

CITY OF OPA-LOCKA
“The Great City”

CLERK’S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING
WEDNESDAY, May 11, 2016
7:00 P.M.

Sherbondy Village Auditorium
215 Perviz Avenue
Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Myra Taylor called the meeting to order at 7:00p.m. on Wednesday, May 11, 2016 in the Auditorium at Sherbondy Village, 215 President Barack Obama (Perviz) Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Vice Mayor Timothy Holmes, Commissioner Joseph L. Kelley, Commissioner Luis B. Santiago, and Mayor Myra L. Taylor. Also in attendance were: City Manager David Chiverton, City Attorney Vincent T. Brown, and City Clerk Joanna Flores. Commissioner Terence K. Pinder was not in attendance.

3. INVOCATION:

The invocation was delivered by Mayor Myra Taylor

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

Commissioner Kelley presented a proclamation to Chandra Russell in honor of Lupus Awareness Month.

6. APPROVAL OF CONSENT AGENDA AND PULL LIST (deferrals and deletions):

The following items were pulled from the Consent Agenda to be discussed separately under Action Items: pulled 13-2, 13-3, 13-4, and 13-5 (Commissioner Santiago); pulled 13-6 (Vice Mayor Holmes); pulled 13-1 (Commissioner Kelley);

7. APPROVAL OF AGENDA:

It was moved by Commissioner Kelley, seconded by Commissioner Santiago to approve the agenda, consent agenda and pull list.

There being no further discussion, the motion passed by a 4-0 vote.

Commissioner Santiago	Yes
Vice Mayor Holmes	Yes
Commissioner Kelley	Yes
Commissioner Pinder	Not Present
Mayor Taylor	Yes

8. APPROVAL OF MINUTES:

Due to technical difficulties, the Regular Commission Meeting Minutes of April 27, 2016 will be submitted for approval at the next city commission meeting.

9. DISTRICT ONE/DISTRICT TWO - COUNTY COMMISSIONER REPORT

Larry Gardner, District I, Commissioner Barbara Jordan's Office, said that he does not have any reports or announcements at this time, but will take any issues or concerns back to Commissioner Jordan.

Mayor Taylor asked Mr. Gardner if he received the report from Mr. Reagan regarding the graffiti on the hospital building.

Mr. Gardner acknowledged that they had received it and was working on it.

District II was not in attendance.

10. PUBLIC PRESENTATION:

11. CITIZENS' INPUT:

John Riley, 2963 NW 135 Street, said that he received the agenda for today's meeting and is concerned with items 2,3,4,5, and 6 on the consent agenda. He said that the charter states that the power shall be invested in the commission. When the dais sat here tonight, they convened as a commission; once it is adjourned, then the commission is adjourned. Everyone who has sat on the commission has been accused of something including himself. Jesus Christ was accused, tried, and killed. But instead of hanging on the cross, now the dais is trying to kill the spirit of the manager and the City. Nobody is above the law; there is a process in place, allow it to take place. The constitution says that a person is presumed innocent until they are proven guilty by a jury of their peers. He says that what bothers him is that the City of Sweetwater has been under investigation for over a year with financial issues. Other cities have also come under fire for different reasons but no one has them under a microscope. He said that when he was in office, he was accused and they later found out that he was innocent. The City is only four (4) square miles and everyone wants to jump on it. He said that the power is in the commission and they need to act like a commission.

Dwayne Manuel, 3432 NW 182nd Street, Miami Gardens, Florida, 33056, said he is here to comment on the financial disasters Opa-locka is currently experiencing.

The following transcript was prepared in verbatim format:

I am here to comment on the financial disasters Opa-locka is currently experiencing which might I add was caused by a systematic culture of corruption by which political officials who I now

view as criminals are attempting to line their pockets with tax dollars earned and paid by the residents of Opa-locka. Despite the ongoing investigations by the U.S. Attorney and the F.B.I., members of this board including the commissioners and the mayors, are continuing to aggregate being involved in illegal activities which include corruption, racketeering, misusing of public dollars, failing to pay outstanding debt; and engaging in risky and might I add, unsuccessful behavior in intimidating residents of the City. According to the Miami Dade County public records Opa-locka is considered the poorest City in the County; and being labeled in the County is not an achievement or accolade that should be embraced.

Over the past couple of years, members of this board including the mayor have engaged in questionable activities in an attempt to shuffle tax dollars from residents to political official's pockets. It's worth mentioning that these activities have impacted the lives of thousands of residents who depend exclusively on the City for support. Instead of visionary leaders for Opa-locka, the mayor, the board, and certain officials including the city manager and Code Enforcement couldn't come together to make the City great. Now you sit here without unanswers, without unanswered questions attempting to fix Opa-locka's problems by passing the burden on to residents. By raising taxes, raising utility costs, eliminating Public Works, and enforcing more traffic violations.

There is no amenity in my voice today. The State of Florida is needed to come to your assistance and that speaks volumes. The cryptic messages being invoked in this meeting and previous meetings are falling on deaf ears. You cannot be objective in creating a plan to pull the City out of despair. Actually, most if not all should have been recalled when after the F.B.I. raided the City Hall, and this City will not be able to move forward with the current board. I have family members that live in Opa-locka; my family and the other residents in Opa-locka should not have to worry about the political and elected official stealing from them. If I were mayor and I was the mayor of the City, economic relief would be my top priority. Opa-locka can look like Miami Gardens, it could look like Miami Shores, it could look like Coconut Grove, but you all are not willing to do that. So, residents, you need to get out, you need to vote, you need to take look at these corrupted officials.

*You are looking at a millennial who is wanting to change to face of politics both here in the City as well as in this County and around this country. And I will not sit back and allow folks like you all to destroy Miami Dade County, to destroy Opa-locka that has a history might I add since 1926 and thats ninety years; you all will be celebrating 100 years in the next ten (10) years but it looks like you guys aren't going to get there and that should speak volumes. The State is not even coming to your assistance. **(End of verbatim).***

Eric Redmon, Villa Francine, said that what he has to say involves individuals that he has a great deal of respect for and he hopes that they will remain friends after he speaks. He said that items 2, 3, and 4 are brought on the agenda prematurely. It derived from a story brought on by an alleged victim whose story has changed several times in the media. He has not seen a federal prosecutor or state prosecutor walk in and say there is an ongoing investigation involving the individuals that were in the paper. He piggybacked off of the first person to speak and said that in other cities there is corruption going on but the media is not interested in covering it. He said that the City should not let the media dictate how the City is run. He asked the dais to defer the item because it is not right and now is not the time. He said that each and every one on the dais has been on the receiving end of media stories and accusations. Let he who is without sin cast the first stone.

Mark Cooper, 6801 SW 75 Terrace, Miami, FL 33143, said that you cannot believe everything in the paper. Governor Scott was an unindicted co-conspirator in a billion dollar fraud when he was CEO of HTCA. Pam Bondy stopped investigating Trump University after Donald Trump gave her a twenty five thousand dollar (\$25,000.00) donation this past election. He said you have to read these articles critically and give people the presumption of innocence. There is a process and people have rights and people have to go through the process and sometimes you win and sometimes you lose.

Alvin Burke, 1240 Jann Avenue, said that at this point he is not going to talk about any other City; he is going to talk about Opa-locka. He told the dais that right now they all need to be on the same page. They need to work with one another because the City is in a crisis. He hears employees talking every day because they do not know if they will have a job tomorrow. He said that the County is talking about having their police department to come in to Opa-locka and patrol the streets. With all due respect, there is a grave challenge going on in the City. Think about the employees, the loyal workers; if layoffs are going to be done, then it needs to be fair. Aside from that, Mr. Chiverton stepped into a very hot seat and it will take time to do what needs to be done. Keep the citizens' and the employees in mind whatever the decision is going to be.

Brian Dennis, 3133 NW 135 Street, said that he wants to address the comment that Mr. Shiver made when he called them his minions. According to the charter under section 2 it states that the city manager is the chief executive officer of the City and shall faithfully execute the duties as described in the job description that is set forth in the City Charter and/or ordinances as may be lawfully assigned by the City. He asked why Mr. Shiver was still being paid and he violated his contract, he violated the charter. He violated the charter when he moved the assistant city clerk to the city manager's office to work for him. It's funny how things are happening at the flea market and Pinder isn't at the meeting. It's funny that Commissioner Pinder isn't here and the City is owed money from the flea market concerning the water bills. With the water bill situation being the way it is, why isn't any money being collected from the flea market but rates are high. Staff employees are going around and cutting grass, but the City is paying a lawn service three hundred thousand dollars (\$300,000.00) that it could be saving. It was slid into the budget and no one paid attention to it. Tom Marko was hired after employees were laid off and acquired the salaries of those that were laid off. It's funny that had George Howard agreed to pay Commissioner Pinder and Mr. Shiver one hundred and fifty thousand dollars (\$150,000.00) then no one would have known about the situation. Games are being played. There have been several managers coming in and out of the City, its bad on everybody. There are employees making astronomical salaries, they shouldn't be making the type of money they are making. Certain people are not doing any work and are making six - seven thousand dollars (\$6,000.00 - \$7,000.00) per month, that about thirty five hundred dollars per pay period at a salary that doesn't belong. He commended Chandra Russell for continuing to fight against Lupus.

Natasha Ervin, says that she has looked over the financial plan and raising the taxes of the city. She told the dais that she will be the first one to lead a petition against the dais if they increase the taxes that the residents pay. She said that there are some salaried employees that earn a paycheck like they work over in Weston or Bal Harbour. If the commission is not going to cut those salaries then they cannot put it off on the residents because they cannot afford it. She said that according to Jim on Channel 4, the average household income is eleven thousand dollars (\$11,000.00); she is unsure where he received those facts from, but if that is the case then the residents are broke too. The dais sits up there and make decisions on how to spend money without input from residents and at the end of the day, the residents are footing the bill. She is not footing the bill anymore. She said that some residents are asked why they do not attend

commission meetings and the answer is that the dais does whatever they want to do anyway. Lastly, she said that the agenda states that anyone coming before the dais should know how to behave and conduct themselves when speaking. The citizens should give the same notice to the commission telling them how to behave because sometimes they act worse than two (2) year old children.

12. ACTION ITEMS:

1 (13-1). A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO IMPLEMENT A 32 HOUR WORK SCHEDULE BY REDUCING THE WORK SCHEDULE TO A 4-DAY WORK WEEK WITH 32 HOURS PER WEEK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Vice Mayor Holmes*

The above resolution was read by title by Attorney Brown.

It was moved by Commissioner Santiago, seconded by Vice Mayor Holmes to pass the resolution.

There being no discussion, the motion on the resolution passed by a 3-1 vote.

Commissioner Santiago	Yes
Vice Mayor Holmes	Yes
Commissioner Kelley	No
Commissioner Pinder	Not Present
Mayor Taylor	Yes

2 (13-2). A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, PLACING THE CITY MANAGER, DAVID CHIVERTON, ON UNPAID LEAVE OF ABSENCE UNTIL FURTHER NOTICE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Commissioner Kelley*

The above resolution was read by title by Attorney Brown.

It was moved by Commissioner Santiago, seconded by Vice Mayor Holmes to pass the resolution.

There being no discussion, the motion on the resolution failed by a 1-3 vote.

Vice Mayor Holmes	No
Commissioner Kelley	Yes
Commissioner Pinder	Not Present
Commissioner Santiago	No
Mayor Taylor	No

3 (13-6). A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUESTING THE GOVERNOR OF THE STATE OF FLORIDA

TO APPOINT A FINANCIAL OVERSIGHT COMMITTEE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by Commissioner Kelley

The above resolution was read by title by Attorney Brown.

It was moved by Vice Mayor Holmes, seconded by Commissioner Santiago for discussion.

Commissioner Kelley said that he had mentioned in the meeting on yesterday that a committee as opposed to a board is put in place to assist the City with the recovery. He said that at this point he does not think that the manager is in a position to carry out what needs to be done and that is why he had the resolution on the agenda. The spending that is still going on day to day and the selective treatment of certain people in the City is not right. If the commission loves the employees and the residents then they would put them first, and they don't. He said that he has met with the manager on all of the items so it is not a surprise, he explained to him why he was putting the items on the agenda. He said that it is very important to do the committee and not a board so that the City is not put in a position where there is not a lot of leeway to make decisions.

Commissioner Santiago said that he has been hearing accusations for months regarding the financial situation. The issues are not new and have been going on for years prior to him being there. He said that the commission is trying to do their best and fix the situation. Everyone should wait and see what the outcome is before jumping to conclusions. He said that everyone needs to work together and unite to make the City better.

City Attorney Brown said that for clarities sake there is no provision in 218.503 for a committee even though there was one appointed in the past. He said that the governor has the option at his discretion to appoint a committee of his choosing, but there is no committee structure set up.

There being no further discussion, the motion on the resolution failed by a 1-3 vote.

Commissioner Kelley	Yes
Commissioner Pinder	Not Present
Commissioner Santiago	No
Vice Mayor Holmes	No
Mayor Taylor	No

13. CONSENT AGENDA:

14. NEW ITEMS:

15. PLANNING & ZONING:

16. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING ORDINANCE(S):

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, OPTING OUT OF THE PROVISIONS OF CHAPTER 33, ARTICLE VI, DIVISION 5 ENTITLED "COMMERCIAL SIGNS ON EXPRESSWAY

RIGHT-OF-WAY”, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PURSUANT TO MIAMI-DADE COUNTY CODE § 33-121.11, IN ORDER THAT SUCH PROVISIONS SHALL NOT APPLY TO SIGNS LOCATED WITHIN THE TERRITORIAL LIMITS OF THE CITY OF OPA-LOCKA, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (first reading held on April 13, 2016). Sponsored by City Manager

The above ordinance was read by title by City Attorney Brown.

Mayor Taylor opened the floor for a public hearing, there being no persons to speak; the floor was closed.

It was moved by Vice Mayor Holmes, seconded by Commissioner Santiago for discussion.

Commissioner Santiago said that the sign ordinance is intended to make the City look better and it should start at home. He said that if it applies to commercial businesses then it should apply to the commission and they should respect it. No commissioners should put any signs on the right-of-way. There are a lot of signs posted by commissioners for campaigns, events, and etc... The sign ordinance should be respected by all.

Commissioner Kelley said that it is amazing that the commission acts like they are unified and on the same page and then attack each other. No other commissioners have any signs up except for him and if the signs are in the wrong place then the manager can have them removed and he will put them on private property. Don't claim to be unified and then throw words; just say what you have to say. He said that when Farm Share and Feeding South Florida signs are posted it is for the benefit of the residents, employees and anyone else who wants to benefit from it, it is for them. Code enforcement needs to make sure they take down every tax sign and every car lot sign that is illegal and he does not have a problem with it.

Commissioner Santiago said that he was not speaking to anyone specifically and included himself with regards to taking down any signs on the right-of-way.

There being no further discussion, the motion on the ordinance passed by a 4-0 vote.

Commissioner Pinder	Not Present
Commissioner Santiago	Yes
Vice Mayor Holmes	Yes
Commissioner Kelley	Yes
Mayor Taylor	Yes

17. CITY MANAGER'S REPORT:

City Manager Chiverton said that he usually does not respond to things that are printed in the media, but things are being put out that is not true. He said that there was an article printed in the paper saying that the lights and the phones were disconnected and the police cars ran out of gas. He made it clear that the utilities were never shut off and the police cars never ran out of gas. There was a problem with the gas breather and it was fixed and up and running the next day. He

said that the media called to clarify and mentioned that they would print a retraction on the story. He said that the City is current with its bills and continues to move forward.

Commissioner Santiago said that he has heard different things in the news about the financial situation and he does not see it. The media acts as though the City is in the red and does not have a penny. He asked who is telling these stories and giving this information to the media. He said that there is a conspiracy going on and someone is trying to make the City look bad. The truth is going to come to the light very soon. He asked the manager to provide a report of there being money in the bank.

Mayor Taylor asked City Manager Chiverton to respond to Commissioner Santiago.

City Manager Chiverton said that the City is in a financial condition but there is money in the bank. While it is not what the City would like to have, there is money. He e-mailed the information that was requested to the state after it was approved and the City is moving forward.

Vice Mayor Holmes said that he understands that the manager is under a lot of pressure. He wishes that people wouldn't be so quick to jump up and call the media and feed them information when there is an ongoing investigation. He asked everyone to give the investigation time to be complete before being quick to judge.

Commissioner Santiago asked the manager if it was true that the police cars ran out of gas.

City Manager Chiverton said that the cars have never run out of gas at any time. It is clear that people are leaking things to the media. He had an issue this morning that let him know that as long as the media feels like they have a reliable source then they will continue to print things and he has no control over that. The cars never ran out of gas.

Commissioner Kelley asked the manager for an update on zones 1, 2 and 6. He said that he has heard three (3) different versions and wants to know the status.

City Manager Chiverton said that there was a statement that it was on hold. He e-mailed the inspector generals office and was told that nothing was on hold on their end. The contract officer at DEP set up a conference call on Monday to discuss what they were going to do.

Commissioner Kelley said that if he asks a question, he already knows the answer. He said the status on the zones has been on hold since March 10th and he wants to know what the hold is up with the funds. The three (3) projects are infrastructure projects that are a part of the issues with the City. He said if the legislation was passed months ago and no work has started then something is wrong. He asked the manager for the status on the RFP for the waste hauler.

City Manager Chiverton said that the bids are due next week and he will provide a report to the dais on that status of that also.

Commissioner Kelley asked the manager what is the process for payouts of accrued time for employees.

City Manager Chiverton said that he will provide a report to the dais on the request from Commissioner Kelley.

18. OFFICIAL BOARD REPORTS:

No reports at this time.

19. MAYOR/COMMISSION REPORT:

Commissioner Santiago said that he is still working for the City. He will be hosting bingo night on Friday, May 27, 2016 at Sherbondy P ark and everyone is invited. The 4th of July event is still planned for this year and everyone is welcomed to attend.

Commissioner Kelley thanked everyone for attending the National Day of Prayer on last week. Movie Night is the first (1st) Friday evening of every month. Farm Share and Feeding South Florida are ongoing every month to provide food to the community. The work program for the youth summer jobs was held on this past Saturday and there was a good turnout; and Meet Me Monday was held this past Monday and the residents came out to voice their concerns.

Vice Mayor Holmes said that he knows that the City is going through some tough times. There are also people that are trying to make Opa-locka look bad. He said that he hopes that when the time comes everyone will do the right thing. He has been in the City for a long time starting as a volunteer in the eighties and then running for office in 1994. Some people don't even want to do the job the commission is doing; it takes a good heart to be for the people and he has the best interest at heart for the City. He asked everyone to continue to pray for him and the City.

Mayor Taylor thanked the City Manager and the City Attorney's Offices for all the work they do. She said that there a number of grants that were given to the City that hasn't been utilized and she is going to call her state representative and see if the funds are still available. She said that it saddens her that all the City has been working under is accusations and allegations. They have been vilified, fried and dyed in the media. Citizens are coming before the commission and criticizing them and saying that they are stealing money and firing the employees with no real facts whatsoever and it is sad. She asked the residents that are very critical of the commission if they ever came to the manager's office or the commission and asked how they can help. She said that what is going on now did not start with the current commission and they will overcome it. The situation has happened before and the City overcame it; the City will overcome again. She thanked Mr. Chiverton for all of his hard work. She told the residents that before they criticize that they should walk a mile in their shoes; and if they think that they can do a better job then they are welcome to run for office. She is happy that the manager confirmed that the payroll is going out and the bills are being paid. This coming Saturday the City will turn ninety years old and that is a wonderful feat. There was no money to do a big celebration this year but next year will be another story. She thanked everyone for coming to the meeting.

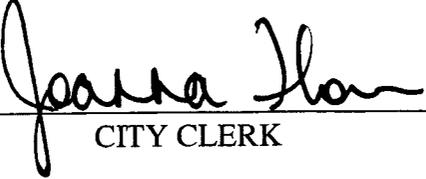
20. OFFICIAL BOARD APPOINTMENTS:

21. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Santiago, seconded by Vice mayor Holmes to adjourn the meeting at 8:12p.m.


MAYOR

ATTEST:


CITY CLERK