

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, MAY 5, 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  
Assisting Village Manager Joe I. Rasco  
Village Attorney Earl Gallop  
Village Clerk Meighan Pier

At the Mayor's request, the members of Boy Scout Troop 451 led the pledge of allegiance.

- II. PROCLAMATIONS, AWARDS, PRESENTATIONS:** None at this time.

**III. APPROVAL OF MINUTES**

- A. Council Meeting of April 7, 2003  
B. Special Council Meeting of April 15, 2003

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

Mr. John Richardson of Connections Unlimited gave a brief explanation of the infrared system that was being demonstrated for those audience members who desired listening assistance.

**IV. VILLAGE MANAGER'S REPORT**

Mr. Scurr thanked Mr. Jorge Fernandez of Miami-Dade County for his assistance, announcing that the Village has received the \$300,000 check for continued start-up funds.

A. UPDATE RE: COUNTY NEGOTIATIONS:

1. Parks: Mr. Scurr advised that the County bifurcated the Agreement; therefore, meeting the anticipated July 1<sup>st</sup> deadline to assume responsibility may be difficult. He noted that the Village continues to investigate the possibility of obtaining new land for parks in the Village: the Publix site, 7 acres of Perrine Park, and the site across from Perrine Elementary School.
2. Police: Mr. Scurr reported that the negotiating team shall be appearing before the County Public Safety Committee on May 13, anticipating Commission action in late May. He noted that the Village continues to stress that specialized police services should be paid through the Municipal Services Trust Fund. He advised that a Town of Miami Lakes police vehicle is on display so the public can view an example of municipal designation of the County vehicle.
3. Mitigation Trust Fund: Mr. Scurr advised that the County has convened a special committee to review mitigation issues. He provided a copy of Mayor Greer of Pinecrest's white paper with regard to those issues.

B. FINANCE REPORT:

1. Budget: Mr. Scurr advised that Diane Wright has been assisting the Village on the development of the budget for 2002-03 and is working with the County on developing annualized revenues and obtaining detailed financial monthly accounting. He advised that Palmetto Bay is seeking a mid-year conversion.
2. Expenditures to Date: Copies of the check register were previously provided to Council.

C. UPDATE RE: DEPARTMENTS/FUNCTIONS

1. Police: Mr. Scurr noted that Captain Michael Mouring has been named Commander. He introduced Chief Burgess, Major Jeter and Lieutenant Dennis.

Mayor Flinn thanked Commander Mouring and provided a Proclamation to Chief Burgess.

Chief Burgess and Major Jeter expressed their appreciation.

2. Public Works: Mr. Scurr noted that Councilmember Feller and Mr. Rasco have interviewed individuals for the Director position and shall be making their decision in the near future.
3. Parks: He advised that he is currently interviewing candidates and continuing recruitment efforts.
4. Planning & Zoning: He reported that he is seeking the ideal candidate and is investigating other options to fill the Director position.
5. Finance: Mr. Scurr stated that the Village shall be entering into a joint venture with the Town of Miami Lakes to fill this position. He

advised that background checks are being done and he is optimistic that this position shall be filled shortly.

6. **Building & Permitting:** He reported that the Village is currently negotiating a contract to outsource this Department, with July 1<sup>st</sup> being the target date.
7. **Public Information:** Mr. Scurr advised that the RFP has been advertised for this position and a review panel would be convened. He advised that a decision would be made in the near future.
8. **Audit Services:** He noted that the Village had received 3 responses to the RFP and anticipates making a decision in early June.

D. **VILLAGE HALL OFFICE UPDATE:** Mr. Scurr advised that ADA improvements are concluding at the new Village Hall site. He stated that staff is attempting to accelerate the process of securing telephone and data lines and furnishings. He reported that staff anticipates moving in mid-June. Mr. Scurr advised that the Village has received over 100 responses to the administrative support positions advertisement.

Mr. Scurr advised that Council meetings shall continue to be held on the first Monday of each month, with the exception of the September meeting, which will be held on the second Monday due to the Labor Day holiday.

**ASSISTING VILLAGE MANAGER REPORT:** Mr. Rasco advised that “Celebrate Palmetto Bay” has been re-scheduled to May 17<sup>th</sup> from noon to 3:00 p.m. Vice Mayor Robinson thanked all donors and advised that the Committee is meeting Wednesday night and is still seeking volunteers.

Officer Del Valle, Metro-Dade Officer assigned to the Town of Miami Lakes, came forward and provided an example how the Village’s logo may be displayed on police uniforms.

## V. **VILLAGE ATTORNEY’S REPORT**

Attorney Gallop provided a brief explanation of the items to be considered at this meeting. He also provided a listing of items to be considered in the near future.

Mayor Flinn asked the members of the public how they were finding the infrared system. Several members indicated they were pleased with the system.

**UPDATE RE: LEGISLATIVE SESSION:** Jennifer Rubinas from Bob Levy’s office provided a brief update with regard to the legislative session. She advised that the fight against the repeal of the Burt Harris Act was successful, which was the biggest victory of the session. She noted that the Budget has not yet passed and a special session is anticipated.

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

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

Vice Mayor Robinson reiterated that the Committee re-scheduled “Celebrate Palmetto Bay” to May 17 and invited all to attend and enjoy being a part of the community.

- B. Approval of selection of CSA/MT Causley for outsourced Building and Permitting Services (RFQ #03-001)

Mr. Rasco reported that staff and Mr. Gabriel Bifano had listened to presentations from the two responsive bidders and had determined that CSA/MT Causley was the more qualified. He advised that staff will begin negotiating a contract for subsequent approval by the Commission.

Mr. Carlos Penin, President of CSA, and Mike Causley, Principal of MT Causley, Inc., provided a brief presentation. They noted they had previously worked with new municipalities to insure a smooth transition period.

Councilmember Neidhart asked if compensation would be provided entirely through permit fees.

Following brief discussion, Mr. Rasco advised that staff is currently scheduling meetings with the contractor to solidify a mutually agreed to contract.

## **VII. CONSENT AGENDA**

A Motion to adopt the items listed under Consent Agenda was made by Councilmember Feller. Seconded by Councilmember Neidhart. All voted in favor. The following Resolutions (numbered 03-39, 03-40, 03-41, 03-42, and 03-43) 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 \$15,162.36; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE MEETING SCHEDULE OF THE VILLAGE COUNCIL AND OF LAND DEVELOPMENT PERMIT HEARINGS; PROVIDING AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; RATIFYING AN EQUIPMENT LEASE-PURCHASE AGREEMENT FOR OFFICE FURNITURE, AND RELATED INSTRUMENTS; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TELEPHONE SYSTEMS; RATIFYING THE AGREEMENT WITH BELLSOUTH COMMUNICATION SYSTEMS, LLC, AND BSFS EQUIPMENT LEASING FOR A NORSTAR ICS KEY SYSTEM AND VOICE MAIL; PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TELEPHONE SYSTEMS; RATIFYING THE AGREEMENT WITH BELL SOUTH TELECOMMUNICATIONS, INC., FOR THE COMPONENTS OF THE BELLSOUTH INTEGRATED SOLUTIONS PACKAGE; PROVIDING AN EFFECTIVE DATE.

## VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOCAL POLICE SERVICES, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY FOR LOCAL POLICE SERVICES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr explained the subject of the proposed Resolution. He thanked Chief Thompson for his Department's cooperation, noting that a great deal of progress was made. He reported that the contract amount is well within the budget parameters that were in place when incorporation was initiated. He advised that the contract is flexible in that personnel can be increased or decreased with ease. He explained the major contract provisions. He concluded that the need for enhanced police services remains one of the major reasons for incorporation.

Chief Thompson thanked the Village, opining that the Village benefited on every point of the contract. He concluded that he is optimistic about the progress.

Mayor Flinn remarked he is pleased with the police department's outreach to the community to date.

Attorney Gallop concurred, adding that the agreement achieves the purpose the Village desires.

A Motion to adopt Resolution 03-44 was made by Councilmember Breder. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PUBLIX LAND DONATION; DECLARING SUPPORT AND INTENTION FOR THE ACCEPTANCE OF 3.23 ACRES OF AVAILABLE LAND BUFFERING THE PUBLIX SUPERMARKET AT 14601 SOUTH DIXIE HIGHWAY; AUTHORIZING THE VILLAGE MANAGER TO PURSUE SUCH DONATION AND EXECUTE REQUISITE DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Rasco reported that Publix had approached the Village regarding donating their adjacent property to the Village. He noted that Publix has agreed to maintain the property for the next 18 months until the Village (with public input) determines how the property will best be utilized. He thanked Councilmember Breder for his assistance with this process.

Attorney Gallop advised that the matter has been reviewed for legal sufficiency; however, staff must ascertain that title is clear prior to Publix deeding the land to the Village.

Mrs. Paula Palm, 8895 S.W. 152 Street, representing the Alliance of Coral Reef Estates (ACRE), remarked that her homeowners' association would like to provide input when the matter comes to fruition. She opined that the neighbors will not be in favor of any ingress/egress into the neighborhood.

Councilmember Feller stated that the future of this park is not yet decided and the house on the land has also been included as part of the donation.

A Motion to adopt Resolution 03-45 was made by Councilmember Feller. Seconded by Councilmember Neidhart. All voted in favor. The Motion carried unanimously (5-0).

## **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 CODE ENFORCEMENT; CREATING CHAPTER \_\_\_\_, ENTITLED CODE ENFORCEMENT PROCEDURES; PROVIDING FOR "CODE ENFORCEMENT PROCEDURES," INCLUDING A SYSTEM OF ISSUING CITATIONS AND ENFORCEMENT OF VILLAGE, COUNTY

AND STATE LAWS; AND PROVIDING FOR THE QUALIFICATIONS, POWERS OF, AND COMPENSATION OF SPECIAL MASTERS TO HEAR CODE ENFORCEMENT APPEALS; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE.

Attorney Gallop briefly explained the proposed Ordinance.

A Motion to approve the proposed Ordinance on first reading was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried unanimously (5-0) and the proposed Ordinance shall be noticed for second and final public hearing at the June Council meeting.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; ESTABLISHING A PROCUREMENT POLICY UNDER ARTICLE III, SECTION 3.10 OF THE VILLAGE CHARTER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Gallop briefly explained the proposed Ordinance and that its purpose is to define the mechanism for procuring goods and services.

A Motion to approve the proposed Ordinance on first reading was made by Councilmember Neidhart. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried unanimously (5-0) and the proposed Ordinance shall be noticed for second and final public hearing at the June Council meeting.

## **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 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 explained the Ordinance and the process by which the final logo was chosen.

Attorney Gallop added that the emergency ordinance that was previously adopted for the temporary seal expires May 17<sup>th</sup>.

Mr. Scurr remarked that there will be a slight difference in color as the words “Village of” and “Florida” shall be in darker ink in order to allow for clarity.

Mrs. Cathy Thornton, logo artist, provided several logo samples for review. She noted that the name of the Village was pulled into the logo in order to avoid cost increase if die cut must be performed. She explained that the Palm tree was changed to a Sabal or Palmetto Palm.

Councilmember Feller remarked that he preferred the logo that had the Village's name located in the slight circle outside of the logo, as he felt it was unique and distinct.

Public hearing opened at 8:48 p.m.

Mrs. Arlene Feller, 7960 S.W. 144 Street, concurred that the logo was unique prior to the modification.

Mrs. Audrey (address not provided) remarked that the palm tree should be a "true palmetto palm".

A Motion to amend the logo to include the oval shape that extended beyond the circle was made by Councilmember Feller. Seconded by Vice Mayor Robinson.

Mrs. Thornton advised that she would make the font larger and when the Palmetto Palm is reduced, clarity is lost.

The previous Motion passed (3-2), with Mayor Flinn and Councilmember Breder voting in opposition.

A Motion to approve the color changes was made by Councilmember Feller. Seconded by Robinson. All voted in favor. The Motion carried (5-0).

A Motion to include the Sabal Palm was made by Councilmember Neidhart. The Motion failed for lack of second.

A Motion to amend the logo to include Coconut Palms was made by Councilmember Feller. Seconded by Councilmember Neidhart. The Motion carried (4-1), with Mayor Flinn voting against same.

Discussion ensued regarding the font.

A Motion to approve the straight font provided was made by Councilmember Breder. Seconded by Councilmember Feller. The Motion carried (4-1), with Vice Mayor Robinson voting in opposition.

Councilmember Feller moved to approve Ordinance 03-04 on second and final reading. Seconded by Councilmember Breder. 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).

- 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.

Attorney Gallop explained that this purpose of this Ordinance is to adopt Chapter 33 of Miami-Dade County Code and implement same until such time as the Village chooses to adopt its own.

The Public hearing opened at 9:02 p.m.

Mr. Brian Pariser, 15300 S.W. 78 Ct., asked how the Omnipoint ruling may affect the Village should it adopt the County zoning code.

Attorney Gallop replied that Omnipoint applies to zoning decisions, not the entire code.

Mr. Pariser stated that the legislature was attempting to pass a statute regarding zoning decisions.

Attorney Gallop advised that the proposed Burt Harris Act amendments were defeated.

Mrs. Bonnie Roddenberry, 14147 S.W. 69 Avenue, remarked that she is concerned that the Village is adopting a code that continues to be modified.

Attorney Gallop responded that if the Village does not adopt the County Code, guidelines would not exist to provide guidance in making decisions concerning zoning matters. He noted that the Council would adopt the Code as of the date of adoption of the Ordinance, not based upon future modifications.

Mayor Flinn suggested that Council adopt the Code as of the date of the emergency ordinance.

Mr. Scurr remarked that the Village should consider adopting those future modifications to the County Code that would be beneficial to the Village.

Discussion ensued regarding amendments.

Attorney Gallop suggested the following amendment: Page 3, Section 5, Line 13, "The Miami-Dade County zoning Code in effect on 12/2/02 shall be applied under this ordinance". Prior to "This ordinance shall take effect immediately upon enactment".

A Motion to include the proposed amendment was made by Councilmember Feller. Seconded by Councilmember Feller. All voted in favor.

Vice Mayor Robinson moved to approve Ordinance 03-05 on second and final reading. Seconded by Councilmember Breder. 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).

- 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.

Mr. Scurr briefly explained the Ordinance. He advised that the policy is the same as the County policy, with the funds being provided to the Village.

The public hearing was opened at 9:19 p.m.

An unidentified citizen, 14243 S.W. 80 Avenue, stated that she had paid the \$25.00 fee in January and wondered if she would be receiving a refund from the County.

Mr. James Woodard, 17001 S.W. 90 Avenue, thanked the Council for the improvements to the sound system. He remarked that he was concerned with the Special Master provision of the Ordinance, as the qualifications of a Special Master were not defined.

Attorney Gallop noted that the qualifications of the Special Master is included in the Ordinance that was passed on first reading this evening with regard to code enforcement.

Mr. Woodard opined that legal training should be a requirement.

The public hearing closed at 9:25 p.m.

Councilmember Breder moved to approve Ordinance 03-06 on second and final reading. Seconded by Vice Mayor Robinson. 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).

Mr. Scurr asked Council for direction with regard to the amount of the surety bond for the Finance Director and Village Manager.

Following discussion concerning the amount of the bond, Councilmember Feller moved to authorize the Village Manager to secure said bonds in the amount of \$500,000 each. Seconded by Vice Mayor Robinson. The Motion carried (3-2), with Mayor Flinn and Councilmember Breder in opposition.

## **XII. PUBLIC COMMENTS**

- A. Mr. Brian Pariser remarked that he would like the Village marking on the police vehicle to be larger. He noted that the Village check registers should be published in the local newspaper. He expressed his displeasure with regard to the lobbyist report, remarking that specifics on Palmetto Bay were not provided. He asked for explanation with regard to mutual indemnification in the police contract.

Attorney Gallop replied that exposure to the Village is minimal and each party would be responsible for their own fees.

- B. Maria Stout-Tate, 8320 S.W. 152 Street, concurred that the lobbyist report was insufficient. She expressed her concern with traffic stripping on 87 Avenue. She suggested that Publix distribute flyers advertising the Village's picnic. She also complained of excessive speeding on 152 Street between U.S. 1 and 77 Avenue.
- C. Loring Glen, 6964 S.W. 151<sup>st</sup> Street, commented that members of the community need to be kept abreast with regard to commercial projects and particularly the fire station.

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

- A. Councilmember Feller stated that members of the lobbyist team, Book & Levy, are well-presented and well-reputed. He agreed that more specific information should have been provided, but cautioned that the report should not reflect negatively on the lobbyists.

Mr. Scurr advised that the Special Session would be convened and the outcome is uncertain at this time.

- B. Vice Mayor Robinson encouraged residents to tell their neighbors about the "Celebrate Palmetto Bay" event.
- C. Councilmember Breder thanked the press for their continuing coverage of Village activity. Mayor-information is available at Village Hall or through web site – tries to provide a great deal of information to public.
- D. Vice Mayor Robinson thanked the Mayor for his negotiating skills and for his leadership.

**XIV. OTHER BUSINESS**

**XV. NEXT MEETING AND ADJOURNMENT:** The next regular meeting of the Council shall be held on June 2, 2003 at 7:00 p.m. in the Visitor's Center at the Deering Estate. The meeting adjourned at 9:50 p.m.

*Prepared and submitted by:*

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*Meighan J. Pier, Village Clerk*

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

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*Eugene P. Flinn, Jr., Mayor*