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**July 28, 2004**

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**CITY OF MIAMI GARDENS  
REGULAR CITY COUNCIL MINUTES  
JULY 28, 2004**

**1. CALL TO ORDER/ROLL CALL OF MEMBERS:**

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, ~~July~~ ~~September~~ 28, 2004, beginning at 7:13 p.m., in the City Council Chambers, 1515 NW 167<sup>th</sup> Street, Building 5, Suite 200, Miami Gardens, Florida.

Mayor Gibson announced that Councilwoman Watson was not present, due to the death of, and funeral services for her brother-in-law. She asked that the Council consider Councilwoman Watson's absence, an excused absence.

It was moved by Councilwoman Pritchett, seconded by Councilman Bratton to accept Councilwoman Watson's absence as an excused absence.

There being no further discussion, this motion **passed and carried by a 6-0 vote.**

The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor Aaron Campbell, Jr., and Council members Audrey J. King, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon, II.

Also in attendance were: City Manager Dr. Danny O. Crew, City Attorney Sonja K. Knighton and City Clerk Ronetta Taylor.

**2. INVOCATION:**

Dr. Lester Brown delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited in unison.

**4. APPROVAL OF MINUTES:**

**4A) Approve Minutes of City Council Meeting of:**

Regular Council Meeting - July 14, 2004

It was moved by Vice Mayor Campbell, seconded by Councilman Bratton to approve the minutes with the necessary corrections: Page 5, line 4, delete the tense of "assisted" to "assist"; page 9, line 15, delete the word "to"; page 11, line 4, insert the word "address" after the word "name"; page 15, line 1, the word "questions", should be changed to "questioned"; page 16, line 36, the word "sponsor" should be changed to "sponsors"; page 17, line 1, add the language "because she traveled from here to Washington D.C."

At the conclusion of this discussion, the motion to approve the minutes, with the necessary

corrections **passed and carried by a 6-0 vote.**

**5. AGENDA/ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS):**

There were none

**6. SPECIAL PRESENTATION(S):**

**a. Mr. Michael Miller – Miller Publishing Company**

Mr. Miller announced Miller Publishing Company's intent to distribute newspapers within the City of Miami Gardens. He shared that his company has taken an interested in incorporation and thus has been providing news coverage of the newly incorporated municipalities, as well as those areas wanting to incorporate. He further related that his newspaper is in a joint venture with the City of Homestead, and the Chamber of Commerce. He invited the City of Miami Gardens to provide the Community Newspapers with news worthy things/events that are happening within the City. He related that newspaper space is also available for the City Council members to write "Words for the City Council". There is also space for the Mayor to write a monthly column. All the City has to do is to provide the newspaper with an electronic copy of the article, which will then be formatted for printing and reproduction in the Community Newspapers. The plan is to disseminate 5,000 copies, in the Miami Gardens area the second week in September 2004, and once a month after that.

Mr. Miller indicated that the City needed to identify 200 locations within the City, where the City Council members would like for their constituents to be able to pick up the Community Newspaper. He related that there is no charge for the newspaper. He shared his belief that the citizens have a right to know what is going on in their city.

Councilwoman Pritchett questioned whether Miller Publishing Company historically sponsored a little league team, in those areas where the newspaper is distributed.

Mr. Miller related that his brother Grant Miller, who has been involved in sports his entire life, has coached football, baseball and soccer for the past thirty years, enjoys sponsoring youth league and events.

Mayor Gibson inquired as to whether a specified number of pages have been set aside for the City of Miami Gardens.

Mr. Miller said that between six to eight pages is being allocated for Miami Gardens' issues. He stressed the importance of working with the newspaper where photographs were concerned.

Councilman Bratton asked whether the storyline would be based on Miami Gardens.

Mr. Miller related that Miami Gardens would be prominently featured, with possible storylines to include South Broward.

At the conclusion of Mr. Miller's presentation, Mayor Gibson asked Attorney Knighton

whether a formal action was needed from the Council at this time.

Attorney Knighton opined that no official action was required from the Council. She indicated that the City Manager should contact Mr. Miller as to how much space the City would be utilizing in this paper.

**b. Certificate of Achievement – Ms. Gasenia Caraballo**

Councilwoman Pritchett articulated the outstanding achievements of Ms. Caraballo, a student at Norland High School. Subsequently, Ms. Caraballo presented with a Certificate of Achievement for her perseverance, and commitment towards exemplary academic endeavors and receiving the prestigious Miami-Dade County Public School Student of the Year Award for 2003/04. Mrs. Sharon Fraizer-Stephens, mother of Ms. Caraballo, was also acknowledged for the support she provides to her daughter.

**c. Miami Gardens/Carol City District Police Department**

Captain Donald Rifkin appeared before the City Council to answer specific questions posed by Mayor Gibson, at the last City Council meeting, as it related to calls holding and average response time. He shared that he'd ran two different time periods, January 2003 through June 2003, and January 2004 through June 2004. For the time period of January 2003 through June 2003 there were 59,861 routine calls for service, of that 14,044 were held over five minutes. This equates to 76% of all routine calls being dispatched within five minutes. The average response time during that time period was 27 .minutes and 41 seconds. For January 2004 through June 2004, there were 71,407 routine calls for service, of that 15,750 were held for more than five minutes. This equates to 78% of all routine calls being dispatched within five minutes. The average response time during this time period is 22 minutes and 14 seconds. Calls are being dispatched faster by 2% and are being responded to five minutes faster than before.

Councilwoman Pritchett asked how does this compute in terms of emergency calls.

Captain Rifkin related that he did not do a comparison on emergency calls however the District did maintain a response time for emergency calls of fewer than five minutes or less.

Mayor Gibson asked how does the response time, in the City of Miami Gardens compares to other districts that are policed by Miami Dade County.

Captain Rifkin said that he would provide this information at a later date.

**7. ORDINANCE(S) FOR FIRST READING:**

There were none.

**8. ORDINANCE(S) FOR SECOND READING (PUBLIC HEARINGS):**

**ORDINANCE NO. 2004-15-31**

**8A AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NUMBER 04-06-22 ENTITLED “ALARM SYSTEMS REGISTRATION”; AMENDING SECTION 4 ENTITLED “REGISTRATION OF ALARM SYSTEMS REQUIRED”; AMENDING SECTION 7 ENTITLED “ALARM REGISTRATION FEE”; AMENDING SECTION 8 ENTITLED “DUE DATE FOR PAYMENT AND TERM OF ALARM REGISTRATION”; AMENDING SECTION 10 ENTITLED “PROPER ALARM SYSTEMS OPERATIONS AND MAINTENANCE”; PROVIDING FOR WAIVER OF RENEWAL FEES; PROVIDING FOR AN ANNUAL REGISTRATION PERIOD; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE. – 1<sup>st</sup> Reading – July 14, 2004 (SPONSORED BY THE CITY MANAGER)**

Manager Crew indicated that this ordinance makes corrections/changes to the original ordinance adopted by the City Council. One of those changes is the change of the fiscal year from September through October to January through December. The ordinance also provides for a waiver of the renewal fee, if there have been no false alarms reported on the property for the prior year.

Mayor Gibson opened the floor for the public hearings.

Ms. Patricia Lightfoot, residing at 2750 NW 172<sup>nd</sup> Terrace, Miami Gardens, Florida, appeared before the City Council to ask if this applied to residential and commercial.

Manager Crew related that the alarm registration applied to any entity with an alarm system.

Ms. Lightfoot related that she is currently dealing with Miami Dade County with an Alarm System open permit issue. She said that a professional was hired to install the alarm system. That individual pulled the permit to do the work. Apparently, the permit was not issued, the professional was notified by Miami Dade County, but she was not. Subsequently she’s received a notice from Miami Dade County indicating that the permit was still open and that she would be fined. She opined that it is incumbent upon the City to hold the professional accountable for opening the permit.

Manager Crew related that the city would be taking over the building functions from Miami Dade County, as of October 1, 2004, and in a situation like that both parties would be notified.

Ms. Sylvia Daugherty, residing at 2759 NW 196<sup>th</sup> Street, Miami Gardens, Florida, appeared before the City Council to inquire as to whether the alarm registration fee paid this year, covered January through December of 2004.

Manager Crew related that the fee paid by residents would cover January through December 2004. If there were no false alarms reported on a property, that fee would be waived for January 2005. If there were false alarms reported the renewal fee would be \$15.00.

Ms. Miriam McDonald, residing at 850 NW 171<sup>st</sup> Street, Miami Gardens, Florida, appeared before the City Council and indicated that currently her alarm system is not operational. She questioned whether she should pay the registration fee.

Mr. Christopher Steers, Assistant to the City Manager for Business Services appeared before the City Council and opined that Ms. McDonald should send a letter to the City indicating that she did not intend to fix the alarm system anytime soon.

Mayor Gibson asked Mr. Steers to discuss this matter further with Ms. McDonald so that she fully understands what she is required to do.

Councilwoman King recommended that Mr. Steers inform Ms. McDonald that even though her alarm system is not being monitored by anyone, if it goes off, she could be fined \$100.00 in addition to the alarm registration fee.

Mr. Harold Lawton, residing at 1860 NW 170<sup>th</sup> Street, Miami Gardens, Florida, appeared before the City Council to suggest that when the City sends out the Alarm Registration letters that the information ( waiver of fee and \$15.00 for renewals) shared tonight be included in that letter.

Manager Crew related that the reason that information has not been provided to those individuals with alarm systems is because it was not a part of the original ordinance. The ordinance being considered tonight, provides for those changes.

Mr. Steers indicated that this information will be provided in a notice form to the applicable parties once this ordinance has been adopted by the City Council.

After there were no other interested parties to speak on this item, the public hearing was closed.

It was moved by Councilman Braynon, seconded by Mayor Gibson to adopt this ordinance.

Councilman Braynon asked if the letter would be sent out to everyone with an alarm system, or only those individuals that have paid the registration fee.

Manager Crew indicated that those individuals that have registered their alarm systems will get the notice.

Councilman Braynon shared that a lot of people are not paying the registration fee because they don't like the language in the letter or feel like something is wrong. He opined that those are the people that really need to be reached and informed that the ordinance has been amended or corrected.

He further opined that the City owed it to the people included in the first mass mail-out to let them know that the City did something wrong and that it has been corrected.

Manager Crew indicated that perhaps a follow-up letter could be sent to those individuals that

have not renewed their alarm systems.

Councilwoman King suggested putting a renewal deadline date in the second notice letter.

Mr. Steers related that the City will either do a mailing or an advertisement on this issue. He said there is a significant expense because essentially the City would be sending out a warning letter, which has to be certified. The City at present, is dealing with the backlog because the employees are being inundated with alarm system renewals, and at present, was not in a position to identify those that have not registered. The decision to do a mass mailing or advertising will depend on the outcome of the registrations.

Councilwoman Pritchett asked for clarification as to why the letter would be sent as a warning notice.

Mr. Steers said the reality is, if a person fails to register they are in violation. It is a significant issue if you are not registered and requires that a citation be sent out. It is not the intent of the City to send out citations the first year.

Councilwoman Pritchett asked Attorney Knighton if there was somehow the City can send out a letter without it being perceived as a warning.

Attorney Knighton related that there are two separate issues. She opined that there may be some misconceptions in the audience and stated that the City did not do anything incorrectly the first time. The City enacted an ordinance, which it is entitled to do by law. The city is entitled by law to request that people register their alarm systems. In light of the fact that Miami Dade County waives their renewal fee if there are no false alarms reported for a particular property for the preceding fiscal year. The City wanted to also waive its renewal fee under similar circumstances. This is why the ordinance is being amended. She said that the individuals that did not register their alarm systems after receiving the first letter are subject to a violation. She related that from what she is understanding from the Council, is that there may have been some misinformation in the community to the extent that people may believe that they did not have to pay the renewal. She opined that a letter, that does not have to be certified, could be sent to those people. The letter should state that if the individual fails to register their alarm system, they would be noticed in the future. She clarified that she was not making this recommendation, and stated that if the City wanted to incur this expense, it could be done.

Mr. Steers related that the letter could be sent as a courtesy notice.

Councilman Bratton referenced the computer generated postcard received by alarm registration holders, indicating that their annual renewal fee would be waived because they did not have any false alarms reported the previous year.

Mr. Steers indicated that the information received from Miami Dade County did not identify those individuals who received annual renewal fee waivers. Therefore, the City has no history.

Councilwoman Pritchett related that she wanted a clear understanding that courtesy letters would be sent out instead of warning letters.

Manager Crew indicated that this could be done after identifying those that have not paid.

Mayor Gibson told the listening audience that if they still had questions to contact the City Manager or Mr. Steers to get their questions answered.

At the conclusion of this discussion, the motion **passed and carried by a 6-0 vote.**

Councilman Bratton:	Yes
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Out of town
Mayor Gibson:	Yes

## 9. PUBLIC COMMENT – 10 MINUTES

Ms. Patricia Lightfoot, residing at 2750 NW 172<sup>nd</sup> Terrace, Miami Gardens, Florida, appeared before the City Council to ask whether the different civic and homeowner organizations would be able to utilize some of the space( six to eight pages) being allocated to the City of Miami Gardens by Community Newspapers.

Mr. Miller suggested that in the initial beginning homeowner and civic groups can submit this information to the City for publication in the Community Newspapers. After the communication is established, the City can be relieved of this task and those groups can communicate directly with the newspaper.

Mr. Alex Caraballo, residing at 11020 SW 140<sup>th</sup> Avenue, Miami, Florida, appeared before the City Council to provide a brief history of his 20 year tenure as the Swim Coach of Miami Norland High School and the many improvements he's lobbied for, and received for Norland Pool. He shared that he'd asked permission from the City of Miami Gardens, to continue the utilization of the Norland Pool for the Norland Swim Team's practice during the summer months and was told the pool was being utilized at the times the swim team needed it. The Team was offered the use of Brentwood Pool on Monday, Wednesday and Friday. He opined that he's invested quite a bid of energy into the Norland facility and instead the City has asked that they travel two miles to another pool, three days a week. For the upcoming season, the Norland Swim Team requested to have use of the pool from 3-5 p.m., Monday through Friday. The City says they can only use the pool three days a week. The Swim Team could not possible expect to win a championship with three days of practice. The Norland Swim Team has been practicing at Victory Pool in the City of North Miami Beach, which is quite a distance to drive.

Mayor Gibson related that she was aware of the outstanding contributions Mr. Caraballo has made to this community and that he was instrumental in getting a lot of things done for the Norland

Pool. She said that Mr. Caraballo has been very dedicated to the students, over the years, and consistently. She conveyed her belief that when citizens have issues that can not get resolved by staff, those issues should go to the City Manager. She encouraged Mr. Caraballo to contact the City Manager and voiced confidence that an amicable solution would be worked out.

Councilwoman Pritchett thanked Mr. Caraballo for his dedication to the children of this community. She asked that when this issue is successfully resolved by the City Manager, that a report outlining the results, be provided to the City Council. This will provide to the residents with an understanding that the City Council is attentive to the needs of the residents in the City, and do all that they can to facilitate those needs. She asked Manager Crew to come back and share the positive information that will result from the dialog with the coach.

Ms. Hester Henton, residing at 3330 NW 179<sup>th</sup> Street, Miami Gardens, Florida, appeared before the City Council to further expound on the Norland Swim Team as well as ask for the City's support in allowing this group of young individuals, which includes her son, an opportunity to practice in their community.

## **10. RESOLUTIONS:**

### **RESOLUTION NO. 2004-75-126**

#### **10A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANT; AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATION FOR CDBG GRANT FUNDS FOR FY 2004/05; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Mr. William Green, Assistant to the City Manager for Public Services appeared before the City Council to expound on this item. He related that five applications will be submitted to Miami Dade County on Friday, July 30, 2004: 1) \$275,000 for a public facilities pre-development; 2) \$250,000 for a Comprehensive Master Plan; 3) \$250,000 Public Services for transportation; 4) \$200,000 for Code Enforcement; and 5) \$300,000 for Façade Restoration (limited to 183<sup>rd</sup> Street Corridor and NS 27<sup>th</sup> Avenue Corridor).

It was moved by Councilman Braynon, seconded by Councilwoman Pritchett to approve this item.

Councilman Braynon inquired about the possibility of securing funding through CDBG funds for a new City Hall Facility.

Mr. Green related that this is possible, if the facility is a mixed use development, and not solely for a city hall complex, and must include commercial, retail and residential.

Councilman Braynon asked if the Council members could receive a matrix on the process, for the next funding year.

Mr. Green indicated that the process would be entirely different next year because the City is large enough to receive direct entitlement of CDBG funding and would receive funds direct from the Federal Government.

Councilwoman Pritchett pointed out that the City's Charter provides for a City Council and not City Commission, and throughout the applications the words City Commission appears instead of City Council.

Manager Crew related that Mr. Green had a family emergency that he had to take care of. Therefore, someone else was assisting with the preparations of the application in Mr. Green's absence.

Mr. Green related that he would go through the document and recheck everything prior to submittal.

Mayor Gibson asked Attorney Knighton if legal counsel was required to review this application.

Attorney Knighton said that she would not normally review CDBG applications however there are some things that might need to be changed to ensure that the best answers are being provided on behalf of the City. She conveyed that if it is the direction of the City Council, she would review this application.

Mr. Green related that he would provide the City Attorney with a copy for her review.

At the conclusion of this discussion, the motion passed and carried by a 6-0 vote.

Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Out of town
Councilman Bratton:	Yes
Mayor Gibson:	Yes

## **11. REPORT OF THE CITY ATTORNEY**

Attorney Knighton clarified for the record that a "good cause" to excuse absence does not require a motion from the Council. However, if a Council member believes that the Council member absent has not demonstrated "good cause" that Council member can make a motion to try and establish "good cause". The burden is on the person absent to demonstrate "good cause." She opined in this particular situation, Mayor Gibson put on the record why Councilwoman Watson was absent.

## **12. REPORTS OF CITY MANAGER**

No Report

### **13. REPORTS OF MAYOR AND COUNCIL MEMBERS**

#### **13A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS**

Mayor Gibson reported on the outcome of the actions taken by the Miami Dade County Commission and the passage of the City's Interlocal Agreements with Miami Dade County. She conveyed her relief that the City has moved through this very long and tedious process. As a result of the passage of the Interlocal agreements, all services listed in the Miami Gardens Charter are being brought in-house.

Councilwoman King asked if a list of the Crime Watch National Night Out events could be provided to the Council members.

Captain Rifkin related that he was aware of only two planned events scheduled for Tuesday, August 3, 2004: 1) 182<sup>nd</sup> Street NW 6<sup>th</sup> Avenue, from 6-9 p.m., and 2) Brentwood Crime Watch at the Dolphin Plaza from 6:45-8:30 p.m.

Councilwoman Pritchett asked about the status of the MLK Committee and whether a meeting has been scheduled.

Manager Crew advised that the committee members must be appointed by resolution. This resolution would be provided for the Council's consideration at the next Council meeting.

Attorney Knighton suggested getting those names to the City Clerk for inserting into a resolution. A meeting date and time can be established at the time the resolution appointing the members is adopted.

Councilman Bratton announced that last Friday was this Council's one year anniversary as sworn elected officials (July 23, 2003).

Vice Mayor Campbell referenced the MLK Committee and related that he'd sponsored the Revenue Enhancement Committee and recommended that the sponsor of the MLK Committee attend the first meeting for the purpose of establishing leadership, guidelines and scope of responsibility. He suggested doing a brief orientation and then having the group members select a chairperson so that they can begin to function. He opined that it is the Committee's responsibility to bring their suggestions and recommendations back to the Council. Staff is merely there for support.

Councilwoman Pritchett related that if it is the will of the Council, she would be happy to facilitate that process.

Councilwoman King related that she'd be happy to assist with this process.

Mayor Gibson cautioned the Council members about possible Sunshine violations.

Attorney Knighton related that as long as the meeting is noticed that one or more Council member might be in attendance, there is no conflict.

Councilwoman Pritchett referenced the issue of participation in the Council meeting via electronic means and questioned whether administration has come up with some kind of rules or procedures.

Attorney Knighton recounted that the decision to allow electronic means of participation was to be done on a case by case basis. Staff would be responsible for providing the electronic means by which a Council member would participate.

Manager Crew related that staff can work on this matter and bring a recommendation back to the City Council for its review.

Mayor Gibson referenced the issue brought forth at the last Council meeting by the Optimist Organizations and asked whether the conclusion of those discussions with the City Manager resulted in any contractual changes.

Manager Crew indicated that the issue was partially resolved. The city has agreed to amend the agreements to eliminate the provision of the Optimist Organizations having to purchase their beverages from the City. In addition concerns regarding the park facilities are also being addressed.

Mayor Gibson asked whether the City will need to amend the contract with COKE.

Attorney Knighton indicated that the contract was sent to COKE, and has never been returned to the City. At some point, the City will need to make a decision as to whether it will rescind the resolution or just leave it out there floating around.

Mayor Gibson related that there are several groups operating on the parks and each has its own set of guidelines. She opined that it would be incumbent upon the City to have some kind of City policy in place, outlining the framework by which the City will operate the parks. This would bring an understanding to all, as to the City's position during any negotiations..

Vice Mayor Campbell addressed his comments to Captain Rifkin. He conveyed his appreciation of a job well done by the Miami Gardens/Carol City District Police Department. He further conveyed concern of the illegal activities occurring in one specific area where a murder recently occurred. He asked that a meeting be held with City Staff and representatives from Specialized and Local Police Services in a joint effort to deter and target crime in this particular area.

**14. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:**

None.

**14A) PUBLIC COMMENTS – 20 MINUTES**

Mr. Wendell James, residing at 18820 NW 29<sup>th</sup> Place, Miami Gardens, Florida appeared before the City Council to express his hopes that the residents would have some involvement and participation with the MLK Committee and the subsequent celebration.

Mayor Gibson interjected to inform Mr. James that the individuals to be appointed to the MLK Committee are all residents of the City.

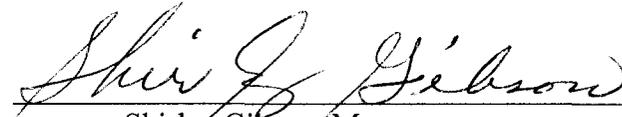
Councilwoman Pritchett further clarified and stated that each Councilmember selected a resident from the City of Miami Gardens to serve on the MLK Committee. This matter was discussed at previous City Council meetings.

**15. SPECIAL PRESENTATION(S)**

There were none.

**16. ADJOURNMENT:**

After being duly motioned by Councilman Braynon and seconded by Vice Mayor Campbell, and unanimously voted upon, the meeting adjourned at 8:47 p.m.

  
\_\_\_\_\_  
Shirley Gibson, Mayor

Attest:

  
\_\_\_\_\_  
Ronetta Taylor, CMC  
City Clerk