoning and existing uses on adjacent properties.
- Identify the loading and un-loading areas and provide proposed screening on the plan.
- Provide location and access for dumpster enclosures for waste removal.
- Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
- Provide a Tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.
- Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
- Flood Plans and drainage must be provided.
- Provide irrigation plan
- Address civil plan for water retention, drainage. (curb and gutter, retention pond)
- Provide Civil drawings which indicate if drainage is existing or proposed.
- Existing storage container must be removed.
- Provide a Traffic Impact Statement
- Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
- Installation of a new screening wall or fence
- Location of Signage on site and on the building facade.
- Site Lighting and visibility easements.
- Building Color and façade.

These are the comments/conditions based on the engineering plans provided if grandfathership is being considered.

BACKGROUND

The site plan for NFL Recycling was forwarded to PCD office on November 21st 2019 for review. The property under its current use was cited by Code Enforcement. The business owners are looking to upgrade their site to comply with the I-2 zoning designation, however the use of a scrap metal recycling operation is not permitted within this zoning district. NFL Recycling has been operating under a license issued by the city since 2016, the licensure they have does not reflect the type of work being done by the company has been working under said license.

In September 2013, the business owners, Nelson Lara, applied for an occupational license to "storage and warehousing of electric motors, to cut up and sold." Staff determine this use as a scrap metal operation and the application was denied. The site appears to have had a variety of uses since 2005, from storage of containers, dumpsters, pallets, and heavy vehicles. In 2016, the

outside scrap metal operation appears to begin per the aerials provided by Miami-Dade Office of the Property Appraiser.

The type of open air/outside recycling operation they are conducting is allow in the I-4 Liberal Industrial Storage and Salvage zoning district. The I-4 zoning district is located in an area of the City bounded by NW 32 Avenue to the east, CSX ROW to the west and south of NW 135th Street to the City Limits along NW 127th Street. In order for this scrap metal recycling operation to be considered for grandfathership to the type of recycling allowed in the I-2 Industrial zoning District, the recycling should occur inside a wholly included building or structure.

Proposed Action:

Staff has recommended approval of this legislation.

Attachment:

Staff Memo-Recommendation
NFL Recycling Site Aerials
Consent Agreement – Miami Dade County DERM



Memorandum

TO: John E. Pate, City Manager

FROM: Gregory Gay, PCD Director
Gerald Lee, Zoning Official/Planner
Corion DeLaine, City Planner

DATE: December 20th, 2019

RE: NFL Recycling – Site Plan Review for Grandfathering of Use

Per the site plan provided by NFL Recycling, PCD staff recommend the issue of grandfathering the Scrap Metal Yard/Outdoor Recycling should be placed on the next Opa-locka City Commission agenda for their consideration. If the City Commission considers approval, per PCD Staff reviewed the Site Plan Draft submitted by NFL Recycling, the following conditions are recommended.

- The applicant/business owner must submit a Letter of Intent to present how the business will operate on the site.
- Provide an accurate drawing scale must be provided to confirm site activities.
- Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
- Provide building heights and square footage of each building/structure.
- Provide Existing easements with the recording information.
- Provide Existing zoning and existing uses on adjacent properties.
- Identify the loading and un-loading areas and provide proposed screening on the plan.
- Provide location and access for dumpster enclosures for waste removal.
- Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
- Provide a tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.
- Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
- Flood Plans and drainage must be provided.
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- Provide Civil drawings which indicate if drainage is existing or proposed.
- Existing storage container must be removed.
- Provide a Traffic Impact Statement
- Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
- Installation of a new screening wall or fence
- Location of Signage on site and on the building facade.
- Site Lighting and visibility easements.
- Building Color and façade.

These are the comments/conditions based on the engineering plans provided if the grandfathership of this scrap metal yard/outdoor recycling use is being considered. Please keep in mind that this use was not submitted/subject to site plan review by the Planning Zoning Appeals Board for recommendation and City Commission for approval. This process circumvents the review process. For this scrap metal recycling operation to be considered permitted by right and allowed in the I-2 Industrial Zoning District, the recycling must occur inside a wholly included building or structure.

Background

The site plan for NFL Recycling was forwarded to PCD office on November 21st 2019 for review. The property under its current use was cited by Code Enforcement. The business owners are looking to upgrade their site to comply with the I-2 zoning designation, however the use of a scrap metal recycling operation is not permitted within this zoning district. NFL Recycling has been operating under a license issued by the city since 2016, the licensure they have does not reflect the type of work being done by the company has been working under said license.

In September 2013, the NFL business owners, Nelson Lara, applied for an occupational license to "storage and warehousing of electric motors, to cut up and sold." Staff determine this use as a scrap metal operation and the application was denied. The site appears to have had a variety of uses since 2005, from storage of containers, dumpsters, pallets, and heavy vehicles. In 2016, the outside scrap metal operation appears to begin per the annual aerials photos provided by Miami-Dade Office of the Property Appraiser.

The type of open air/outside recycling operation they are conducting is allow in the I-4 Liberal Industrial Storage and Salvage zoning district. The I-4 zoning district is located in an area of the City bounded by NW 32 Avenue to the east, CSX ROW to the west and south of NW 135th Street to the City Limits along NW 127th Street. In order for this scrap metal recycling operation to be considered as permitted by right and allowed in the I-2 Industrial zoning District, the recycling should occur inside a wholly included building or structure.

If you have any questions or concerns, please advise.

END OF MEMORANDUM



Memorandum

TO: John E. Pate, City Manager
Burnadette Norris-Weeks, City Attorney

FROM: Gregory Gay, PCD Director
Gerald Lee, Zoning Official/Planner
Corion DeLaine, City Planner

DATE: January 9, 2020

RE: Timeline for NFL Recycling Corp License/Site Plan Compliance Process.

Per the last City Commission meeting concerning NFL Recycling Corp, the Commission requested a timeline for the conditions. I recommend the following timeline based on the conditions provided in the PCD Memo:

Provide 15 Days after City Commission Approval

- ☐ The applicant/business owner must submit a letter of Intent to present how the business will operate on the site
- ☐ Existing storage container must be removed.

All of the following conditions must be incorporated into the Site Plan and submitted to the City (PCD) i30 Days after City Commission Approval

- ☐ Provide an accurate drawing scale must be provided to confirm site activities.
- ☐ Provide the purpose for the buildings and sheds shown on the plan which have no indication as to the proposed use for this operation.
- ☐ Provide building heights and square footage of each building/structure.
- ☐ Provide Existing easements with the recording information.
- ☐ Provide Existing zoning and existing uses on adjacent properties.
- ☐ Identify the loading and un-loading areas and provide proposed screening on the plan.
- ☐ Provide location and access for dumpster enclosures for waste removal.
- ☐ Provide ingress and egress to address ferrous and non-ferrous removal and processing, i.e. compaction, bailing, etc.
- ☐ Provide a tabular for the site plan that addresses what is required and what is provided: for set-backs, parking, landscaping.

- ☐ Indicate how the Swale in the middle of the property is shown to be sloped from the unloading area of non-ferrous materials without a mechanism to prevent the collection of potentially contaminated water flows.
- ☐ Flood Plans and drainage must be provided.
- ☐ Provide landscaping and irrigation plan
- ☐ Address civil plan for water retention, drainage. (Curb and Gutter, retention pond)
- ☐ Provide Civil drawings which indicate if drainage is existing or proposed.
- ☐ Provide a Traffic Impact Statement
- ☐ Provide the plan to stack the delivery trucks on site so as not to impede neighborhood traffic.
- ☐ Installation of a new screening wall or fence
- ☐ Location of Signage on site and on the building facade.
- ☐ Site Lighting and visibility easements.
- ☐ Building Color and façade.
- ☐ The business operation must be conducted inside a wholly enclosed building or structure which must be shown on the site plan.

Applicant must submit Building Permits based on the City approved Site Plan 60 Days after City Commission Approval

Applicant must complete all of the construction based on the approved site plan and RER-DEEM regulations 270 Days from City Commission Approval

Applicant must have completed all requirements for final inspection (CO) 365 Days after City Commission Approval.

END OF MEMORANDUM

FILEMESSAGE

Ignore

Delete

Junk

Reply

Reply All

Forward

Meeting

More

Move

Rules

Mark Unread

Search Archive

Archive

Move to: ?

To Manager

Team Email

Translate

Zoom

Editing

Tags

Move

Quick Steps

Thu 1/9/2020 12:44 PM

Sha'mecca Lawson

FW: HRD Accomplishments

To

Randy Grice

From: Kierra Ward
Sent: Thursday, January 9, 2020 12:43 PM
To: Sha'mecca Lawson <slawson@Opalockafl.gov>
Subject: HRD Accomplishments

Please see the below accomplishments for the Human Resources Department:

- 1.) Created internal processes and educated department directors in an effort to create uniformity and transparency in Human resources practices as it relates to : recruitment, employee accrual payouts, employee leave requests, personnel changes, Public Records Requests, employee accident/injury reporting
- 2.) Hosts quarterly meeting with the City manager and staff to discuss City business and employment
- 3.) Hired a Risk Manager and Budget Administrator
- 4.) Promotion of 2 police sergeants
- 5.) Employee Wellness Program
- 6.) Commenced negotiations for PBA & AFSCME Employee Unions
- 7.) Offered PPO health insurance option for employees

See more about Sha'mecca Lawson.

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OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2005 **Folio:** 08-2122-002-0430 **Address:** 14569 NW 25 AVE



2005 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2010 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE

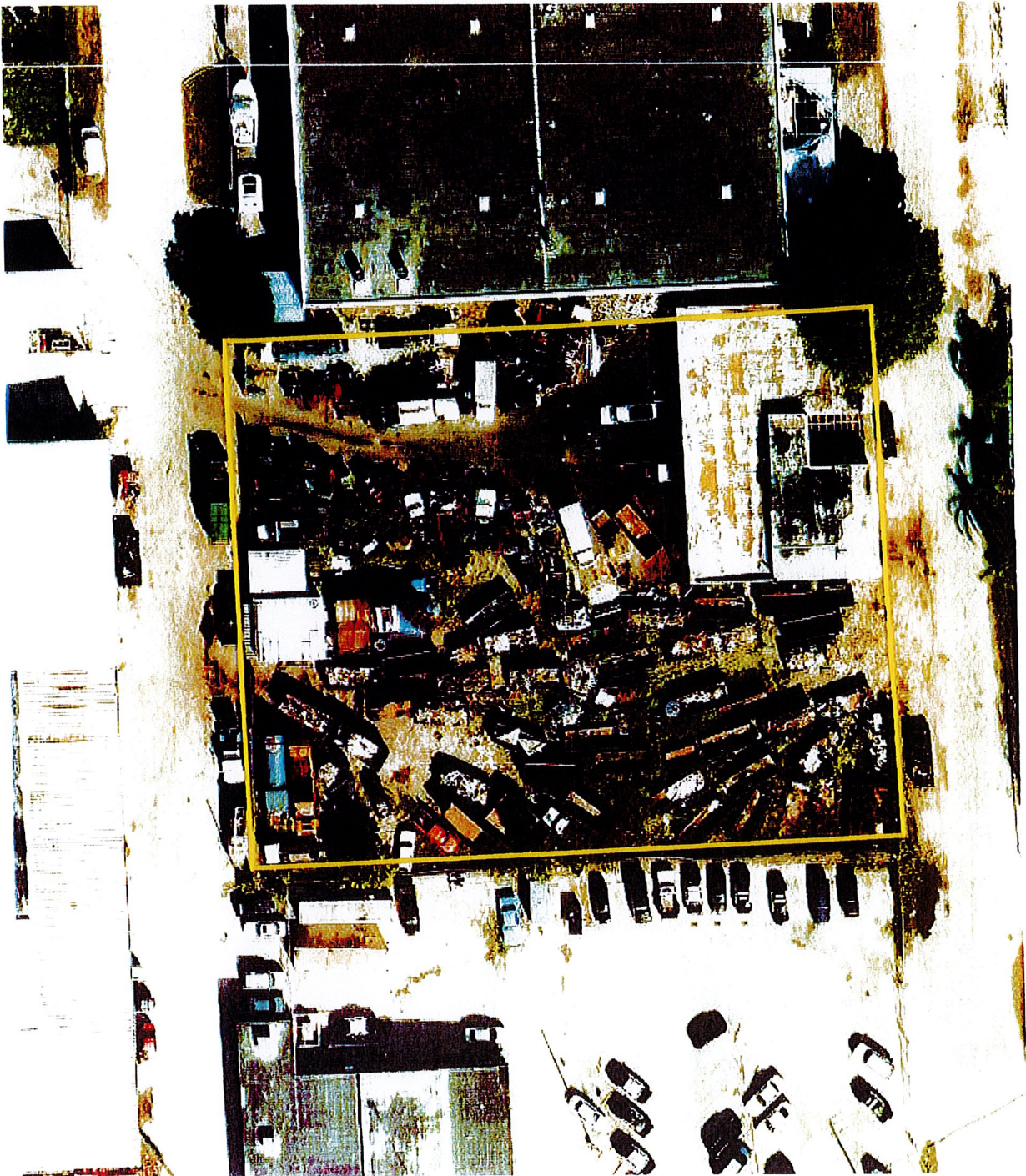


2010 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2013 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE

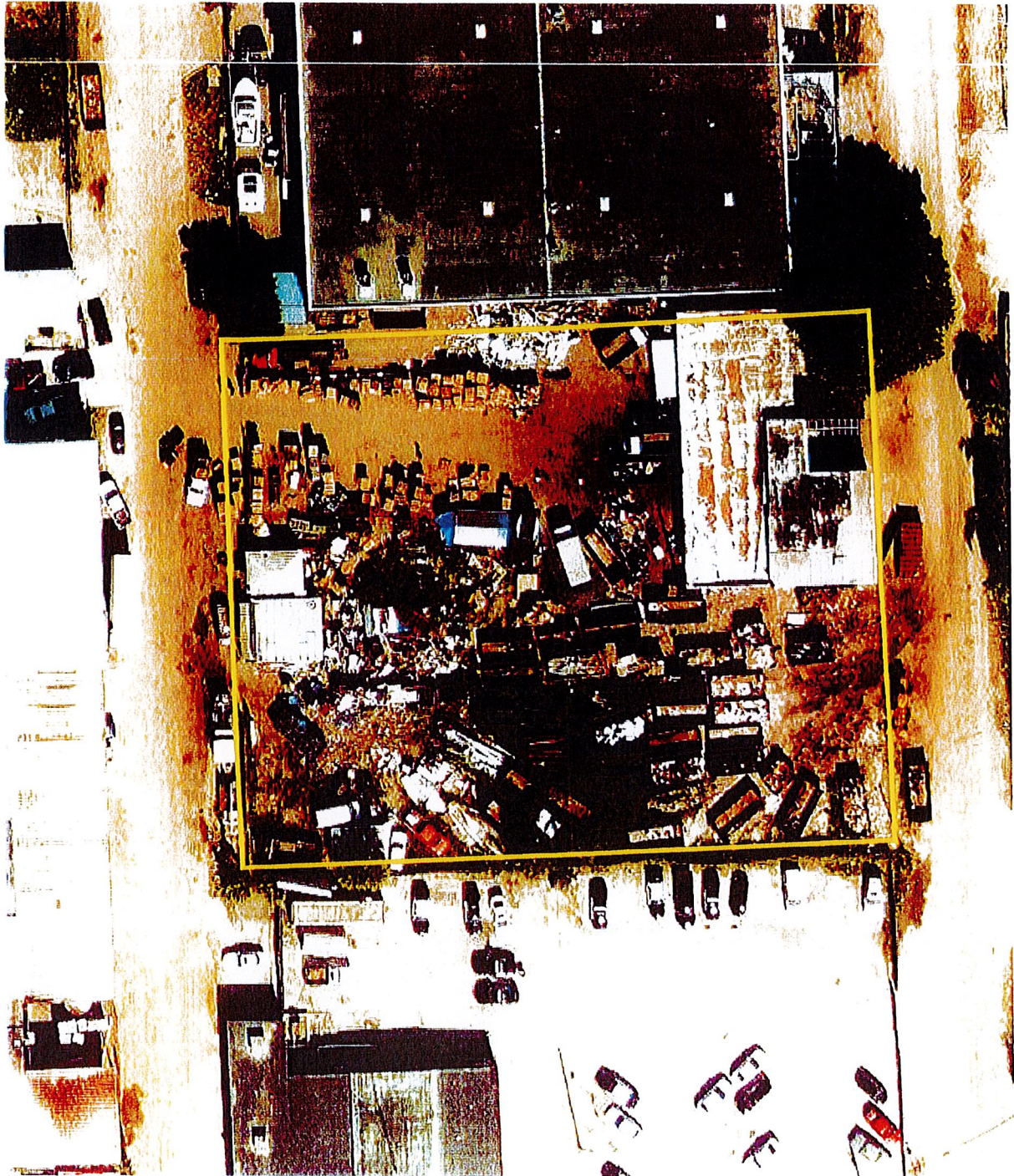


2013 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2014 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE

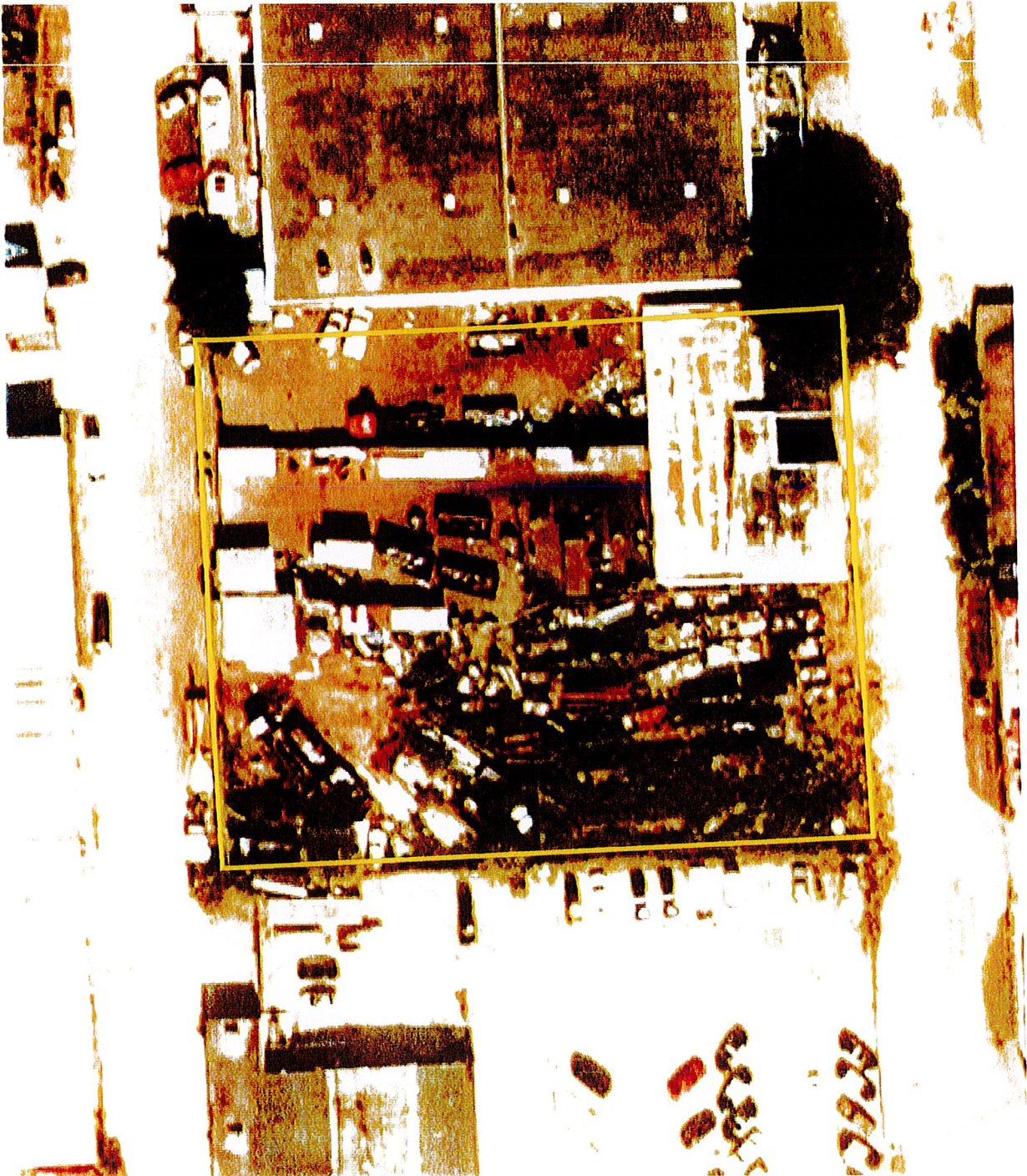


2014 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2015 **Folio:** 08-2122-002-0430 **Address:** 14569 NW 25 AVE



2015 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2016 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE



2016 Aerial Photography 60ft



OFFICE OF THE PROPERTY APPRAISER

Aerial Year: 2018 Folio: 08-2122-002-0430 Address: 14569 NW 25 AVE



2018 Aerial Photography 60ft

**MIAMI-DADE COUNTY DEPARTMENT OF
REGULATORY AND ECONOMIC RESOURCES
DIVISION OF ENVIRONMENTAL RESOURCES
MANAGEMENT**

COMPLAINANT

vs.

**NFL Recycling Corp.
c/o Nelson Fuentes Lara, President**

**25th Ave. Warehouse LLC, Property Owner
Marianela Sandigo, Manager**

RESPONDENTS

**CONSENT
AGREEMENT**

This Agreement, entered into by and between MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT (hereinafter referred to as "DERM"), and NFL Recycling Corp, c/o Nelson Fuentes Lara, President and 25th Ave. Warehouse LLC, c/o Marianela Sandigo (hereinafter referred to as the RESPONDENTS), pursuant to Section 24-7(15), of Chapter 24 of the Code of Miami-Dade County, shall serve to redress violations of Chapter 24 and Chapters 62-701 of the Florida Administrative Code at the site located at, near or in the vicinity of 14569 NW 25 Avenue, Opa-Locka, Florida, Miami-Dade County, identified by Folio No. 08-2122-002-0430.

DERM finds and RESPONDENTS admits the following:

FINDINGS OF FACT

1. DERM is an agency of Miami-Dade County, a political subdivision of the State of Florida which is empowered to control and prohibit pollution and protect the environment within Miami-Dade County pursuant to Article VIII, Section 6 of the Florida Constitution, the Miami-Dade County Home Rule Charter and Section 403.182 of the Florida Statutes.

2. DERM's investigations have revealed that the subject facility operated as a metal recycler without the required Miami-Dade County Resource Recovery and Management Facility Operating Permit (SW) from the 2017 permit year through 2019 permit year, in violation of Section 24-18 of the Code of Miami-Dade County. The SW Operating permit year runs from January 1st through December 31th.
3. The RESPONDENTS hereby consent to the terms of this Agreement without either admitting or denying the allegations made by DERM in the Field Notices of Violation – Notice of Permit Requirement issued on February 15, 2017 and in Uniform Civil Violation Notice (UCVN) No. B202090 issued on August 8, 2017 in conjunction with this cause.
4. The RESPONDENTS paid the Civil Penalty of two hundred and fifty dollars (\$250.00) and the Surcharge of ten dollars (\$10.00) set forth in the UCVN on October 16, 2017. However, the violation was not corrected within the timeframes set forth within the UCVN and penalties accumulated to the amount of five thousand dollars (\$5,000.00).
5. RESPONDENTS hereby consent to this Agreement without either admitting or denying the allegations made by DERM in the August 8, 2017 UCVN issued in conjunction with this cause.
6. The Property Owner, 25th Ave. Warehouse LLC, c/o Marianela Sandigo, have requested to be party to the subject agreement via e-mail received by DERM on April 15, 2019 and as listed RESPONDENT, agree to assume joint responsibility as a liable party to this Agreement pursuant to the provisions of Chapter 24-31 of the Miami-Dade County Code.
7. In an effort to expeditiously resolve this matter and to ensure compliance with Chapter 24 of the Code of Miami-Dade County, and to avoid time consuming and costly litigation, the parties hereto agree to the following, and it is ORDERED:

COMPLIANCE OPERATING REQUIREMENTS

8. The RESPONDENTS shall within ninety (90) days of the effective date of this Agreement submit proof to DERM regarding the City of Opa-Locka Commission's decision (i.e. approval or disapproval) as to "grandfather-in" of the subject business in the capacity that it is currently operating.
9. Within thirty (30) days of any approval(s) obtained pursuant to paragraph 7 above, RESPONDENTS shall resume the SW permit application process initiated on September 26, 2017 to DERM for the subject Resource Recovery and Management Facility.
10. The RESPONDENTS shall complete the permit application process and obtain the required SW Operating Permit within twelve (12) months from the effective date of this Agreement.
11. If the RESPONDENTS receive a disapproval pursuant to paragraph 7 above, the RESPONDENTS shall cease and desist all operations requiring DERM operating permits within thirty (30) of the City Commission's decision. The RESPONDENTS shall remit receipts for the proper disposal of all solid waste materials stored onsite to DERM within seven (7) days of subject ceased operations and therefore unable to obtain .
12. If the RESPONDENTS is unable to obtain DERM Approval for the municipal occupational license or obtain all DERM Required operating permits pursuant to paragraph 9 above, all operations requiring DERM operating permits and approvals on the property shall cease within twelve (12) months from the effective date of this Agreement. The RESPONDENTS shall remit receipts for the proper disposal of all solid waste materials stored onsite to DERM within seven (7) days of subject ceased operations.
13. The RESPONDENTS shall maintain the subject site, during the pendency of this Agreement, in a manner, which shall not pose a hazard or threat to the public at large, or the environment, as set forth in Chapter 24, of the Code of Miami-Dade County.

14. The RESPONDENTS agree to operate the facility pursuant to the conditions listed on Attachment 1 until the requirements of this Agreement are met and a valid SW Permit is obtained.

SETTLEMENT COSTS

15. The RESPONDENTS hereby certify that they have the financial ability to comply with the terms and conditions set forth herein and to comply with the payments specified in this Agreement.

16. The RESPONDENTS agree to pay DERM the following:

- a. SW Permit fees for the 2017 through 2019 permit years. These fees total twelve thousand and nine hundred dollars (\$12,900.00).
 - i. Permit Year 2017 of \$4,000.00
 - ii. Permit Year 2018 of \$4,000.00
 - iii. Permit Year 2019 of \$4,000.00
 - iv. Surcharge (7.5%) of \$300.00 per permit year
- b. Administrative costs for the administration and follow-up for the Consent Agreement of one hundred and fifty dollars (\$150.00) which shall be sent to DERM along with the signed and notarized Consent Agreement(s) for execution.
- c. DERM has determined that a settlement of seven hundred and fifty dollars (\$750.00) is appropriate. This represents a reduction of the accrued penalty as stated in Paragraph 4.

Items a, b and c above, totaling thirteen thousand and eight hundred dollars (\$13,800.00), shall be paid over six (6) consecutive monthly installments. These monthly installments shall be paid in the amount equaling two thousand and three hundred dollars (\$2,300.00). The monthly installments shall be paid on or before the 1st day of the month with the first installment due on or before May 1, 2019.

Payments shall be in the form of certified check or money, made payable to Miami-Dade County. The RESPONDENTS shall include the case information (NFL recycling Corp – SW-1776) on the check to insure proper credit and delivered to:

Department of Regulatory and Economic Resources
Division of Environmental Resources Management
c/o Lynn Westall, Code Enforcement Officer 1
701 NW 1 Court - 6th floor, Miami, Florida 33136

Payments can also be made by phone with Credit Card, by calling the Code Enforcement Section at 305-372-6902.

VIOLATION OF REQUIREMENTS

17. This Agreement constitutes a lawful order of the Director of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management and is enforceable in a civil or criminal court of competent jurisdiction. Violation of any requirement of this Agreement may result in enforcement action by DERM. Each violation of any of the terms and conditions of this Agreement by the RESPONDENTS shall constitute a separate offense.
18. In the event the RESPONDENTS fails to comply with or complete those items listed in paragraphs 8, 9, 10, 11, 12 and 16 herein, the RESPONDENTS shall be subject to balance of the full accrued penalty of five thousand dollars (\$5,000.00) for UCVN B202090 and may be subject to further enforcement action in a civil or criminal court of competent jurisdiction for such failure pursuant to the provisions set forth in Chapter 24, of the Code of Miami-Dade County

GENERAL PROVISIONS

19. The RESPONDENTS shall allow authorized representatives of DERM access to the property at reasonable times for purposes of determining compliance with this Consent Agreement and the rules and regulations set forth in Chapter 24, of the Code of Miami-Dade County.

20. DERM expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violations of applicable statutes or the rules promulgated hereunder.
21. Entry of this Consent Agreement does not relieve the RESPONDENTS of the responsibility to comply with applicable federal, state or local laws, regulations and ordinances.
22. This Agreement shall neither be evidence of a prior violation of this Chapter nor shall it be deemed to impose any limitation upon any investigation or action by DERM in the enforcement of Chapter 24, of the Code of Miami-Dade County.
23. Where timetables or conditions cannot be met by the RESPONDENTS, due to circumstances beyond the RESPONDENTS control, the RESPONDENTS shall provide written documentation to DERM which shall substantiate that the cause(s) for delay or non-compliance was not reasonably in the control of the RESPONDENTS. A determination of the reasonableness of the delay shall be made by DERM for the purpose of extending timeframes if applicable or review for any continued enforcement action.
24. In consideration of the complete and timely performance by the RESPONDENTS of the obligations contained in this Agreement, DERM waives its rights to seek judicial imposition of damages or criminal or civil penalties for the matters alleged in this Agreement.
25. This Agreement shall become effective upon the date of execution by the Director, of DERM or the Director's designee.

Signatures on Following Page

Date

Nelson Fuentes Lara, President
NFL Recycling Corp

Date

Marianela Sandigo, Manager
25th Ave. Warehouse LLC

Before me, the undersigned authority, personally appeared _____,
who after being duly sworn, deposes and says that he has read and agreed to the
foregoing.

Subscribed and sworn to before me this _____ day of _____, 2019,

by _____
(name of affiant)

Personally Known ____ or Produced Identification ____
(Check One)

Type of Identification Produced: _____

Notary Public

DO NOT WRITE BELOW THIS LINE - GOVERNMENT USE ONLY

Date

Lee N. Hefty, Director
Division of Environmental Resources
Management

Witness

Witness

ATTACHMENT 1 – OPERATING CONDITIONS

NFL Recycling Corp

This facility is a metal recycler facility served by sanitary sewer.

Specific Conditions

1. The metal recycling facility shall be operated in strict accordance with Chapter 24-47, MDCEPO, "Regulations for the operations of metal recycling facilities." Especially the following items:
 - a. All shredder residue or prepared ferrous scrap which is placed on site shall be maintained on an impervious area, and
 - b. all prepared ferrous scrap shall be maintained in an area which either:
 - i. Is covered by a roof, or functional equivalent, sufficient to prevent stormwater from coming in contact with the shredder residue or prepared ferrous scrap, or
 - ii. Contains a stormwater management system approved by the Director or the Director's designee to contain, properly treat, handle, and dispose of any stormwater coming in contact with the shredder residue or prepared ferrous scrap.
2. 24-hour access control shall be maintained along the perimeter by means of a physical barrier (i.e., berm, wall, fence, etc.) and at the entrance(s) (i.e., locked gate, guard, etc.).
3. A representative of the operator, knowledgeable in the operating conditions, shall be on site whenever material is received, handled, or removed.
4. Stormwater drainage systems designed to carry stormwater shall be maintained free of solid waste, metal, and leachate at all times
5. The recycling facility shall be limited to accepting a maximum of 10 tons per day of ferrous and non-ferrous scrap metals

6. The tipping, processing, and storage of incoming materials shall be performed on an impervious concrete surface. The integrity of the concrete surface shall be maintained at all times against operational wear and tear (e.g., for major cracks, damages, etc.) and shall be repaired immediately to prevent any deterioration.
7. Unacceptables (e.g., wood, furniture, tires, etc.) and prohibited materials (e.g., garbage, hazardous wastes, etc.) inadvertently accepted shall be temporarily stored in containers to prevent spillages and potential storm water, ground, and/or groundwater contamination. Storage time shall be as follows: forty-eight hours (48) hours for Class I waste and hazardous materials, and thirty (30) days for all others. Materials shall be disposed of at an approved and permitted site and shall be managed in accordance with the provisions of Chapter 62-730, F AC.
8. All above ground tanks and storage areas for hazardous materials must have secondary containment. Design and construction of the secondary containment must have departmental approval.
9. A licensed hazardous waste handler shall be contacted to inspect segregated potential hazardous waste. If determined to be hazardous, arrangements shall be made to transport said waste via a licensed hazardous waste transporter to an approved hazardous waste disposal site. Any hazardous waste which is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, FAC.
10. Engine dismantling must take place indoors. All wastes from facility operations shall be handled, stored, transported and/or disposed of in compliance with County, State, and Federal regulations, and guidance documents.
11. Receipts from all industrial waste and/or wastewater disposal must be maintained at the business and be available for inspection by RER personnel. Receipts shall contain clear information as to the name of the hauler, type of material transported, and quantity of material picked up. Records shall be kept for a period of three (3) years.

12. Dust suppression; odor and litter control; and other measures shall be implemented, as applicable, to prevent nuisance conditions as defined in Chapter 24, MDCEPO.
13. A determined nuisance, as defined in Chapter 24, MDCEPO, public health threat condition, or abnormal occurrence (i.e., fires, explosions, spills) may result in orders for immediate corrective action in accordance with Section 24-7(15)(a) of the MDCEPO, possible modification to the operation, revocation of this operating Consent Agreement and/or closure of the facility. Any abnormal occurrences shall be reported to RER within 24 hours, and records shall be kept pursuant to Section 24-20, MDCEPO.

Prohibitions:

14. Open burning is not permitted at this site in accordance with Section 24-41.5 of the MDCEPO.
15. Waste streams other than those specifically authorized by this agreement including, but not limited to, Class I and Class III wastes as defined in Chapter 62-701, F.A.C., shall not be accepted at the facility.
16. Shredding of scrap metal is not allowed at this facility.
17. No repairs may take place on site, and any spills must be cleaned up immediately. Spill kits must be maintained on site and readily accessible at all times to facilitate clean up should a spill occur. Fueling on site must occur on an impervious surface.
18. No violations of the Miami-Dade County Water Quality Standards or Cleanup Target Levels (CTLs) as provided in Chapter 24-44, MDCEPO, shall occur as a result of the facility operations. Violations of said standards or CTLs may result in orders for immediate corrective action, possible modification to the operation, revocation of this Consent Agreement and/or closure of the facility.

Reporting/Monitoring Requirements:

19. A Monthly Operating Report (MOR) shall be submitted to the Environmental Evaluations Delegated Programs of the Pollution Regulation Division (PRD) of RER with the types and quantities of waste received and removed off-site and an electronic record from the facility weigh scale along with supporting disposal receipts. Said MOR shall be submitted by the 15th of the following month on the form provided by RER and hereby attached to this consent agreement.

These reports shall be submitted to the following address:

Attn: Danielle Jimenez
Environmental Evaluations Delegated Programs Section
Pollution Regulation Division
Department of Regulatory and Economic Resources
701 NW 1st Court, 7th Floor
Miami, Florida 33136

20. The Groundwater Monitoring Reports shall be submitted to the Environmental Monitoring and Restoration Division in accordance with the most recent RER approved groundwater monitoring plan. Sampling and reporting requirements may be modified by RER as needed. Semi-Annual reports shall be submitted on or before January 31 and July 31 of each year and shall include the following:
- a. The facility name and identification number, sample collection dates, and analysis dates;
 - b. All analytical results, including all peaks even if below applicable Cleanup Target Levels;
 - c. Identification number and designation of all ground water monitoring points;
 - d. Applicable water quality standards;
 - e. Quality assurance, quality control notations;
 - f. Method detection limits;
 - g. Water levels recorded prior to evaluating wells or sample collection. Elevation reference shall include the top of the well casing and land surface at each well site at a precision of plus or minus 0.01 foot (using a consistent nationally recognized datum);
 - h. An updated ground water table contour map signed and sealed by a Professional Geologist or Professional Engineer with experience in hydrogeologic investigations, with contours at no greater than one-foot

intervals unless site-specific conditions dictate otherwise, which indicates ground water elevations and flow direction;

- i. Original laboratory reports which include all information required in Chapter 62-160.340, FAC;
- j. Copies of the completed chain of custody records;
- k. Copies of the completed water sampling log forms;
- l. A summary of any water quality standards or criteria that are exceeded.

These reports shall be submitted to the following address:

Attn: Wilbur Mayorga, P.E.,
Chief Environmental Monitoring and Restoration Division
Department of Regulatory and Economic Resources
701 NW 1st Court, 4th Floor
Miami, Florida 33136

- 21. RER shall be contacted, in writing, three (3) working days in advance of all sampling events. All sampling event notifications shall be sent to the Environmental Monitoring and Restoration Division via fax at (305) 372-6982 or via e-mail: DERMPCD@miamidade.gov.
- 22. RER has the option to split any samples deemed necessary with the consultant or laboratory at the subject site. Sampling and analyses shall be performed in accordance with the Standard Operating Procedures referenced in Chapter 62-160, Florida Administrative Code (FAC). The laboratory analyzing the samples shall perform laboratory analyses pursuant to the National Environmental Laboratory Accreditation Program (NELAP) certification requirements. If the data submitted exhibits a substantial variance from the RER split sample analysis, a complete resampling using two independent certified laboratories will be required.
- 23. Any significant changes in facility operations or procedures shall be reported to RER in writing within thirty (30) days of the change.
- 24. All reports and other submittals required to comply with this Consent Agreement shall be signed, and certified, if required, by an appropriate and authorized entity (e.g., registered Professional Engineer, Professional Geologist, Professional Surveyor and Mapper, permittee or authorized legal representative, etc.

These reports shall be submitted to the following address:

Attn: Bernardo Bieler, P.E., Chief
Pollution Regulation Division
Department of Regulatory and Economic Resources
701 NW 1st Court, 7th Floor
Miami, Florida 33136