

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, JULY 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 Ed Feller
Councilmember Paul Neidhart
Councilmember John Breder

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

Mayor Flinn asked Donna Latshaw to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

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

Vice Mayor Robinson presented the following children with a Certificate of Appreciation and a \$25 Gift Certificate from Borders Book Store for their being chosen as finalists in the Village Logo Contest:

John Perez
Amanda Quinton
Kathryn Kolaczynski
Kyle Vreeland

- B. Final Report - Parks and Recreation Advisory Committee

Chairman Howard Tendrich provided a report. He thanked Mr. Scurr and Mr. Rasco for their assistance.

Councilmember Feller thanked Mr. Tendrich, noting that the Committee provided significant input for improving the quality of life in Palmetto Bay.

He provided Certificates of Appreciation to Howard Tendrich, Rob Arone, Peter Kerwin, and Sherry Oldham.

- C. Presentation: State of Florida Representative Julio Robaina re: legislative update

Representative Robaina provided an update regarding the recent legislative session. He thanked the Council and provided his website address: Robaina.julio@myfloridahouse.com

Council Member Feller thanked Mr. Scurr for getting the grant applications filed timely. He also thanked Representative Robaina.

Mr. Scurr advised that the City would make an office available should Representative Robaina wish to meet with the citizenry.

Representative Robaina thanked the Council and Mr. Scurr.

Mayor Flinn thanked Representative Robaina for his attentiveness.

- D. Presentation: Certificates of Appreciation to Community Services & Public Works Advisory Committee Members

Councilmember Neidhart thanked the Committee and presented the members present, Ben Shoneck and Michael Kesti, with Certificates of Appreciation.

- E. Presentation: Certificates of Appreciation to Building and Permitting Advisory Committee Members

Council Member Breder thanked the Committee, adding that commencing August 4th citizens will be able to receive permits at Village Hall thanks to the suggestions of the Committee. He provided those members present, Gabe Bifano and Steve Kreisher, with Certificates of Appreciation.

- F. Presentation: Scott Silver, Palmetto Bay Village Center (former Burger King site)

Mr. Scurr advised that he had invited Mr. Silver to the meeting, as many have been wondering about the status of the former Burger King site.

Mr. Silver provided a brief explanation of the property. He advised that he would shortly begin the Charette process in order to allow citizen input. He opined that the 34,000 square foot former training facility would be ideal for the Village, including the addition of a branch library on the site. He noted that he is prepared to enter into an arrangement with Village with regard to the property.

Mr. Scurr announced that the Open House has been scheduled for July 11th from noon to 3 p.m. He invited the public to attend, see the new Village Hall and meet the police force.

III. APPROVAL OF MINUTES

- A. Council Meeting of June 2, 2003
- B. Special Council Meeting of June 10, 2003

A Motion to approve the Minutes of Council Meeting of June 2, 2003 and the Minutes of the Special Council Meeting of June 10, 2003 was made by Council Member Feller. Seconded by Council Member Neidhart. All voted in favor. The Motion carried (5-0).

IV. VILLAGE MANAGER'S REPORT

Mr. Scurr advised that the Master Interlocal Agreement, if adopted, would establish basic parameters and calculate the amount of net surplus due the Village, which would provide funding through the first quarter of operations. He noted that the Interlocal Agreement with regard to Parks would transfer control of the parks to the Village and the Village would assume maintenance and assuming programming. He stated that the Phase I environmental assessment would be performed and the Village would assume responsibility of the Parks on October 1st.

Mr. Scurr reported that police patrol of the Village will commence on July 14th and residents can expect a significant increase in police presence throughout the Village. The Building & Permitting function will commence on August 4th.

Mr. Scurr provided a brief explanation of the budget and the Truth in Millage Laws (TRIM). He advised that Council would be asked to set a date for a hearing wherein the maximum millage rate would be established. Mr. Scurr introduced Alfredo Acin, Finance Director. The Council set the date of July 14 at 7:00 p.m. for a Special Council Meeting regarding the maximum millage rate. Additionally, a budget workshop was scheduled for August 13 and tentatively for August 25. The formal budget hearings were set for September 11 and September 22. Mr. Scurr noted that staff would provide its recommendation in August with regard to selecting an Auditing firm for the Village.

With reference to the Public Works Department, Mr. Scurr announced that Corrice Patterson has been hired as the Administrative Assistant.

Mr. Scurr advised that a community meeting would be held with regard to Publix Supermarket's donation of the buffer land for park use.

Mr. Scurr advised that staff is currently working on the Parks contract and Code Enforcement Services throughout the Village. He reported that he had met with the

Police force and was impressed with the quality and ethnic/racial diversity of the force.

- Commander Mouring provided a brief report with regard to the Police orientation.

Vice Mayor Robinson thanked Commander Mouring for his assistance.

V. VILLAGE ATTORNEY'S REPORT

Attorney Gallop provided a brief report, noting that his office has been working on securing a contractor for a Phase I environmental test of the Parks, an ordinance regarding Occupational Licenses, a lobbying ordinance, and the Interlocal agreement with the Town of Miami Lakes for use of a Finance Director.

VI. BOARD AND COMMITTEE REPORTS: None at this time.

Council Member Breder noted that Ginger Cates had entered the meeting and provided her with a Certificate of Appreciation for serving as a member and the Secretary of the Building and Permitting Advisory Board.

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 \$10,967.98; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF AN ENVIRONMENTAL FIRM TO PERFORM A PHASE I ENVIRONMENTAL ASSESSMENT OF PARK PROPERTIES, FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH ATC ASSOCIATES, INC., IN THE AMOUNT OF \$10,000.00; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE TECHNOLOGY EQUIPMENT, AUTHORIZING THE VILLAGE MANAGER TO PROCURE ADDITIONAL COMPUTER EQUIPMENT, PERIPHERALS AND INTERNET SECURITY DEVICE THROUGH DELL COMPUTER SYSTEMS UNDER STATE CONTRACT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve the consent Agenda. Seconded by Councilmember Breder. All voted in favor. The Motion carried (5-0). Resolution 03-54, 03-55, 03-56 were adopted.

VIII. RESOLUTIONS

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

Mr. Scurr provided a brief explanation of the item.

Council Member Breder requested that the scrivener's error regarding the correct avenues and streets in Exhibit A be corrected. He also suggested that on Page 10 "Maintenance", language needs to be included to address the pond at Perrine Wayside Park.

Attorney Gallop concurred.

Councilmember Breder also noted that Page 20 of 23 indicates that the Mayor is authorized to sign, but the signature page is for Manager.

Attorney Gallop advised that the language would be corrected.

Following discussion, Vice Mayor moved to adopt the Resolution with the corrections suggested. Seconded by Councilmember Feller. All voted in favor. 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). Resolution 03-57 was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MOBILE COMMUNICATIONS EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO PROCURE EQUIPMENT AND SERVICES FROM CINGULAR WIRELESS, UNDER STATE OF FLORIDA CONTRACT, IN AN AMOUNT NOT TO EXCEED \$23,000; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Williams provided an explanation of the matter.

Attorney Gallop advised that essential terms and conditions are provided and he would be reviewed the contract when drafted. He noted that utilizing the State contract satisfies the procurement ordinance.

Mr. Gabriel Bifano, 7371 SW 136 Street, noted that the area near Old Cutler appears to have poor reception.

Mr. Scurr advised that the cell phones act as radios, also.

Mr. Herbert Lindo, representative for Cingular Wireless, advised that the Cingular engineering team has been working on a new network that should solve the reception problem.

Mayor Flinn asked if there is good coverage within the Village.

Mr. Lindo responded in the affirmative, adding that his company has emergency backups and the largest coverage in the County.

Attorney Gallop asked if Mr. Lindo was aware of areas that are not covered by your signal.

Mr. Lindo advised that Cingular could provide a coverage map, although he is not aware of any problem areas at this time.

Mr. Scurr advised that Cingular would provide additional communications, not replacing existing police communications. Mr. Williams concurred.

Mayor Flinn suggested that the plans concerning coverage area be provided prior to entering into contract.

Attorney Gallop advised that staff anticipates bringing the contract back for ratification.

A Motion to amend the Resolution to include a detailed coverage engineering report was made by Councilmember Feller. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

A Motion to approve the Resolution was made by Vice Mayor Robinson. Seconded by Councilmember Feller. All voted in favor. Resolution 03-58 was adopted (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC INFORMATION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO NEGOTIATIONS WITH GORIN COMMUNICATIONS

AND KREPS DEMARIA, INC. FOR PUBLIC INFORMATION SERVICES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$5,000.00 PER MONTH; PROVIDING AN EFFECTIVE DATE.

Mr. Rasco provided an explanation of the matter.

Vice Mayor Robinson added that she feels the Village will benefit from the “marriage” of the two firms. Mr. Scurr concurred, adding that the competitive bidding process was followed.

Attorney Gallop advised that staff would be reviewing the contract upon its completion.

Ms. Marsha Matson, 9300 SW 180 Street, read a statement opposing the appointment of Ed Gorin.

Ms. Bonnie Roddenberry, 14140 SW 69 Avenue, remarked that appointing Mr. Kreps may result in a possible “Jennings” problem due to his membership at a church that has a pending zoning matter.

Ms. Linda Bell, 8370 SW 149 Drive, suggested that the Village place additional limitations to the contract.

Mr. Cory Gittner, 9999 NE 2nd Avenue, Miami Shores, representing Mediatech, stated that his firm had spent significant time preparing his proposal and hoped the Council had the opportunity to read same.

Councilmember Feller thanked the proposers and asked for clarification regarding the language concerning the intern mentioned in the Kreps DeMaria proposal.

Mr. Kreps responded that the intern would not be developing the material, rather that individual would allow the firm to receive communications from the Village in a timely manner.

Councilmember Feller remarked that an individual hired by the Village would work under the direction of the Mayor, Manager and Council and thus would no longer be an individual expressing a point of view.

Councilmember Breder asked if the two competitors are willing to work together.

Mr. Kreps responded affirmatively.

Mayor Flinn asked the two firms if they would be able to act solely as a Public Information Officer, and not provide their own opinions, rather the opinion of the community as a whole.

Both Mr. Kreps and Mr. Gorin answered in the affirmative.

A Motion to approve the Resolution was made by Vice Mayor Robinson. Seconded by Councilmember Neidhart. All voted in favor. The Motion carried (5-0). Resolution 03-59 was adopted.

- 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 \$2,000,000.00; AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT RELATING TO FUNDING ASSISTANCE, PROVIDING AN EFFECTIVE DATE.

Mr. Scurr explained the item.

Attorney Gallop advised that the document is legally sufficient.

Following discussion, Vice Mayor Robinson moved to amend the Resolution to increase the amount of funding from \$2,000,000 to \$3,600,000. Seconded by Councilmember Breder. All voted in favor. 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). Resolution 03-60 was adopted.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

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 THE ESTABLISHMENT OF AN OCCUPATIONAL LICENSE TAX; PROVIDING FOR ISSUANCE OF OCCUPATIONAL LICENSES; PROVIDING FOR TERM AND TRANSFER OF LICENSES; PROVIDING DUE DATE FOR PAYMENT OF OCCUPATIONAL LICENSE TAX; PROVIDING FOR PENALTIES; PROVIDING GROUNDS FOR DENIAL OF LICENSE; PROVIDING FOR REVOCATION OF LICENSE; PROVIDING FOR DISPLAY OF LICENSE; PROVIDING FOR UNCLASSIFIED CATEGORIES; PROVIDING FOR EXEMPTIONS AND EXCLUSIONS; ESTABLISHING AN INITIAL TAX SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF

CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr provided explanation of the item.

Attorney Gallop noted that he would correct scrivener's error on Page 9, Line 25.

Mayor Flinn opened public hearing at 9:35 p.m.

No one requested audience, the public hearing was closed.

Councilmember Feller stressed that the Village should establish its own fee schedule as soon as possible.

Mayor Flinn called the question. 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). Ordinance 03-09 was adopted.

XII. PUBLIC COMMENTS

- A. Maria Stout-Tate, 8320 SW 152 Street, advised that individuals are speeding through her neighborhood in the evenings. She suggested increasing police bike patrols.
- B. Mike Thornton, 17623 SW 85 Avenue, provided a list of questions.
- C. Ms. Heddy Sanders and Ms. Sunny Gunderson thanked Mayor Flinn and Officer Kathy Stier for their assistance.
- D. Marsha Matson asked if the City intends to implement the Charter language concerning lobbyists.

Attorney Gallop advised that he would suggest the Village implement the County Lobbying Ordinance.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Vice Mayor Robinson thanked Mayor Flinn for his diligence. She asked for information regarding the services performed at the Parks.

Mr. Scurr advised that he would provide a schedule of the County level of service.

- B. Councilmember Feller thanked all for attending.

- C. Mayor Flinn remarked that the neighborhood community spirit is exciting. He expressed that he is looking forward to seeing the enhanced police service. He thanked all for the opportunity to serve the public.

XIV. OTHER BUSINESS

- A. Councilmember Feller moved to sunset the Parks and Recreation Advisory Committee. Seconded by Councilmember Breder. All voted in favor. The Motion carried (5-0).

XV. NEXT MEETING AND ADJOURNMENT

Vice Mayor Robinson Feller moved to adjourn. Seconded by Councilmember Breder. All voted in favor. The meeting was adjourned at 10:00 p.m.

Prepared and submitted by:

Meighan J. Pier
Village Clerk

Adopted by the Village Council on
this 4th day of August, 2003.

Eugene P. Flinn, Jr., Mayor