

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, FEBRUARY 3, 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 7:02 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  
Village Attorney Earl G. Gallop  
Acting Village Clerk Meighan Pier

Mayor Flinn asked Ron Williams to lead the pledge of allegiance. He asked the audience to join the Council in a moment of silence for the victims of the Space Shuttle Columbia.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Captain Michael Mouring gave a brief report regarding the progress that the Police Department is making in the community.
- B. Presentation by the Public Safety Advisory Committee: Mr. Scurr, Councilmember Breder, Mr. Stanley Kowlessar, and Mr. Wayne Clark provided a PowerPoint presentation of the Committee's recommendations concerning public safety-police service needs.

**III. APPROVAL OF MINUTES**

- A. Council Meeting of January 21, 2003

Vice Mayor Robinson moved the item forward. Seconded by Councilmember Feller.

Councilmember Feller noted that the next Council meeting should have been listed as February 3, 2003.

A Motion to approve the Minutes of the Council Meeting of January 21, 2003 was made by Councilmember Feller. Seconded by Vice Mayor Robinson.

#### **IV. VILLAGE MANAGER'S REPORT**

Mr. Rasco announced that the Kenneth Robinson Memorial Fund account has been opened. He advised that he and Councilmember Neidhart have been meeting with the County-assigned consultant to discuss the formation of a transportation plan, which is a requirement in order to receive transportation tax funds. Mr. Rasco reported that he and Councilmember Breder are continuing review of potential office space. He stated that staff has placed an advertisement for the Village Clerk position, with a deadline for submittal of resumes of February 10, 2003. He advised that he had been contacted by Publix regarding the possibility of Publix deeding the land behind its location on S.W. 146 Street.

#### **V. VILLAGE ATTORNEY'S REPORT**

Attorney Gallop provided a brief report regarding the Village Council's recent and first zoning meeting. He suggested that Council defer the second reading of the Communications Services Tax Ordinance, as staff is awaiting comment from the Florida Department of Revenue.

#### **VI. BOARD AND COMMITTEE REPORTS**

##### **A. Budget and Finance Advisory Committee – Mayor Eugene Flinn**

Mayor Flinn advised that the Committee held the introductory meeting on January 27. He provided a brief report with regard to the Committee's purpose. He stated that the Committee would be receiving recommendations from various advisory committees and beginning the creation of a perspective budget.

##### **B. Building and Permitting Advisory Committee – Chairperson Gabriel Bifano**

Mr. Gabriel Bifano, Chair, reported that at the recent meeting of January 27, the Committee received presentations from several outsourcing companies with regard to services related to Building and Permitting that could be provided.

Mr. Rasco added that the County had provided its open permits, which are extensive. Mr. Scurr explained that post-Hurricane Andrew, some individuals had opened permits, but did not close same.

Mr. Bifano concluded that the Committee is making progress. He added that it appears that the folio numbers for Village properties have been changed.

Following brief discussion between members of the Council and Mr. Bifano concerning presenting the Committee's recommendations, Mr. Bifano concluded his report by announcing that members of the Committee will be visiting several operating municipal building departments to observe operations.

C. Community Services and Public Works Advisory Committee – Chairperson Dennis Carter

Mr. Dennis Carter, Chair, advised that the Committee had met twice since the last report (January 7 and 14). He noted that the Committee received a presentation from Miami-Dade County Public Works and from the Water & Sewer Authority. He advised that the Committee also received a presentation from the Village of Pinecrest. He noted that the future meetings shall be focused on prioritizing projects and determining the functions of the department. He asked Mr. Rasco to provide the County tax revenue information.

D. Parks and Recreation Advisory Committee – Chairperson Howard Tendrich

Mr. Howard Tendrich, Chair, advised the Committee met on January 27 and heard a presentation from the Jewish Community Center, the YMCA, and the Village of Pinecrest. He advised that Pinecrest performs the Parks' functions in-house, while both JCC and YMCA advised the Committee with regard to outsourcing services. He noted that the Committee plans to tour the Village Parks on February 15<sup>th</sup> and same will be noticed. He concluded his report.

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

Mrs. Paula Palm, Chair, reported that the Committee met on January 22<sup>nd</sup> and heard presentations from the City of South Miami and the Village of Pinecrest. She advised that South Miami utilize organized boards that hear a variety of planning, zoning, and code enforcement matters.

F. Public Information and Community Awareness Advisory Committee – Vice Mayor Linda Robinson

Vice Mayor Robinson, Chair, reported that the Committee met on January 22. She advised that the Committee has been discussing the picnic and still needs volunteers. She noted that the proposed date for the Village picnic is April 26<sup>th</sup>. She thanked Karin Brown for her assistance with the Village seal contest.

G. Village Manager Advisory Committee – Chairperson Ron Williams

1. Committee recommendation of finalists for Village Manager position

Mr. Ron Williams, Chair, thanked the members of the Committee for their work. He advised that the committee is recommending five finalists for the Village Manager position: Danny Crew, Dennis Kelly, Dennis Redmond, Kathy Rice and Charles Scurr. He advised interviews of the finalists are scheduled for 1:00 p.m. on February 8<sup>th</sup> at the Deering Estate Visitor's Center. He concluded his report by asking that the recommendations be finalized and the committee be sunseted.

Mr. Colin Baenziger, Consultant, provided brief backgrounds on each candidate. He advised that there will be a reception at the Deering Estate on February 7<sup>th</sup> and the interviews would begin on Saturday, February 8<sup>th</sup> at 8:00 a.m., with a brief writing exercise, individual interviews with Council from 9:00 a.m. to noon, and the Council would convene at 1:00 p.m. for the final interview. He noted that a Special Council Meeting is scheduled for Monday, February 10<sup>th</sup> wherein the Council would vote to select a Manager with whom to begin contract negotiations.

Following brief discussion regarding the proposed substance of a Village Manager contract, Councilmember Feller made a Motion to approve the finalists. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

**VII. CONSENT AGENDA:** There were no Consent Agenda items considered by the Council.

### **VIII. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE MARDEL ESTATES PLAT AS FINAL FOR PROPERTY LOCATED AT THE CORNER OF S.W. 180 STREET AND S.W. 82 AVENUE, MORE SPECIFICALLY A SUBDIVISION OF THE S ½ OF THE S.W. ¼ OF THE N.W. ¼ OF THE S.E. ¼ OF SECTION 34 TOWNSHIP 55 SOUTH RANGE 40 EAST, VILLAGE OF PALMETTO BAY; SETTING AN EFFECTIVE DATE.

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

Attorney Gallop provided a brief explanation of the proposed Resolution.

Following brief discussion regarding the documents, Mr. Rasco advised that the County would not approve the plat until the owner performs all actions required by the County, as if the Village were not incorporated.

Mr. John Dubois, owner, 17905 S.W. 82 Avenue, advised that a special lighting district does apply to the property and is one of the County conditions.

Ms. Lee Costello, 8200 S.W. 149 Court, asked for explanation regarding the project.

Attorney Gallop explained that the property had received tentative plat in August of 2002 that divided a block into 10 single family units. He advised that the lot sizes meet zoning regulations.

Mr. Dubois remarked that the property has lower density than is required.

A Motion to adopt Resolution 03-12 was made by Vice Mayor Robinson. Seconded by Councilmember Feller. Resolution 03-12 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 EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE VILLAGE AND THE BOARD OF THE MIAMI-DADE PUBLIC SCHOOLS TO COORDINATE FACILITY PLANNING OF PUBLIC SCHOOLS AS REQUIRED BY FLORIDA STATUTES SECTIONS 1013.33, AND 163.31777; AUTHORIZING THE COORDINATION OF PUBLIC SCHOOL FACILITY PLANNING BETWEEN THE VILLAGE AND BOARD OF THE MIAMI-DADE PUBLIC SCHOOLS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Gallop provided an explanation regarding the Resolution.

Mayor Flinn asked for further information regarding the traffic circulation plans.

Attorney Gallop noted that the Village would not be compelled to make the improvements at this particular time.

A Motion to adopt Resolution 03-13 was made by Councilmember Feller. Seconded by Councilmember Neidhart. Resolution 03-13 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 Consent Agenda items considered by the Council.

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:** There were no Ordinances for first reading and Emergency Ordinances considered by the Council.

**XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

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.

Attorney Gallop advised the initial draft of this Ordinance had been transmitted to the Florida Department of Revenue. Staff is awaiting response and suggests deferring this item to the next meeting of March 3, 2003.

Mayor Flinn asked if any members of public wished to be heard. No one requested audience.

A Motion to defer second reading and public hearing of the proposed Ordinance to the next hearing of March 3, 2003, was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart. All voted in favor. The Motion carried.

**XII. OTHER BUSINESS**

- A. Councilmember Feller moved to sunset the Village Manager Advisory Committee. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried. The Council thanked the Committee for its diligence.
- B. Appointment of two members to the Public Information and Community Awareness Advisory Committee

Mayor Flinn suggested two appointments to the Committee: Jorge Quintero and Tammy Fosselman.

A Motion to appoint Jorge Quintero and Tammy Fosselman to the Public Information and Community Awareness Advisory Committee was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

### **XIII. PUBLIC COMMENTS**

- A. Ms. Maria Stout-Tate, 8320 S.W. 152 Street, thanked the Council for its assistance with the speeding problems in front of her home on S.W. 152 Street. She invited the public to Sunset Place on February 27 from 4:00 p.m. to 11:00 p.m., as representatives and NASCAR drivers from the Homestead Motor Speedway will be conducting an event.
- B. Mrs. Arleen Feller, 7960 S.W. 144 Street, suggested that if the Village will be purchasing equipment, computers, and leasing cars for the Police Department, the Village should insure that credit for the equipment is provided from Miami-Dade or that the vehicles and equipment remain in the Village.
- C. Mrs. Ginger Cates, 7840 S.W. 148 Street, stated that recently the racquet ball court at Coral Reef Park had been locked and she was informed by the staff of Jane Foreman tennis that there was a \$2.00 charge for the Court.

Brief discussion ensued. Staff was requested to investigate the matter.

### **XIV. MAYOR AND COUNCIL COMMENTS**

- A. Councilmember Breder noted that the Public Safety Advisory Committee will be available to support the Village's negotiating team regarding a Public Safety contract. He added that the Committee will be reviewing emergency management issues, as well as fire safety and the need for an east side station. He thanked the Committee for its diligence.
- B. Councilmember Feller provided a brief report regarding mitigation issues. He advised that he met with County Commissioner Katie Sorenson regarding utilizing the funds to benefit the Village.

Mayor Flinn thanked the Village Manager Search Committee for their effort and thanked the Public Safety Advisory Committee for their continued efforts. He also expressed his gratitude to Captain Mouring for his responsiveness. He provided Captain Mouring's phone number (305-971-8809) and web address ([mmouring@mdpd.com](mailto:mmouring@mdpd.com))

- XV. NEXT MEETING AND ADJOURNMENT:** The next regular meeting of the Council shall be held on March 3, 2003, with a Special Council Meeting for the

appointment of the Village Manager to be held on February 10, 2003. Both meetings shall commence at 7:00 p.m. in the Visitor's Center at the Deering Estate. The meeting adjourned at 9:16 p.m.

*Prepared and submitted by:*

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*Meighan J. Pier*  
*Acting Village Clerk*

*Adopted by the Village Council on*  
*this 3<sup>rd</sup> day of March,, 2003.*

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*Eugene P. Flinn, Jr., Mayor*