

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, MARCH 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 7:05 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 Joe Rasco to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Proclamation honoring Roy S. Shiver

Mrs. Pier read the Proclamation in its entirety.

- B. Proclamation – Pinecrest Gardens

Mrs. Pier read the Proclamation in its entirety.

- C. Proclamation – Palmetto Bay Leader Anniversary

Mayor Flinn read the Proclamation in its entirety. He recognized Yolanda Ulrich, Editor, John Baxter, Sports Reporter, and Jennifer Messemer, local Reporter.

- D. Recommendation of Planning, Zoning & Code Enforcement

Mrs. Paula Palm, Chair, thanked the members of the Committee and began a PowerPoint presentation.

Mr. John Pettit continued the presentation noting that the Committee had met on an aggressive schedule to determine how best to meet the public's needs with regard to Planning and Zoning services. He reported that the Committee had decided that a combination of in-house employees and contracted employees would be most effective. He concluded that the Committee suggests the Village recruit for a Director of Community Development.

Vice Mayor Robinson thanked the Committee for its dedication. Mr. Scurr concurred.

E. Recommendation of Building and Permitting

Mr. Gabriel Bifano, Chair, thanked Councilmember John Breder and the Committee for their diligence. He noted that the Committee reviewed methods and procedures of the cities of South Miami, Pinecrest, Aventura, and Miami Lakes, in addition to Miami-Dade County. He reported that the County will transfer over 10,000 unclosed permits when the Village assumes responsibility; however, these unclosed permits should provide the Village with increased revenues as some individuals will have to re-open permits. Mr. Bifano provided the Committee recommendation that the Building Official and Permit Clerk should be Village employees and suggested staff develop a Request for Qualifications.

F. Captain Mouring provided a brief report with regard to the recent sighting of the serial rapist. He further stated that residents may deter crime by insuring that all doors and windows are locked and that garage doors remain closed.

In response to a citizen's comment with regard to burglaries, Captain Mouring noted that aggressive truant enforcement shall be forthcoming in addition to checking commercial vehicles for legitimacy.

G. Proclamation – Principal Janet Hupp

Mayor Flinn read the Proclamation in its entirety and introduced Principal Janet Hupp. Principal Hupp thanked the Village, parents, teachers and staff for their support.

III. APPROVAL OF MINUTES

- A. Council Meeting of February 3, 2003
- B. Special Council Meeting of February 10, 2003

A Motion to approve the Minutes for the Council Meeting of February 3, 2003 and the Special Council Meeting of February 10, 2003 was made by

Councilmember Breder. Seconded by Councilmember Feller. All voted in favor. The Motion carried.

IV. VILLAGE MANAGER'S REPORT

A. State Legislative Activities

Mr. Scurr reported that he would be providing information regarding legislative activities in the near future as the session shall be commencing March 4, 2003. He suggested the Village consider engaging the services of a lobbyist at this time. He advised that a proposal had been received from Robert Levy & Ronald Book for the amount of \$50,000 for six months, which is the amount of time anticipated for the legislative session and the governor's review.

B. National League of Cities – 2003 Congressional Cities Conference

Mr. Scurr advised that Vice Mayor Robinson will be attending the 2003 Congressional Cities Conference, sponsored by the National League of Cities.

C. Organization and Staffing Update

Mr. Scurr reported that the Village has prepared job descriptions and will shortly begin seeking resumes for the positions of Community Services Director, Community Development Director and Public Works Director.

D. University of Miami Rosenthal School Update

Mr. Scurr stated that while the University of Miami has not provided specific information, the University has begun exploring the possibility of acquiring the former Burger King property and possibly providing surplus land to the Village.

E. County Negotiations Update

Mr. Scurr advised that staff has met with the County regarding police services and expressed that the Village wishes to accelerate putting the patrol in place in the very near future. He noted that staff would be receiving a "red-lined" version of the proposed contract.

Mr. Scurr further reported that staff has been investigating the possibility of submitting information for a Florida Inland Navigation District grant.

V. VILLAGE ATTORNEY'S REPORT

Attorney Gallop provided an update with regard to the Levy v. MDC lawsuit. He advised that an appeal to the 11th Circuit would be taken. He reported that his office has been working on the following items: police services agreement, ordinances regarding Planning, Zoning & Building permits, Purchasing, Special Master, and a General Ordinance regarding Meeting procedures and definition of duties. Attorney Gallop noted that an Alarm Ordinance and Occupational Licenses Fees Ordinance would be forthcoming.

VI. BOARD AND COMMITTEE REPORTS

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

Mr. Ron Williams presented the report for the Chair. He advised that the Committee would be preparing a final draft of its recommendations regarding organization and prioritizing projects.

- B. Finance and Budget Advisory Committee – Mayor Eugene Flinn

Mayor Flinn reported that the Committee has been reviewing the proposed Policies & Procedures manual. He advised that they have listened to presentations regarding outsourcing versus an in-house finance department.

- C. Long Term Planning Advisory Committee – Chairperson Brian Pariser

Mr. Pariser reported that the Committee has been investigating several sites, including the former Bell South location, for the Village Hall and has asked citizen Carl Decker, who is an architect, to assist. He advised that the restrictive covenants on the property shall be discussed with the homeowner's association that was involved with same. He stated that the Committee had listened to two presentations conducting a Village-wide survey. He concluded that the Committee's final recommendations would be forthcoming.

- D. Parks and Recreation Advisory Committee – Chairperson Howard Tendrich

Mr. Tendrich advised that the Committee has reviewed the Jane Foreman Tennis operation and has also investigated how different cities had assumed responsibility for its parks. He stated that Pinecrest had received the parks through a deed and Miami Lakes had entered into an interlocal agreement with the County. He reported that the Committee had toured the parks within the Village and noted many items that are in need of attention. He concluded that the Committee believes that the Parks and Recreation Director should be involved in grant writing.

Brief discussion ensued regarding the state of the Parks.

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

Vice Mayor Robinson reported that the Committee continued discussion regarding the April 26 Celebration. She noted that the Committee would appreciate volunteer assistance. She concluded that the Committee will next be discussing the logo contest and determining how finalists will be chosen.

VII. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$11,429.14; PROVIDING AN EFFECTIVE DATE.

A Motion to adopt Resolution 03-18 was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart. All voted in favor.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE CONTINUATION OF THE CARL D. PERKINS ACT APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (Item moved from Consent Agenda at Mayor Flinn's request.)

Mayor Flinn noted that Superintendent Merrett Stierheim had asked the Village for support regarding federal funding for vocational education. He advised that \$5,825,863 could be removed from the School Board Budget if these funds are eliminated.

A Motion to adopt Resolution 03-16 was made by Vice Mayor Robinson. Seconded by Councilmember Feller. Resolution 03-16 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 TEMPORARY OFFICE SPACE; APPROVING PAYMENT OF SHARED OFFICE EXPENSE FOR USE OF FACILITIES AT 900 PERRINE AVENUE; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr reported that the Village has been utilizing the temporary office space in a far more extensive manner than anticipated. He advised that staff felt it reasonable to share the burden of expenses in the amount of \$1,000 per month or approximately 40% of the expenses. He stated that the Village should be moving into new office space within the next 30-45 days.

Following discussion, Councilmember Breder moved to adopt Resolution 03-17. Seconded by Councilmember Neidhart. Resolution 03-17 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 VILLAGE MANAGER, APPROVING AN EMPLOYMENT CONTRACT; PROVIDING AN EFFECTIVE DATE.

Attorney Gallop provided background information with regard to this matter. He reviewed the terms of the contract with members of the Council. The Council discussed the contract.

Councilmember Feller asked that Section 6.1 define the “pay period” as bi-weekly and that language be included for the Manager to be “compensated for unused PTO upon separation” at the salary he earned at the time of separation. He asked if the Village, in Section 6.4, defines a contribution of 11% for the Manager’s retirement, would the Village be obligated to match this amount for subsequent employees.

Attorney Gallop replied that he would refer the question to the pension attorney for opinion.

Mr. Baenziger advised that it is “typical” for a Village Manager to have a different contribution to his/her retirement.

Following brief discussion, a Motion to accept the contract and allow Councilmember Feller to meet with Attorney Gallop and Mr. Scurr to finalize the contract was made by Councilmember Breder. Seconded by Vice Mayor Robinson. All voted in favor.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACKNOWLEDGING THE EFFORTS OF COLIN BAENZIGER AND ASSOCIATES FOR PROVIDING EXCELLENT ASSISTANCE IN THE SELECTION OF THE FIRST VILLAGE MANAGER FOR THE VILLAGE OF PALMETTO BAY; PROVIDING AN EFFECTIVE DATE.

Mr. Rasco explained the Resolution, adding that Mr. Baenziger had provided excellent service and is deserving of this Resolution.

Mayor Flinn and the Council thanked Mr. Baenziger.

A Motion to adopt Resolution 03-19 was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart. All voted in favor.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FINANCE; REQUESTING FUNDING ASSISTANCE FROM MIAMI-DADE COUNTY IN THE AMOUNT OF \$300,000.00; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr reported that the Village had initially received \$300,000 and has expended approximately \$150,000. He stated that the Village is requesting additional funds in order to insure that the day-to-day operations can be financed until the time when the Village's budget commences and we assume all revenues.

Following brief discussion, Vice Mayor Robinson moved to adopt Resolution 03-20. Seconded by Councilmember Feller. All voted in favor.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE SPACE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A LEASE AGREEMENT FOR APPROXIMATELY 4,850 SQUARE FEET OF OFFICE SPACE AT 8950 SW 152 STREET AT A COST OF \$17 PER SQUARE FOOT; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr advised that staff had evaluated over 21 possible locations for the Village Hall and had determined that the most appropriate space for administrative functions is the former Bell South Building located at 8950 S.W. 152 Street. He reported that the Village would not be holding Council meetings at this location for the present time. He stated that staff has negotiated the agreement, which provides the Village the ability to terminate the lease with a six months notice.

Councilmember Breder thanked the landlord, Mike Sontag, for his cooperation.

Citizens, Eric Lindholm, 16162 S.W. 87 Ct., and Lee Costello-8200 S.W. 149 Drive, addressed the Council with regard to the location.

Charles Latshaw, 8825 S.W. 154 Terrace, President of ACRE, advised that the homeowner's association would be meeting with the Village and neighbors to discuss the covenants and restrictions.

The Council discussed the covenants.

Following brief discussion, Councilmember Feller moved to adopt Resolution 03-21. Seconded by Councilmember Breder. Resolution 03-21 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.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, OPPOSING THE WIDENING OF S.W. 87 AVENUE WITHIN VILLAGE LIMITS, AS PROPOSED UNDER THE PEOPLE'S TRANSPORTATION PLAN; PROVIDING AN EFFECTIVE DATE.

Councilmember Feller reported that upon review of the items listed for modification in the County's transportation plan, one change listed was the widening of 87 Avenue to four lanes from Old Cutler to 168 Street, which is within the Village limits. He expressed his opposition. He moved to amend the Resolution to insert language that the County include the Village in any planning for roadway expansion that leads to or is located within Village boundaries. Vice Mayor Robinson seconded the amendment. All voted in favor.

Citizens, Eric Lindholm, 16162 S.W. 87 Ct., John Pettit, 15395 S.W. 89 Court, Lee Costello, 8200 S.W. 149 Drive, and Maria Stout-Tate, 8320 S.W. 152 Street addressed the Council with regard to this matter.

Vice Mayor Robinson called the question. Resolution 03-22 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.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING TRANSPORTATION IMPROVEMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr advised that this Resolution would support transportation improvements to the existing bus system and expansion of metrorail and request that the issue be moved from a priority IV status to a priority I.

Councilmember Feller remarked that the Village may wish to defer our recommendation until a land use plan has been developed.

Mayor Flinn commented that the MPO meeting is scheduled for March 13 and although the purpose of the resolution is to elevate the priority level, the plan is slated for the year 2025; therefore, he suggested the Council consider the matter at this time.

Mr. Scurr advised that a land use plan would be formulated within two to three years.

Council and staff discussed the matter of zoning adjacent to the metrorail stations.

Vice Mayor Robinson called the question. Resolution 03-23 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 public hearing at this time.

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 PERMIT FEES; ELECTING NOT TO REQUIRE AND COLLECT PERMIT FEES FROM PROVIDERS OF COMMUNICATIONS SERVICES AND ELECTING TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR NOTICE TO THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Gallop explained the Ordinance.

A Motion to approve the Ordinance on first reading was made by Councilmember Feller. Seconded by Councilmember Breder. The Motion carried 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

- 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 TAXES AUTHORIZED BY FLORIDA STATUTE CHAPTERS 202 AND 203, UPON THE TRANSMISSION, CONVEYANCE OR ROUTING OF VOICE, DATA, AUDIO, VIDEO, OR ANY 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; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Gallop briefly explained the Ordinance.

Mr. Scurr noted that the tax is not a new tax, rather it is currently being collected by Miami-Dade County and that the purpose of the Ordinance is to allow the Village to receive the funds directly.

No members of the public desired to be heard.

Ordinance 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.

XII. PUBLIC COMMENTS

- A. Arlene Feller, 7960 S.W. 144 Street, commented that the Village should not allow the County to convey the Parks to the Village while they remain in disrepair, rather the County should pay for the necessary repairs.
- B. Maria Stout-Tate, 8320 S.W. 152 Street, asked if the Lobbyists would also attend sessions in Washington, DC, or only Tallahassee.

Mr. Scurr noted that the proposal would only include Tallahassee.

Councilmember Feller remarked that the large majority of Village issues involve Tallahassee, not Washington.

- C. Donna Latshaw, 8825 S.W. 152 Street, asked the public to share Village photographs, as she is compiling a Village scrapbook.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Mr. Scurr presented the Mayor with a ceremonial gavel and thanked him for his service to the community.

- B. Councilmember Neidhart opined that the Village should secure the lobbyist team of Levy and Book in the near future.

Councilmember Feller remarked that he would be meeting with staff to prepare a Resolution.

Following brief discussion, Attorney Gallop and Scurr advised that staff would begin negotiating a contract and schedule a Special Council meeting for the same date as the next Finance & Budget Meeting (March 6).

Councilmember Feller moved as follows: 1) It is the intention of the Council to hire lobbyists; 2) Due to the emergent situation, the Council would waive competitive bidding; 3) Staff shall return information to the Council at a Special Council Meeting scheduled for March 6 at 6:30 p.m. at 900 Perrine Avenue; and 4) Staff shall negotiate with the lobbyists that have provided proposals. The Council voted in favor of this Motion, with the exception of the Mayor who expressed his opposition.

XIV. OTHER BUSINESS

- A. Appointment of members to the Public Safety Advisory Committee

Mayor Flinn reported that the Public Safety Advisory Committee will shortly begin discussing fire department issues. He suggested the appointment of three members to the Committee: Fidel Barreto, Harold Sears and Paul Blake.

A Motion to appoint the members as nominated was made by Vice Mayor Robinson. Seconded by Councilmember Breder. All voted in favor. The Motion carried.

- B. Mayor Flinn remarked that the recent 5 and 15K race at Deering Estate was a worthwhile event that reflected positively on our community.

XV. NEXT MEETING AND ADJOURNMENT: The next regular meeting of the Council shall be held on April 7, 2003 beginning at 7:00 p.m. in the Visitor's Center at the Deering Estate. A special meeting of the Council shall be held on March 6, 2003 at 900 Perrine Avenue. The meeting adjourned at 10:22 p.m.

Prepared and submitted by:

*Meighan J. Pier
Acting Village Clerk*

*Adopted by the Village Council
on this ____ day of April, 2003.*

Eugene P. Flinn, Jr., Mayor