

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE TUESDAY, JANUARY 21, 2003
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR CENTER
16701 SOUTHWEST 72 AVENUE
PALMETTO BAY, FLORIDA

- I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 7:10 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Councilmember John Breder
Councilmember Ed Feller
Councilmember Paul Neidhart

The following staff members were present:
Interim Village Manager Joe I. Rasco
Assisting Village Manager Charles D. Scurr
Assistant Village Attorney Eve Boutsis
Acting Village Clerk Meighan Pier

Mayor Flinn asked Denise Heacock, Executive Director of the Perrine Cutler-Ridge Council, to lead the pledge of allegiance.

Mayor Flinn asked all to remember Courtney Collier and Robert Harrison in their prayers, as both gentlemen have been called to active duty in the United States military.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. PRESENTATION BY AL DOTSON, CHAIRMAN OF THE PERRINE-CUTLER RIDGE COUNCIL**

Mr. Albert E. Doston, Sr., Chairman of the Perrine-Cutler Ridge Council, 17901 S.W. 78 Avenue, was recognized. Mr. Dotson introduced Denise Heacock, Executive Director of the Perrine-Cutler Ridge Council, and also introduced his wife, Earline Dotson. He provided a brief background of the Perrine Cutler Ridge Council ("PCRC"), which was formed in 1992 to assist with re-development efforts in the South Dade area, and summarized its current mission to assist with economic development efforts. He stated that the PCRC has been working with the Village of Palmetto Bay on several matters, including a joint effort to seek and obtain funding for the water and

sewer project in the U.S.1 commercial corridor. He thanked the Council and the public.

III. APPROVAL OF MINUTES

A. Council Meeting of January 6, 2003

A Motion to bring the item to the floor was made by Councilmember Neidhart. Seconded by Vice Mayor Robinson.

Councilmember Breder suggested that on Page 5, Section F, the sentence, “He explained that formulation of a fire department would be undertaken following conclusion of police department issues.” be deleted and the following sentence be inserted, “The Committee would review the needs of fire and safety following conclusion of police department issues.”

A Motion to approve the Minutes of the Council Meeting of January 6, 2003 as amended was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

IV. VILLAGE MANAGER’S REPORT

A. Joe I. Rasco, Interim Village Manager:

1. Preparation of Resolutions for surplus properties and bay front land: Mr. Rasco briefly explained the two policy-defining Resolutions that would be presented this evening. He advised he would further explain the items upon presentation.
2. Computers and new email: Mr. Rasco stated that the Village computers are fully functional in the office of the Village Hall. He provided staff’s email addresses: vpbclerk@msn.com and vpbmngr@msn.com.
3. Advertisement for Village Clerk: Mr. Rasco advised that staff is seeking approval as to the advertisement for the Village Clerk position. He explained that the process would commence, resumes would be received and when the Village Manager is appointed, said resumes would be available for review and determination.

Following brief discussion, Mayor Flinn instructed staff to begin advertising for the permanent Clerk position.

4. Budget and Finance Advisory Committee: Mr. Rasco advised that this Advisory Committee should begin meeting as soon as possible.

Following discussion, the meeting of the Budget and Finance Advisory Committee was scheduled for Monday, January 27, 2003 at 4:00 p.m.

5. Mr. Rasco provided a brief update regarding the Village Manager selection process. He advised that the finalists would attend a reception at the Deering Estate on Friday, February 7th from 6:30 p.m. to 8:30 p.m.; the Council would conduct one on one interviews on Saturday, February 8th, at 9:00 a.m. with the entire Council sitting for interviews commencing at 1:00 p.m.; and, a special Council meeting shall be held on Monday, February 10th wherein the Council would appoint a Village Manager.

B. Charles Scurr, Assisting Village Manager:

1. Discussion–key personnel: Mr. Scurr reported that the Village advisory committees have been making a great deal of progress and shortly shall be prepared to present their recommendations to the Finance and Budget Advisory Committee for review. He stated that job descriptions and salary information for key personnel are forthcoming.
2. State Legislative Session: Mr. Scurr noted that five appropriations requests had been prepared: three for stormwater projects, one for the U.S.1 sewer project, and one for funding for costs associated with the Comprehensive Master Plan. He noted that the County had filed the same request for the U.S.1 corridor and the Village would coordinate efforts. He advised that the Governor had released the State budget and the Village may wish to seek lobbyist assistance for the coming legislative session.
3. Independent Auditor Services: Mr. Scurr advised that the Village should consider utilizing the services of an independent auditor in the near future. He stated that as the accounting needs of the Village are being determined, it would be appropriate to have a professional review the initial set-up. He noted that staff would solicit proposals through a standard Request for Proposals (RFP), coordinate an evaluation committee comprised of financial professionals who would rank the top finalists, and then return a contract for Council's approval.

Attorney Boutsis noted that the Village Attorney's office would review the RFP and insert a cone of silence provision into the document.

4. Outsourcing Personnel Services: Mr. Scurr advised that the Village would more than likely have a limited number of Village employees, as there would be significant outsourcing. He noted that with a small

amount of core employees, utilizing a professional outsourced personnel service facilitates many human resource functions, including legal and regulatory matters.

- V. **VILLAGE ATTORNEY'S REPORT:** Eve Boutsis, Assisting Village Attorney, noted that she would offer her presentation when items requiring same are presented. She advised that as the Village Attorney would be providing legal counsel at the January 28th Zoning hearing, staff has requested reimbursement or credit from the County as zoning application fees have been paid to the County for legal representation.

VI. **BOARD AND COMMITTEE REPORTS**

- A. Building and Permitting Advisory Committee – Chairperson Gabriel Bifano

Mr. Bifano reported that the Committee recently met with the Director of Building Code Compliance for Miami-Dade County who informed the Committee of the services that could be available to the Village through the County. He advised that the County wished to submit a bid when the Village began its formulation of a Building Department. Mr. Bifano stated that two outsourcing companies would be providing presentations at the next meeting scheduled for January 27th.

- B. Village Manager Advisory Committee – Chairperson Ron Williams

Mr. Williams reported that the Committee had culled eight semi-finalists from 35 applicants and would most likely be adding three or four names to that semi-finalist list when all resumes are received. He advised that the Committee would be meeting on Saturday to conduct the first of two sessions of telephone interviews. Mr. Williams concluded that the Committee remains on schedule.

Brief discussion ensued, with the Council thanking the Committee and Mr. Baenziger for their diligence.

Mr. Colin Baenziger, Consultant, noted that among the semi-finalists, the applicants average 15 years experience as a City Manager.

- C. Community Services and Public Works – Chairperson Dennis Carter

It was reported that Mr. Dennis Carter would not be able to attend this meeting and had apologized for his absence. Mr. Scurr reported that the Miami-Dade County Public Works Department had provided cost figures. Councilmember Neidhart noted that the Committee's last meeting was productive and they also heard from the Public Works Director of Pinecrest, who had provided information regarding their subcontracting.

D. Long Term Planning Advisory Committee – Chairperson Brian Pariser

Mr. Pariser reported that the Committee met on January 14 and has been discussing the interim Village Hall and space needs and that a resolution is forthcoming. He provided a summary of the various properties that are currently being explored. Mr. Pariser advised that Mr. Ray Santiago of the Miami-Dade Library system had reported that the County has existing plans to provide a 3,000 square foot library within the Village if space can be found. He noted that the Committee is also currently reviewing the possibility of available potential park land. He concluded that the Committee is desirous of conducting a survey to determine what capital priorities the public feels are important.

Following brief discussion regarding the survey, Mr. Pariser concluded his report.

E. Parks and Recreation Advisory Committee – Chairperson Howard Tendrich

Mr. Tendrich reported that representatives from Miami-Dade County Parks had provided a presentation to the Committee at its meeting of January 13. He stated that the County explained the services the Village could receive from the County, in addition to providing County budgetary information. Mr. Tendrich gave an update with regard to the Deering Estate and the County's intention for the north and south end of the property.

Following discussion regarding funds available for the Village that had been earmarked by the County for parks within the Village and the Mayor instructing staff to ascertain whether funds are secured, Mr. Tendrich thanked the Eagle Scouts for the clean-up, painting, and other beautification efforts at the Perrine Park.

Discussion ensued regarding the time frame for the Village assuming responsibility of parks within the Village limits. In addition, the Council, staff and members of the Advisory Committee briefly discussed the tennis contract recently entered into by the County at Coral Reef Park.

F. Planning, Zoning and Code Enforcement Advisory Committee – Chairperson Paula Palm

Mrs. Palm advised that the Committee recently met and discussion a Memorandum of Agreement which they concur should be accepted for temporary zoning services. She reported that the Committee had reviewed the Code Enforcement budgets for South Miami, Pinecrest and Homestead; and would continue reviewing those documents at its next meeting. She

concluded that the Committee is waiting for some budgetary figures from the County and would also be hearing from several cities.

G. Public Information and Community Awareness Advisory Committee – Chairperson Linda Robinson

Vice Mayor Robinson reported that she had recently been appointed Chairperson to this Committee, adding that two Committee members had resigned. She advised that the Committee met with Denise Heacock, representing the Deering Estate Foundation, regarding the February 7th reception. She stated that the Committee also discussed the proposed City celebration/Birthday party, tentatively scheduled for April 12th at Coral Reef Park. Vice Mayor Robinson provided a brief summary regarding the activities of the party planning, adding that the Committee had formulated a preliminary budget of approximately \$10,000 to fund the event. She concluded that formulation of the Village's web site was discussed and a subcommittee was formed for that purpose.

Mr. Rasco added that staff would be presenting a resolution in the future with regard to the funds that would be needed for the celebration.

Brief discussion ensued regarding the date of the party.

Mr. Howard Tendrich, representing the Deering Estate Foundation, advised that while the Deering Estate Foundation has been successful in identifying sponsors for past events, due to the coordination of other events, such as the Bootlegger Ball in March, the Foundation has not received as many community donations this year for the February 7th reception. He stated that the Foundation would like the Village to consider a donation of approximately \$5,000.00. He added that the Foundation is continuing to secure volunteers and donors.

Mr. Rasco reported that staff had contacted the Dadeland Marriott to determine the cost of the Village hosting a reception and the cost far exceeded \$5,000.00, which was one of the reasons the Village chose to partner with the Foundation.

A Motion to authorize the Village Manager to expend funds not to exceed \$4,999.00 for the February 7th reception was made by Councilmember Feller. Seconded by Councilmember Neidhart. All voted in favor. The Motion carried.

H. Public Safety Advisory Committee – Chairperson John Breder

Councilmember Breder advised that the Committee had formulated several

models for levels of police service. He stated that the Committee would be presenting their recommendations to the members of the Budget and Finance Committee and the Council in the near future.

VII. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEY'S FEES; APPROVING ATTORNEY'S FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$6,853.93; PROVIDING AN EFFECTIVE DATE.

Mayor Flinn explained that Consent Agenda items are items that are largely administrative in nature; however, an item can be removed from the listing of Consent Agenda and placed in the Agenda where appropriate for further discussion and action.

Resolution 03-02 was adopted by unanimous roll call vote. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRUSTS; ESTABLISHING A TRUST IN MEMORY OF KENNETH H. ROBINSON, RESTRICTING THE USE OF FUNDS FOR THE BEAUTIFICATION OF THE VILLAGE OF PALMETTO BAY; PROVIDING AN EFFECTIVE DATE. (Vice Mayor Linda Robinson)

A Motion to bring the item to the floor was made by Councilmember Breder. Seconded by Vice Mayor Robinson.

Mr. Rasco and Attorney Boutsis provided a brief explanation of this Resolution concerning the creation of a trust account, adding that the Vice Mayor would be permitting the direction of funds as needed for beautification efforts.

A Motion to adopt Resolution 03-03 was made by Councilmember Feller. Seconded by Vice Mayor Robinson. Resolution 03-03 was adopted by unanimous roll call vote. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS

AND AGENCIES; APPOINTING _____ TO SERVE AS LIAISON TO THE MIAMI-DADE COUNTY SCHOOL BOARD; PROVIDING AN EFFECTIVE DATE. (Vice Mayor Linda Robinson)

A Motion to bring the item to the floor was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart.

Attorney Boutsis advised that she would be providing information with regard to an interlocal agreement with the area schools in the near future; and, that it is appropriate to have a liaison between the schools and the Village to be able to voice the concerns of public and of the schools and report same to Council.

Vice Mayor Robinson suggested appointing Karin Brown. She provided a brief explanation with regard to Mrs. Brown's credentials.

A Motion to amend the Resolution to insert Karin Brown's name was made by Vice Mayor Robinson. Seconded by Councilmember Feller. All voted in favor.

A Motion to adopt Resolution 03-04 was made by Vice Mayor Robinson. Seconded by Councilmember Breder. Resolution 03-04 was adopted by unanimous roll call vote. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE SEAL; AUTHORIZING A CONTEST FOR SELECTION OF A VILLAGE SEAL; PROVIDING AN AWARD OF \$100.00; PROVIDING AN EFFECTIVE DATE.

A Motion to bring the item to the floor was made by Vice Mayor Robinson. Seconded by Councilmember Breder.

Mr. Rasco and Attorney Boutsis provided explanation regarding the Resolution. Attorney Boutsis noted that property rights associated with design would be signed over to the Village.

Following discussion regarding participation, a Motion to amend the Resolution to delete the word "in" and insert the word "serving" to define Palmetto Bay area schools was made by Councilmember Breder. Seconded by Councilmember Feller.

Brief discussion ensued regarding colors of the logo, the amount of the prize and residents.

A Motion to amend the Resolution to delete the word “adult” and insert the word “all” was made by Vice Mayor Robinson. Seconded by Councilmember Breder.

A Motion to amend the Resolution to increase the prize to \$250 in U.S. currency was made by Councilmember Neidhart. Seconded by Vice Mayor Robinson.

A Motion to adopt Resolution 03-05 was made by Councilmember Feller. Seconded by Councilmember Neidhart. Resolution 03-05 was adopted by unanimous roll call vote. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

- D. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE RENTAL OF INTERIM OFFICE SPACE, AUTHORIZING THE VILLAGE MANAGER TO SOLICIT PROPOSALS FOR INTERIM OFFICE SPACE AND APPOINT AN EVALUATION PANEL, PROVIDING AN EFFECTIVE DATE.

A Motion to bring the item to the floor was made by Vice Mayor Robinson. Seconded by Councilmember Breder.

Mr. Scurr thanked the Long Range Planning Advisory Committee members for their diligence. He explained that the Village would be preparing an RFP with four components: 6,000 square feet for general office space, 3,000 square feet for a Council Chamber, 2,000 square feet for police department, and 3,000 square feet for a library. He added that the Village may not be able to secure contiguous space at this time.

A Motion to adopt Resolution 03-06 was made by Councilmember Feller. Seconded by Vice Mayor Robinson. Resolution 03-06 was adopted by unanimous roll call vote. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BAY FRONT LAND ACQUISITION; DECLARING SUPPORT AND INTENTION FOR THE ACQUISITION OF AVAILABLE BAY FRONT PROPERTY; AUTHORIZING THE VILLAGE MANAGER TO INVESTIGATE AND PURSUE SUCH ACQUISITIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (Councilmember Edward Feller)

A Motion to bring the item to the floor was made by Vice Mayor Robinson. Seconded by Councilmember Breder.

Councilmember Feller stated that the Village may have the ability to receive public funding for acquisition of bay front lands. He advised that his reasoning for drafting this Resolution would be to declare the support for acquiring the land and investigate the possibility of securing funds that may be available.

A Motion to adopt Resolution 03-07 was made by Councilmember Feller. Seconded by Vice Mayor Robinson. Resolution 03-07 was adopted by unanimous roll call vote. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PERRINE PARK, SPECIFICALLY, AND OTHER COUNTY SURPLUS PROPERTY; DECLARING SUPPORT AND INTENTION SPECIFICALLY FOR THE ACQUISITION OF PROPERTY ADJACENT TO THE SOUTHERN END OF PERRINE PARK AND ADDITIONALLY FOR OTHER COUNTY SURPLUS PROPERTY; AUTHORIZING THE VILLAGE MANAGER TO INVESTIGATE AND PURSUE SAID ACQUISITIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (Councilmember Edward Feller)

A Motion to bring the item to the floor was made by Councilmember Breder. Seconded by Councilmember Neidhart.

Mr. Rasco and Attorney Boutsis briefly explained the proposed Resolution.

Councilmember Feller added that the Village should quickly pursue the viability of acquiring the surplus County parcels available, in particular the land adjacent to Perrine Park.

Councilmember Breder asked Mr. Kevin Asher, resident and employee of the Miami-Dade County Parks Department, for explanation regarding acquiring surplus lands.

Mr. Asher, 7905 S.W. 161 Street, provided a brief explanation, advising that surplus land may be conveyed free of charge (if there is no use by the particular County department), or may sell the land at appraised value or less.

Following brief discussion, a Motion to adopt Resolution 03-08 was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart. Resolution 03-08 was adopted by unanimous roll call vote. The vote was as follows:

Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING: There were no resolutions requiring a public hearing considered by the Council.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TAXES; CREATING CHAPTER 7 OF THE CODE OF ORDINANCES, ENTITLED "COMMUNICATIONS SERVICES TAX", PROVIDING FOR LEVYING, REPORTING, AND COLLECTING COMMUNICATIONS SERVICES TAX AUTHORIZED BY CHAPTERS 202 AND 203, FLORIDA STATUTES, UPON THE TRANSMISSION, CONVEYANCE OR ROUTING OF VOICE, DATA, AUDIO, VIDEO, OR AN OTHER INFORMATION SIGNALS WITHIN VILLAGE LIMITS; PROVIDING FOR ASSESSMENT OF INTEREST AND PENALTIES AS PROVIDED FOR UNDER SECTION 202.26, ET SEQ.; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE AND TO SERVICE PROVIDERS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

A Motion to accept the proposed Ordinance on first reading was made by Councilmember Feller. Seconded by Vice Mayor Robinson. The Motion passed unanimously. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING: There were no Ordinances for second reading considered by the Council.

XII. PUBLIC COMMENTS

A. Mr. Doug Phillips, 7980 S.W. 166 Street, remarked that the Village of Palmetto Bay should be assuming control of its tax revenue from the Florida Department of Revenue in the near future.

B. Mr. C. Michael Cornelly, 14850 Old Cutler Road, asked if the Shoma Homes project had received a revocation of its building permit.

Mayor Flinn advised that the project is outside of the Village boundaries; however, he believed a portion of the project has received some type of stop-order.

Councilmember Feller concurred.

Councilmember Breder advised that the property had existing zoning for the number of homes to be constructed.

- C. Mr. Howard Tendrich, resident, remarked that he believed work at the Shoma Homes project ceased on 65 of the existing acres.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Vice Mayor Robinson noted that additional members are needed on the Public Information and Community Awareness Advisory Committee.

Mayor Flinn asked members of the public to contact Councilmember regarding their interest and he would make appointments based upon the Councilmembers' suggestions.

- B. Councilmember Feller commented that the Council should meet for a publicly-noticed planning session, wherein the public would be invited; however, discussion and input would be limited to the Councilmembers.

XIV. OTHER BUSINESS: There was no other business to come before the Council.

XV. NEXT MEETING AND ADJOURNMENT: The next meeting of the Council shall be held on February 3rd beginning at 7:00 p.m. in the Visitor's Center at the Deering Estate. The meeting adjourned at 10:07 p.m.

Prepared and submitted by:

Meighan J. Pier
Acting Village Clerk

Adopted by the Village Council on
this 3rd day of February, 2003.

Eugene P. Flinn, Jr., Mayor