

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, APRIL 7, 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 7:00 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:  
Village Manager Charles D. Scurr  
Village Attorney Earl Gallop  
Village Clerk Meighan Pier

At the Mayor's request, Officer Kathy Stier led the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Proclamation - National Library Month

Mayor Flinn introduced the Proclamation.

- B. Proclamation - Alexander Montessori School

Mayor Flinn introduced the Proclamation.

- C. Presentation of Community Services and Public Works Advisory Committee – Dennis Carter, Chairman

Mr. Dennis Carter advised that the Committee had completed its function and thanked the members of the Committee. He reported that the Committee had reviewed Miami-Dade County services, in addition to reviewing the services provided by the Village of Pinecrest and the City of Miami Lakes. He stated that the Committee recommends a combination of outsourced and in-house employees. He explained the proposed functions and mission of the department and offered the Committees suggestions.

Mayor Flinn thanked Mr. Carter, adding that he was proud of the work of the Committee.

Councilmember Breder concurred and asked if the position for Public Works Director had been planned.

Mayor Flinn responded affirmatively.

### **III. APPROVAL OF MINUTES**

- A. Special Council Meeting of February 25, 2003
- B. Council Meeting of March 3, 2003
- C. Special Council Meeting of March 6, 2003

A Motion to approve the above-listed Minutes was made by Councilmember Breder. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

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

- A. Miami-Dade County Negotiations

Mr. Scurr reported that staff has been continuing negotiations with regard to police services. He advised that the County has bifurcated the agreement, separating specialized police services from patrol services. He further reported that negotiations are continuing with regard to the Village's assumption of Parks, with the agreement being bifurcated between assumption of existing parks and policy issues concerning new park land. Mr. Scurr stated that staff has been focusing on seeking County approval to utilize mitigation funds for specialized police services, web site, IT services, and financial services.

- B. Organization, Staffing and Schedules

Mr. Scurr advised that recruitment for the Public Works Director, Community Development Director and Community Services Director is ongoing. He reported that the Village is continuing discussion with the City of Miami Lakes regarding possibly sharing a Finance Director. He stated that a Request for Qualifications for the Building and Permitting function and a Request for Proposals for the Audit Services has been advertised.

- C. Delegation of Public Works Director Selection

Mr. Scurr advised that Mr. Rasco and Councilmember Feller shall be interviewing and making the selection of the Public Works Director, as one applicant served on the Village Manager Selection Committee.

D. Logistics

Mr. Scurr thanked Councilmember Breder, Chuck Latshaw and the Clerk for their assistance with the new Village Hall location. He advised that a lease would be executed in the near future. He noted that two critical path items remain – furniture and telephone services.

E. Tallahassee Update

Mr. Scurr provided a brief report regarding the recent visit to Tallahassee where he subsequently joined by Mayor Flinn and Councilmembers Neidhart and Breder for Miami-Dade Days.

**V. VILLAGE ATTORNEY'S REPORT**

A. Attorney Gallop provided a report with regard to the following Consent Agenda items: the execution of a Supplement to the Interlocal Agreement between the Village and the Miami-Dade County School Board, noting that the amendment was non-substantive; the Resolution opposing amendments to the Bert Harris Act, which amendments would in effect eliminate sovereign immunity and would result in a huge liability to governments throughout Florida; the Resolution with regarding to requesting funding assistance – the Assistant County Attorney advised that the Village specifically provide an amendment to the interlocal agreement.

B. Attorney Gallop reported that his office is continuing the preparation of several Ordinances.

Captain Mouring provided a brief report with regard to the recent problem with stray dogs. He reminded the public that animal control will be picking up all unleashed dogs. He thanked Officer Kathy Stier for meeting with the representative of Miami-Dade County Public Works with regard to signage modification and reflective markers to alleviate traffic/speeding issues.

**VI. BOARD AND COMMITTEE REPORTS**

A. Finance and Budget Advisory Committee – Mayor Eugene Flinn

Mayor Flinn advised that the Committee has been considering the Village's benefits package and is finalizing the policy and procedures manual. He encouraged members of the public to attend.

**VII. CONSENT AGENDA**

A Motion to adopt the items listed under Consent Agenda was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor. The

following Resolutions (numbered 03-26, 03-27, 03-28, 03-29, and 03-30) were adopted by unanimous vote:

- 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 \$17,266.28; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO EXECUTION OF A SUPPLEMENT TO THE INTERLOCAL AGREEMENT APPROVED ON FEBRUARY 3, 2003 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; AND SUPPLEMENTING THE PROCEDURES TO ENSURE THAT THE VILLAGE PROVIDES MEANINGFUL COMMUNICATION AND INPUT TO SCHOOL BOARD ON ISSUES OF LOCAL CONCERN AND CREATE MEETING DEADLINES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXPRESSING OPPOSITION TO SENATE BILL 1164 AND HOUSE BILL 113 WHICH SET FORTH AMENDMENTS TO THE BERT J. HARRIS, JR. ACT AND ANY AND ALL OTHER PROPOSED AMENDMENTS THAT WOULD SUBJECT LOCAL AND STATE GOVERNMENTS TO FURTHER LIABILITY FOR THE CONSTITUTIONAL EXERCISE OF THEIR LEGISLATIVE AND QUASI-JUDICIAL RESPONSIBILITIES AND POWERS; TRANSMITTING THE RESOLUTION TO THE PRESIDENT OF THE SENATE, SPEAKER OF THE HOUSE AND GOVERNOR; SETTING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FINANCE; REQUESTING ADDITIONAL FUNDING ASSISTANCE FROM MIAMI-DADE COUNTY IN THE AMOUNT OF \$300,000.00; AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT RELATING TO FUNDING ASSISTANCE; PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CONTRACT

FOR INTERIM SERVICES WITH THE RASCO GROUP, LLC  
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

## VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACKNOWLEDGING AND SUPPORTING THE EFFORTS OF THE UNITED STATES ARMED FORCES AS THE DEPLOYMENT TO THE GULF REGION CONTINUES; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr noted that the Resolution was drafted to express the Village's support of the United States armed forces.

A Motion to adopt Resolution 03-31 was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; REVISING THE MEETING SCHEDULE OF THE VILLAGE COUNCIL AND ANNOUNCING FUTURE DATES OF LAND DEVELOPMENT PERMIT HEARINGS; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr advised that in order to allow Council sufficient time to review and ask questions concerning items on the Agenda, this Resolution would move the Council meeting dates to Wednesday. He noted that this Resolution also announces the future dates for zoning hearings.

Ms. Jennifer Messemer, 15 N.E. 1 Road, Homestead, FL, stated that her employer, the Palmetto Bay Leader, has a publishing deadline of Wednesday and if the meetings were changed, the stories would not be timely.

A Motion to defer this matter to the next Council meeting was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE CLERK; APPOINTING MEIGHAN J. PIER AS VILLAGE CLERK; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided a report regarding the selection process for the Clerk and advised that, according to the Charter, his appointment is subject to confirmation by the Council. He stated that following review of resumes

received, satisfactory completion of a background check and drug and toxicology testing, that he has appointed Meighan Pier to the position.

A Motion to adopt resolution 03-32 was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart.

Vice Mayor Robinson, Councilmembers Breder and Feller expressed their support and thanked Mrs. Pier.

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 VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADMINISTRATION; CREATING A PUBLIC INFORMATION FUNCTION; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr advised that the Public Information & Community Awareness Committee had determined that there is a need to institute a public information function. He suggested that the Council authorize preparation of a Request for Proposal. Vice Mayor Robinson concurred.

A Motion to adopt Resolution 03-33 was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE FURNITURE; AUTHORIZING THE VILLAGE MANAGER TO LEASE/PURCHASE FURNISHINGS FOR THE VILLAGE HALL FROM J.C. WHITE QUALITY OFFICE FURNITURE; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr stated that staff utilized the State of Florida's competitively bid contracts to acquire furnishing for the new Village Hall location. He advised that it would be fiscally prudent to lease/purchase the furniture. He concluded his report by thanking Carl Decker for his architectural assistance.

Attorney Gallop noted that the competitive bid process has been met through utilizing the State contract.

A Motion to adopt Resolution 03-34 was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor.

Following discussion, a Motion to acquire the furniture through a three-year lease/purchase option was made by Councilmember Breder. Seconded by

Councilmember Feller. The Motion carried (3-2) with the vote as follows: Vice Mayor Robinson: yes; Councilmember Breder: yes; Councilmember Feller: yes; Councilmember Neidhart: no; Mayor Flinn: no.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO INFORMATION TECHNOLOGY SERVICES; APPROVING AN AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE; AUTHORIZING THE COUNTY TO PROVIDE WEB PORTAL SERVICES AS DEFINED THEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr advised that staff is seeking to have the web portal services provided through mitigation funds. He added that should the County decline to do so, the Village would prepare a Request for Proposals.

Mayor Flinn clarified that mitigation funds may not be used to hire third-party vendors; therefore, if the County approves using mitigation funds, then the service would not have to be competitively bid. He remarked that the resolution should state the service would be paid with mitigation dollars, or, if not, competitively bid and allow the County to bid also.

Attorney Gallop concurred, adding that the Charter specifically allows use of mitigation funds. He suggested adding at Line 28 “; provided, however, that negotiations will proceed under the assumption that the cost of information technology services shall be funded from the MSTF.”

A Motion to amend the Resolution was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor.

Mr. Henry Clifford, 8875 SW 171 Street, member of the Public Information & Community Awareness Committee, remarked that it would take approximately 120 days to complete a web site.

Following discussion, Vice Mayor Robinson moved to approve the Resolution 03-35 as amended. Seconded by Councilmember Feller. All voted in favor.

## **IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

There were no Resolutions requiring public hearing.

## **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 SEAL; DESIGNATING THE OFFICIAL SEAL OF THE VILLAGE OF

PALMETTO BAY; PROVIDING FOR USE AND PENALTIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr advised that the Public Information & Community Awareness Committee reviewed 247 entries and narrowed the entries to 13. He stated that formal adoption of the logo would occur at the next Council meeting.

Councilmember Feller moved that Council select one seal pending final approval at next meeting. Seconded by Vice Mayor Robinson.

Mr. Scurr stated that some modifications may be made to the selected logo, with the final product to be displayed at the next Council meeting.

Following discussion and audience input, the previous Motion carried (4-1), with Mayor Flinn voting in the opposition.

A Motion to select logo 234 I. was made by Councilmember Breder. Seconded by Councilmember Feller.

Councilmember Feller suggested that the Council prepare ballots and express their top three preferences, assigning points (5 for 1<sup>st</sup> place, 3 for 2<sup>nd</sup> place, 1 for 3<sup>rd</sup> place), and vote between the top two highest.

Mrs. Pier provided the results: Logo 234F – 16 points; Logo 234I – 14 points; 107 – 7 points; 103 – 3 points; and 234M – 1 point.

Several members of the public provided opinion.

A roll call vote was taken with regard to the previous Motion. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative.

A Motion to include Logo 234I in the Ordinance for second reading was made by Councilmember Feller. Seconded by Councilmember Breder. All voted in favor. The Motion carried.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; ADOPTING CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, ENTITLED “ZONING”; ASSUMING JURISDICTION BY THE VILLAGE COUNCIL OVER PLANNING AND ZONING DECISIONS; PROVIDING FOR CODIFICATION, ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

A Motion to approve the proposed Ordinance on first reading was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BURGLAR ALARMS; PROVIDING FOR ALARM PERMITTING, PERMITTING FEES AND FINES FOR NON-COMPLIANCE, ISSUANCE OF FALSE ALARM REPORTS AND APPEALS OF FALSE ALARM REPORTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

A Motion to approve the proposed Ordinance on first reading was made by Vice Mayor Robinson. Seconded by Councilmember Feller. All voted in favor.

## **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 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 provided an explanation of the Ordinance.

Mayor Flinn confirmed that the Village would not be levying new taxes, rather it is a method of collection. He opened the public hearing at 9:00 p.m.

Mr. Ed Ludovici, 17415 S. Dixie Highway, asked for verification regarding the percentage rate of .12%.

Attorney Gallop confirmed same.

As there were no other members of the audience wishing to speak on the matter, Mayor Flinn closed the public hearing at 9:01 p.m.

Vice Mayor Robinson moved to approve Ordinance 03-04 on second and final reading. Seconded by Councilmember Feller. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Councilmember Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. Motion carried (5-0).

## **XII. PUBLIC COMMENTS**

- A. Maria Stout-Tate, 8320 S.W. 152 Street, remarked that an abandoned car next to Party City should be removed.

## **XIII. MAYOR AND COUNCIL COMMENTS**

- A. Councilmember Neidhart asked if members of the Council could offer suggestions regarding modifications to the logo prior to final vote.

Mr. Scurr instructed him to contact him or the Clerk.

- B. Councilmember Feller thanked Councilmember Neidhart for obtaining the yellow ribbons. He reported that the community will be wrapping the trees on the median strip of Dixie Highway.

Vice Mayor Robinson advised that volunteers would meet on Saturday at 10:00 a.m. at Starbucks to begin wrapping the yellow ribbons. She thanked the Public Information and Community Awareness Committee for their efforts.

## **XIV. OTHER BUSINESS**

A Motion to sunset the Public Works Advisory Committee was made by Councilmember Neidhart. Seconded by Councilmember Breder. All voted in favor.

- XV. NEXT MEETING AND ADJOURNMENT:** The next regular meeting of the Council shall be held on May 5, 2003 at 7:00 p.m. in the Visitor's Center at the Deering Estate. The meeting adjourned at 9:15 p.m.

*Prepared and submitted by:*

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*Meighan J. Pier, Village Clerk*

*Adopted by the Village Council on  
this \_\_\_\_ day of May, 2003.*

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*Eugene P. Flinn, Jr., Mayor*