

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, JUNE 2, 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 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, Jeanne Rothfield led the pledge of allegiance.

Mayor Flinn introduced Alvaro Bermudez of Revelation Sound, Inc., who was present to provide a demonstration of a RF system for those who require listening assistance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation of Certificates of Appreciation and Gift Certificates to Logo Finalists

Staff was instructed to forward the certificates to the finalists, as the finalists were not present.

- B. Presentation of Certificates of Appreciation to Public Information and Community Awareness Committee

Vice Mayor Robinson and Mayor Flinn presented Certificates of Appreciation to the members of the Committee that were present, Henry Clifford and Jeanne Rothfield and expressed their thanks to the Committee for their diligence.

C. Presentation by Cultural Council regarding proposed Art Festival

Mrs. Yolly Buchmann, President of the Cultural Council, explained the purpose of the Cultural Council and the proposed event to be held on October 5 and 6 at the Coral Reef Park. She requested the Village waive the fees for use of the Park, waive fees for the food vendors and grant permission to sell beer and wine.

III. APPROVAL OF MINUTES

A. Council Meeting of May 5, 2003

A Motion to approve the Minutes of the Council Meeting of May 5, 2003 was made by Councilmember Neidhart. Seconded by Councilmember Feller. All voted in favor. The Motion carried (4-0).

IV. VILLAGE MANAGER'S REPORT

A. Update on Miami-Dade County Negotiations

Mr. Scurr reported that the Village is in the process of finalizing the Master Transition Agreement with the County. He advised that the County will provide a monthly reconciliation of revenue and expenses, and the Village may take a significant draw to provide the Village with funds through the end of the fiscal year. He reported that the County will not consider paying specialized police services out of mitigation funds at this time.

B. Departmental Updates

Mr. Scurr introduced Ron Williams, the new Director of Public Works. He advised that the Village intends to outsource engineering services and Parks & Recreation programming, with the bid opening scheduled for June 30th.

Mr. Scurr reported that with regard to the Planning & Zoning Department, he is still interviewing and recruiting for the position and will be meeting with Florida International University regarding seeking an interlocal for planning services.

Mr. Scurr reported that he had received the preliminary tax roll from the County Property Assessor's Office and the Village property values had increased. He noted that budget workshops and hearings would be scheduled in the months of August and September.

Mr. Scurr advised that the Building and Permitting Resolution would be deferred to a Special Council Meeting to be held on June 10. He noted that with regard to the Public Information Officer position, four proposals had been received and a committee shall schedule presentations.

C. General Administration

Mr. Scurr noted that the targeted move-in date to the new Village Hall is June 15th. He reported that interviewing for certain administrative support positions has begun. He advised that staff had received proposals to provide small group health insurance from two vendors. Mr. Scurr reported that a surety bond in the amount of \$500,000 for the Village Manager position had been secured. He noted that with regard to the October Council meeting, the meeting had been scheduled on the same date as Yom Kippur and staff would be contacting the Council members to re-schedule.

ASSISTING VILLAGE MANAGER REPORT:

A. "Celebrate Palmetto Bay" Final Report

Mr. Rasco reported that the Village had received approximately \$3,750 in donations, resulting in a net cost to the Village of \$4,161.43. He and Vice Mayor Robinson thanked the Committee members, donors and volunteers.

V. VILLAGE ATTORNEY'S REPORT

Attorney Gallop reported that his office is working on several matters and the Occupational License Ordinance would be presented on first reading this evening.

VI. BOARD AND COMMITTEE REPORTS

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 \$8,409.10; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A 36-MONTH LEASE AGREEMENT WITH IOS CAPITAL FOR A PHOTOCOPIER FROM IKON OFFICE SOLUTIONS, INC. THROUGH STATE CONTRACT; PROVIDING AN EFFECTIVE DATE.

A Motion to approve the items listed was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (4-0). Resolutions 03-46 and 03-47 were adopted.

VIII. RESOLUTIONS

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

Mr. Scurr provided explanation and background information with regard to the item.

Mayor Flinn opened a public hearing at 7:45 p.m.

Mr. Gabriel Bifano, 7371 SW 156 Street, asked the percentage of specialized police services versus total police services.

Mr. Scurr responded approximately 10%.

The public hearing closed at 7:46 p.m.

Following brief discussion, a Motion to adopt the Resolution was made Councilmember Feller. Seconded by Vice Mayor Robinson.

Mayor Flinn stated that he would recommend the Resolution include language that states that the County Commission requires the Village to enter into this agreement.

A Motion to amend the Resolution to include the language was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart. All in favor (4-0).

The Council voted unanimously to accept the Resolution as amended. The Motion carried (4-0). Resolution 03-48 was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF A FIRM TO PROVIDE THE BUILDING AND PERMITTING SERVICES OF THE VILLAGE AND OTHER RELATED DUTIES; PROVIDING AN EFFECTIVE DATE.

The matter was withdrawn.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE

COUNTY AND THE VILLAGE OF PALMETTO BAY FOR PARKS;
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr provided a brief explanation of the proposed Resolution.

Attorney Gallop stated that the County advised there is no knowledge of existing environmental contamination. He advised that staff had asked the County for indemnification if environment contamination is discovered and the County said indemnification would not be provided. He reported that the Village may wish to perform a study prior to taking.

Mr. Scurr advised that the Village would assume the current leases. He noted that the Jane Forman Tennis Academy has an existing five-year lease that can extend if we wish. He reported that Ms. Forman provided a statement of intent, advising that she has no current plans to expand onto the greenfield.

Mayor Flinn opened a public hearing at 8:04 p.m.

Ms. Bonnie Roddenberry, 14140 S.W. 159 Avenue, and Leigh Costello, 8200 S.W. 149 Street, stated that the Village should have an environmental study done.

Mr. Robert Beans, 8901 S.W. 156 Street, stated that the Village should include language that expansion to the Jane Forman Tennis Academy be done following citizen approval.

The public hearing closed at 8:07 p.m.

Mr. Scurr stated that it may cost approximately \$7,000 for a Level I assessment, which would include performing a historical records search to determine past use of a property. He stated that the Level 2 assessment could cost up to \$30,000, which includes taking soil samples.

Attorney Gallop explained the testing, adding that the Village would competitively bid the services or utilize the firms on the State/County contract. He noted that there is no certainty that the County would take the responsibility to clean up any contamination that may be found at the Park.

Ms. Costello stated that the Village should not allow the County to give the Village "unsafe, unclean areas".

Councilmember Feller moved to perform a Level 1 environment study. Seconded by Councilmember Neidhart. All voted in favor. The Motion carried (4-0).

A Motion to defer the Resolution to the Special Council Meeting of June 10th was made by Councilmember Feller. Seconded by Councilmember Neidhart. All voted in favor. The Motion carried (4-0).

IX. RESOLUTIONS REQUIRING PUBLIC HEARING: There were no Resolutions requiring Public Hearing at this time.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES: There were no Ordinances for First Reading and Emergency Ordinances at this time.

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 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 explained the proposed Ordinance.

Mayor Flinn opened the public hearing at 8:33 p.m.

Mr. James Woodard, 17001 S.W. 90 Avenue, Mr. Charles Lauder, 8280 S.W. 164 Terrace, Beverly Gerald, 14210 S.W. 174 Court, and Ed Ludovici, 17415 S. Dixie Highway, provided their comments.

Police Lieutenant Scott Dennis asked that further clarification be provided with regard to inspection warrants.

A Motion to amend the Ordinance on Page 3, Item 1, striking lines 22 and 23 (including real estate brokers as possibly qualified to be Special Masters) was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (4-0).

Councilmember Feller moved to amend Line 19 of Page 13 to reduce the years of Florida Bar membership from ten to five. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (4-0).

Following brief discussion, Attorney Gallop reminded the Council that the Ordinance would be in effect upon passage, but not necessarily implemented as a transition notice would be provided to the County.

A Motion to adopt the Ordinance as amended was made by Councilmember Feller. Seconded by Vice Mayor Robinson. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Vice Mayor Robinson, and

Mayor Flinn voting in the affirmative. Motion carried (4-0). Ordinance 03-07 was adopted.

- 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 explained the proposed Ordinance.

Mayor Flinn asked if the Ordinance is consistent with State laws.

Attorney Gallop advised that the Ordinance does comply.

Mayor Flinn opened the public hearing at 9:02 p.m.

Ms. Costello stated that the Village should develop vendor applications.

Mayor Flinn closed the public hearing at 9:04 p.m.

Following discussion, a Motion to adopt the Ordinance was made by Councilmember Feller. Seconded by Vice Mayor Robinson. The vote was as follows: Councilmember Feller, Councilmember Neidhart, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. Motion carried (4-0). Ordinance 03-08 was adopted.

XII. PUBLIC COMMENTS

- A. Mr. Robert Beans, 8901 SW 156 Street, remarked regarding parks and the code enforcement appeals process. He also thanked Mayor Flinn and Mr. Williams for their responsiveness.
- B. Mr. Stanley Kowlessar, commented that the Village should be certain that parks are free of contamination.
- C. Ms. Dottie Barton remarked that trees have been removed at S.W. 83 Avenue and 162 Street. She also complained of speeding through her neighborhood in the afternoons.
- D. Charles Lauder, 8280 SW 164 Terrace, requested that the Agenda package be provided on CD.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Vice Mayor Robinson asked Commander Mouring to report on the recent meeting regarding traffic concerns Southwood Middle School.

Commander Mouring stated that he had met with the PTA and listened to recommendations concerning safety of the children during peak traffic at the school. He advised that Police staff would be meeting with all Village schools to discuss remedies to this problem.

Vice Mayor Robinson remarked that four former Silver Knight Winners were former Southwood Middle School students.

- B. Councilmember Feller suggested that people email their respective Council members with urgent issues rather than waiting for Council meetings. He thanked the Mayor for his assistance with developing an active web site. He thanked Yolly Buchmann for her work in coordinating the Art fair.
- C. Councilmember Neidhart thanked Ms. Buchmann for her work, adding that the Village should insure that if the acquisition of the Parks is delayed, the Festival would still be able to commence.

Mr. Scurr replied that staff had asked Ms. Buchmann to complete the County Park forms to insure that there would not be a problem.

XIV. OTHER BUSINESS

Councilmember Feller moved to accept the application for the Art in the Park festival and to waive the fees associated therewith. Seconded by Councilmember Neidhart. All voted in favor. The Motion carried (4-0).

- XV. NEXT MEETING AND ADJOURNMENT:** The next regular meeting of the Council shall be held on June 10, 2003 at 6:00 p.m. at Southwood Middle School, prior to the Zoning Hearing. The meeting adjourned at 9:35 p.m.

Prepared and submitted by:

Meighan J. Pier, Village Clerk

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

Eugene P. Flinn, Jr., Mayor