

MINUTES OF THE SPECIAL VILLAGE COUNCIL MEETING
FINAL BUDGET HEARING
MONDAY, SEPTEMBER 20, 2004

DEERING ESTATE VISITOR'S CENTER
16701 S.W. 72ND AVENUE
PALMETTO BAY, FL 33157

- 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
Councilman Ed Feller
Councilman Paul Neidhart
Councilman John Breder

The following staff members were present:
Village Manager Charles D. Scurr
Village Attorney Luis Figueredo
Village Clerk Meighan Pier

Mayor Flinn asked Councilman Feller to lead the pledge of allegiance.

- II. PROCLAMATIONS, AWARDS, PRESENTATIONS:** None at this time.
- III. APPROVAL OF MINUTES:** None at this time.
- IV. VILLAGE MANAGER'S REPORT:** None at this time.
- V. VILLAGE ATTORNEY'S REPORT:** None at this time.
- VI. BOARD AND COMMITTEE REPORTS:** None at this time.
- VII. CONSENT RESOLUTIONS:** None at this time.
- VIII. RESOLUTIONS:** None at this time.
- IX. RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.
- 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, ADOPTING THE MILLAGE RATE OF THE VILLAGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2005, PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR NOTICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, APPROVING AND ADOPTING THE BUDGET FOR THE VILLAGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2005; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Scurr provided a presentation regarding the budget. He explained the State-mandated Truth in Millage (TRIM) notices. He noted that the Council can not vote to raise the millage rate above 2.447; however, virtually every government agency has to publish a Notice of Proposed Tax Increase because of the TRIM rules.

Mr. Scurr provided charts with regard to General Fund Revenue Sources. He noted that the Village has the fourth lowest millage rates in the County, with one of the highest levels of service, adding that the Village pays over 40% of the budget to the County in the form of mitigation. Mr. Scurr displayed an actual tax bill that noted the total taxes for this single family home was approximately \$3,000, with approximately \$300 coming to Palmetto Bay. He explained how the cap on the assessed value of the home was applied, although the market value of the home increased over 15% in value. He also provided a chart that depicted how the millage rate could be reduced and the impact.

Mr. Scurr provided information with regard to each Department. He noted that an exact comparison of Police Departments is difficult in that each municipality may provide certain benefits, for example, the insurance cost for the Police in South Miami is included in the general government budget. He provided that the police expenditures make up the following percentage of the total operating budgets for comparable cities: Miami Lakes – 46%; Homestead – 40%; Pinecrest – 50%; and Palmetto Bay - 48%.

Mr. Scurr advised that adjustments to the budget had been made. The Public Works Department will include the \$131,508 not previously allocated. Additionally, \$25,000 would be taken from various departments for the charter initiative.

Mr. Scurr advised that the Village has a population of 24,903. He explained that the cash reserve of \$2.5 million came from the prior year and the reserve is usually based upon a conservative approach of approximately 20-25% of the operating budget. He noted that with regard to the Uniform Crime Report, this information comes from the Department of Justice and the report is only five months into preparation at the time when the Village's budget is prepared. He also explained that interest on Cash Reserves comes from the Interest Revenue line item.

With regard to Park issues, Mr. Scurr noted that the County has agreed to sell the additional seven acres to the Village for what the County paid for the acreage and the County will allow a multi-year payment; therefore, the Village had budgeted \$100,000 for this year's payment. He noted that long range projections will come following completion of the Parks Master Plan and the Storm water Master Plan.

Mr. Scurr advised that the budget "holds the line" on taxes, keeps the millage at the current rate of 2.447; enhances services; embraces outsourcing; increases public information; builds for the future; and invests in the community through capital improvements.

Vice Mayor Robinson moved to bring the Ordinance (millage) forward. Seconded by Councilman Breder. The Clerk read the item by caption.

Councilman Feller moved to table the Ordinance regarding the millage rate. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

Councilman Feller moved to bring the Ordinance (budget) forward. Seconded by Councilman Neidhart. The Clerk read the item by caption.

Mayor Flinn opened the public meeting.

Mr. Howard Tendrich, 16500 SW 74 Avenue, stated that he will be meeting with Councilman Feller next week with regard to the Deering Estate.

Mr. Warren Lovely, 15323 SW 74 Place, suggested returning to the roll back rate, as substantial surplus exists and to do so would send a positive message to neighbors who wish to incorporate.

Mr. William Carter, 16505 SW 74 Court, asked if the budget includes payment to the County.

Finance Director Alfredo Acin advised that the budget does include that payment and payment for patrol and specialized police services to the County.

Ms. Bev Gerald, 14271 SW 74 Ct, thanked the Village for their efforts in cleaning up after the recent storm. She suggested keeping the millage as is.

Ms. Paula Palm, 8895 SW 152 Street, asked for further explanation regarding reconciling the police budget.

Mr. Victor Flores, 17650 SW 87 Avenue, opined that \$2.5 million is not enough in savings.

Dr. Jorge Maestre, 7450 SW 165 Terrace, asked the Village to improve street signs and have transformers installed on the easements rather than near trees to reduce outages.

The public hearing was closed at 7:55 pm.

Councilman Feller thanked Mr. Scurr, adding that his contract was up for renewal six months prior. He moved to increase the Manager's salary by \$25,000 for an additional two years. Seconded by Councilman Neidhart.

Following discussion, Councilman Feller moved to table the item to later in the meeting. Seconded by Vice Mayor Robinson. All voted in favor.

Mayor Flinn remarked that the Village should reserve the \$2,080,000 toward the purchase or construction of a permanent village hall. He noted that the Mayor and Council budget was identical to the year before.

Councilman Feller noted that the council members are independent contractors.

Mayor Flinn began discussion with regard to the Finance Department. Discussion ensued regarding Mr. Acin's contract.

Mayor Flinn suggested that the Village (in the General Government budget) consider funding the Grant Writer for \$25,000.

Vice Mayor Robinson concurred.

Councilman Feller remarked that staff seemed to be successful at obtaining grants.

Mr. Scurr replied that the Village staff has strong grant writing experience and had received over \$1.3 million in grants last year. He added that the Village received disappointing results following a Request for Qualifications solicitation last year. He stated that staff would attempt to solicit for grant writers again. He further explained that many grants do not allow the Village to hire a company and pay them a percentage upon award of the grant.

Councilman Feller asked why insurance increased significantly.

Mr. Acin explained that the Village has more properties this year, thus has larger liabilities due to more assets.

Mayor Flinn asked why \$10,000 was included for HR Management.

Mr. Scurr advised that ADP provides assistance with payroll and that sovereign immunity of the public sector prohibits HR companies from assisting the Village. He stated that the Village could hire a company for assistance on specific needs.

Mayor Flinn suggested that the Village would contact our legal counsel regardless. He stated that the \$10,000 does not seem necessary.

Mayor Flinn asked for information regarding waste disposal and janitorial services at Village Hall.

Mr. Scurr advised that Village Hall is serviced twice a week due to the numbers of individuals working and visiting the offices. He noted that the Village may be able to share this cost with Jackson when they move into the remainder of the building. He explained that there is a tipping fee when Public Works brings items to the dump.

Mayor Flinn asked if the GIS system would be paid for out of mitigation.

Mr. Scurr stated that staff hopes to get the County to pay for the software for this system; however, the hardware would have to be purchased by the Village.

Mayor Flinn asked for explanation regarding the \$6,000 for another vehicle.

Mr. Scurr advised that there are two Community Services vehicles, one for use at Coral Reef Park and one that rotates between Perrine and Perrine Wayside parks. He stated that the third vehicle would be used for Bayside Park and the Publix Park.

Mayor Flinn suggested putting funds in the budget for a grant writer, striking the \$10,000 for HR assistance, and striking \$6,000 for a new vehicle.

Vice Mayor Robinson moved to include \$25,000 in the budget for a grant writer, striking the \$10,000 for HR assistance, and striking \$6,000 for a new vehicle. Seconded by Councilman Feller. All voted in favor. The Motion carried (5-0).

Discussion ensued regarding the Police Budget. Councilman Breder moved to approve the Police Budget. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

Discussion ensued regarding the Public Works Budget. Councilman Breder moved to approve the Public Works Budget. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Discussion ensued regarding the Community Development Budget. Councilman Feller moved to approve the Community Development Budget. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

Discussion ensued regarding the Legal Budget. Councilman Neidhart moved to approve the Legal Budget. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Discussion ensued regarding the Community Services Budget. Councilman Feller moved to approve the Community Services Budget. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Discussion ensued regarding the Special Revenue Fund. Mr. Scurr explained how certain funds were allocated and others were not.

Mayor Flinn reiterated that the \$2,080,000 should be placed in a fund for Village Hall.

Councilman Feller suggested that a long range plan should be established prior to allocating the funds for a specific purpose.

Councilmen Neidhart and Breder concurred.

Mr. Acin advised that funds are invested through the State Pool with a 1.2 to 1.3% interest. He advised that the Village would have to commit funds long term – 5 to 10 years – in order to experience significant yield.

Councilman Feller suggested scheduling a workshop to discuss a five-year plan for capital expenditures.

Mr. Scurr advised that the Village is concentrating on finishing the Parks Master Plan and the Storm water Master Plan. He noted that the Village Hall Complex Committee has been meeting. He suggested possibly scheduling a workshop in January.

Mayor Flinn began discussion with regard to the mitigation payment due the County. He opined that it would be reasonable to escrow the portion of the money that we have a good faith dispute over.

Mr. Scurr advised that \$85,181 is the good faith dispute figure.

Vice Mayor Robinson moved to escrow \$100,000 of the funds. Seconded by Councilman Neidhart. Following discussion, Attorney Figueredo stated that the Village's action could be legally defensible. All voted in favor. The Motion carried (5-0).

Following discussion, Councilman Feller moved to provide \$25,000 for a referendum with regard to a constitutional amendment concerning mitigation. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

Councilman Feller moved to un-table discussion regarding the Village Manager's salary. Seconded by Councilman Breder. The Motion carried, with the Mayor being opposed (4-1).

Councilman Feller moved the question: Increase the Village Manager's salary to \$135,000 annually, including the 11% to his 401 and benefits defined by the contract. Seconded by Councilman Breder.

Mayor Flinn asked for a voice vote; Councilman Feller asked for a ballot vote.

On ballot vote, the motion carried, as follows: Councilman Feller, Councilman Breder and Councilman Neidhart voting in the affirmative; Vice Mayor Robinson and Mayor Flinn voting in the opposition (3-2).

Discussion ensued regarding retroactive pay of six months.

Vice Mayor Robinson moved to not provide retroactive payment. Seconded by Councilman Neidhart. The Motion carried, with Councilman Breder being opposed (4-1).

Councilman Feller moved to table discussion regarding the Budget Ordinance. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Councilman Feller moved to un-table discussion on the Ordinance concerning the millage rate. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Mayor Flinn opened the public hearing on the millage rate.

Mr. Warren Lovely, 15323 SW 74 Court, petitioned to have the millage be 2.350, the roll back rate.

Ms. Bev Gerald, 14721 SW 74 Court, urged Council to stay with the current millage of 2.447.

Mayor Flinn closed the public hearing.

Discussion ensued regarding the millage rate.

Councilman Feller called the question. A ballot vote was conducted. On ballot vote, the millage rate was set at 2.447, as follows: Vice Mayor Robinson, Councilman Feller, Councilman Breder and Councilman Neidhart voting in the affirmative; Mayor Flinn voting in the opposition (4-1). Ordinance 04-21 was adopted.

Councilman Feller moved to un-table discussion on the Ordinance concerning the budget. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Councilman Feller moved to take \$9,000 from contingency to balance the budget. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Councilman Feller moved to approve the budget as amended. Seconded by Vice Mayor Robinson. Ordinance 04-22 was adopted by unanimous voice vote. The vote was as follows: Mayor Flinn, Vice Mayor Robinson, Councilman Feller, Councilman Neidhart, and Councilman Breder voting in favor.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS: None at this time.

XIII. COUNCIL COMMENTS: None at this time.

XIV. OTHER BUSINESS: None at this time.

XV. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 10:41 p.m.

Prepared and submitted by:

Meighan J. Pier
Village Clerk

Adopted by the Village Council on
this ___ day of November, 2004.

Eugene P. Flinn, Jr., Mayor