



**ART IN PUBLIC PLACES ADVISORY BOARD
MEETING MINUTES FROM MEETING ON
WEDNESDAY, MARCH 11, 2015
6:30PM PERRINE ELEMENTARY SCHOOL**

ADVISORY BOARD MEMBERS PRESENT:

Dana Pezoldt and Nick Stoetzer (no quorum)

STAFF PRESENT:

Travis Kendall, Department of Planning and Zoning

I. PUBLIC PRESENTATION / DISCUSSION

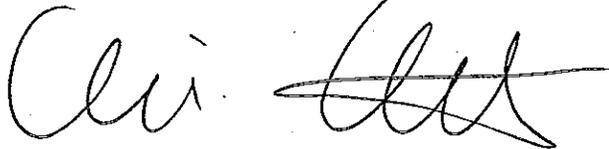
- a. Alice Durant of Gringo Management for the Point Properties came to discuss problems with getting C.O.'s for tenants into the Palmetto Bay Point Building due to problems with non-compliance with the Village on their AIPP requirement. Ms. Durant was informed that there was a RFP and selection of artwork by the AIPP Board of Octavio Cuellar's sculpture called "Titina." This artist was chosen by owner, Isaac del Sol along with his art consultant, Nina Torres. On January 4, 2010, The Village Council and Mayor approved the AIPP Advisory Board's recommendation for this piece. The AIPP board was advised when the project was half way completed and when it was totally completed and that the owner did not want to put the sculpture on public display for fear of theft.
- b. In the years since this negation began, the Point's owner, Mr. Del Sol, wanted to donate to the art bank two large Purvis Young paintings in lieu of putting up the sculpture. The Board requested three independent appraisals for the value of the artwork. An appraisal came in from an art dealer and was rejected by the AIPP board.
- c. After the transition of former staff member, Efren Nunez to Travis Kendall, the item was reported again to the AIPP staff December 10, 2015 with a valid and verified estimate that did not come near the amount of the AIPP 1 ½% of \$18,750 per resolution #2010-10.
- d. The AIPP board discussed having a combination of the two works and the balance but rejected the idea of donating additional works to the art bank to add to this amount nor agree that the artworks be

housed within the restaurants or businesses within the Palmetto Bay Point Building.

- e. Ms. Durant was misinformed with her assumption that the AIPP Board makes C.O. determinations and reported that she is losing rent and her renters are not allowed to do business without an exception or permission to do business without fulfilling this requirement.
- f. We, the two present members, assured her that we were "pro" local business and in no way are holding up the process and gave her an accurate account of the above timeline.
- g. The two members present determined that the artwork at Perrine Elementary School should be moved to be displayed at the Village Hall and that preparations for publicly honoring these students should be made.

II. ADJOURN

- a. Meeting ended at approximately 7:40.



09-22-15

**Minutes of the Charter Revision Commission Meeting
August 27, 2015
9705 E. Hibiscus Street, Palmetto Bay, FL**

1. **Call to Order:** The meeting was called to order at 7:07 p.m.

The following members of the Charter Review Commission were present:

Patrick Fiore
George Hoffman
David Quick
David Zisman
John DuBois (non-voting member)
(Fidel Barreto was absent)

The following staff members were present:

Dexter Lehtinen, Village Attorney
Meighan Alexander, Village Clerk
Village Manager Edward Silva

Members of the public present:

Councilwoman Karyn Cunningham

2. **Consideration of approval of Minutes of July 30, 2015:** Mr. Hoffman moved to approve the Minutes. Seconded by Mr. Fiore. The motion passed unanimously (4-0.)
3. **Public Comments:** No one from the public wished to speak.
4. **Continued review of Charter**

The Commission continued its review of the Charter:

Section 4.4 – Emergency Ordinances: Chairman Zisman asked if the Council can authorize borrowing money in the event of an emergency. Attorney Lehtinen stated that the Charter appears to allow for this event. Mr. Quick noted that the Council would only authorize funds to fulfill the emergency.

Sections 4.5 and 4.6: Chairman Zisman asked the reason for the fiscal year beginning in October. Clerk Alexander stated that she believed the dates followed a State mandate, but she would provide the reason to the Commission in the near future. Mr. Quick stated that he, too, believed the dates were mandated by the State.

Section 4.7 – Appropriation amendments: Manager Silva explained that quarterly updates are given to the Council. He provided a brief explanation concerning specific budgeted amounts and contingency. Chairman Zisman added that the Village budgets to handle all emergencies, in addition to general operations.

Section 4.8 – Authentication of Ordinances: Clerk Alexander explained the codification process.

There were no comments, modifications, or suggestions concerning Section 4.9 – taxes, Section 4.10 –Audits, and Section 4.11-Borrowing.

The Commission began discussion concerning Section 5.

Section 5.1 (B): Vice Mayor DuBois asked whether the Village, by charter, can create or define a criminal violation. Attorney Lehtinen explained that the State Attorney (in Miami-Dade County) does enforce some civil actions, such as child support collection; however, a municipality cannot define the job of the State Attorney's office.

Chairman Zisman remarked that the section was in place to create a penalty. He stated that he believes this section in the Charter violates the right of freedom of speech. Mr. Quick added that a violation of this provision lends criminal nature to it when the Village states that the State Attorney will enforce it, adding that he does not believe the State Attorney's office would even accept this type of case.

Following brief comment, Mr. Hoffman moved to delete the last two sentences of the Section. Seconded by Mr. Fiore. All voted in favor (4-0.) Staff will prepare a ballot question.

Section 5.1 (C) Run-off: Mr. Hoffman remarked that this section and section (e) are problematic and the Village should simply conduct a Primary.

Mr. Fiore stated that while many are not in favor of a run-off election, he is also not in favor of a "winner-take all" election. He remarked that there can be problems with the date of the Primary, as well. He alleged that in 2012, absentee ballots were not timely received by some. Mr. Fiore expressed that he was in favor of the election process in Homestead: if you have only two candidates in a race that qualify, those candidates go to the November election; if you have three candidates, the city schedules a Primary.

Chairman Zisman remarked that elections should be "winner-take all", as Palmetto Bay history has proven that the run-off election often does not change the results of the first election.

Mr. Quick noted that in the recent Vice Mayoral election, the results were so close a plurality election would have resulted in a mandatory recount.

Attorney Lehtinen stated that while August elections are difficult, utilizing the County Primary election date will give the Village the benefit of larger voter turnout due to the ballot selections. Mr. Fiore stated that August primaries occur within the County currently.

Chairman Zisman stated that the qualifying date would have to be modified. Vice Mayor DuBois suggested that a single election be scheduled on the November election date that would require the winner to receive over 50% of the vote in a ranking system. He further explained that candidates would be ranked 1, 2, 3, or 4 (for example); the total votes would be calculated, the person who was ranked 1st by more than 50% of the voters would be the winner. If no candidate receives a tally of more than 50%, the number 4 candidate is removed from the ranking and the votes would be re-calculated for the top three, and the process would continue until someone receives more than 50% of the vote. Clerk Alexander stated that the Miami-Dade Elections Department may not be able to perform this function. Attorney Lehtinen commented that he would have to research the legality of that type of voting.

Chairman Zisman objected to the idea. Mr. Fiore stated that he had believed it had been done in other States.

Clerk Alexander stated that she would send an email to the State Division of Elections general counsel.

Mr. Fiore asked if the Commission was seeking to eliminate the run-off election in November. Mr. Hoffman stated that he believes the desired outcome is to have final election in November. Vice Mayor DuBois remarked the plurality seems to be an effective solution. Attorney Lehtinen concurred, adding; however, that the winner would not necessarily win by 50% in a plurality race. Mr. Quick remarked that a winner with over 50% of the votes lends credence to the candidate.

Mr. Quick moved to consider the City of Homestead's model, holding a primary election in August, a final election in November, with only two candidates being placed on the November ballot, adding that if a candidate receives over 50% of the vote in August, regardless of how many are on the August ballot, that race

would not require a November election, but the winner would not be sworn in before the November candidates are sworn in.

Clerk Alexander stated that she would bring the City of Homestead's Charter language to the next meeting.

The Commission concurred to defer the vote until all members were present.

Vice Mayor DuBois raised the issue of including a Planning & Zoning board in the Charter. He explained that this is done by the Village of Pinecrest and makes zoning issues less political. Mr. Quick stated that the appeal of Planning & Zoning Board decisions remains within the discretion of the Council. Vice Mayor DuBois asked if the Commission wished to consider the formation of a Planning & Zoning Board.

Chairman Zisman remarked that a Planning & Zoning Board would certainly shorten the Council meetings. Attorney Lehtinen asked if appeal to the Council is de novo. Mr. Quick said he was not certain, but he believed it was.

Clerk Alexander was instructed to provide information from some of the cities that use Planning & Zoning Boards and if the formation of the Planning & Zoning Boards were included in those cities' Charters.

Following brief comment, Mr. Fiore and Mr. Hoffman expressed their support of the concept.

Chairman Zisman asked Manager Silva for his opinion. Manager Silva remarked that there are pros and cons; however, he was investigating the formation of a similar type of board to hear cases specifically concerning the downtown district. Vice Mayor DuBois stated that due to the size and scope of the downtown area, there should be a body to govern issues included in that area. Manager Silva noted that the experience of the members would be important and the Council would be delegating a certain amount of its control.

Chairman Zisman stated his objection is that members of the Council were elected by the voters to make decisions; members of a Planning & Zoning Board are not elected. Attorney Lehtinen remarked that those boards almost always have an appeal to the council; the applicant can appeal to the Council, and the appeal is normally de novo.

The Commission continued their review of the Charter. Section 5.2 – Power to initiate or reconsider ordinances. There was no comment on any substantive change.

Article 6 – Charter review: Chairman Zisman asked if the Council is obligated to accept the suggestions of the Charter Revision Commission. Attorney Lehtinen stated that the Charter dictates that the County procedure shall be followed for charter revision and the Charter language reads that the Council places amendments on the ballot, another group is not charged with that responsibility – only the Council.

Vice Mayor DuBois advised that Attorney Lehtinen’s opinion was consistent with the opinion provided by the former Village Attorney; however, the previous council chose not to revise the amendments offered by the previous Charter Revision Commission. Chairman Zisman asked if language should be placed on the ballot to revise the Charter so that the Commission’s revisions are automatically placed on the ballot. Vice Mayor DuBois reported that in 2012, the Council allowed too many questions; and, he believes at least two of the charter amendments were unconstitutional.

Mr. Hoffman and Mr. Fiore suggested leaving the language as is.

Section 7. Conflict of interest. (B): Chairman Zisman asked if there is a scrivener error concerning “Boards”. He suggested the language “or appointed” should be the corrected language.

The Commission discussed whether all advisory boards are to be completing the Form 1 Financial Disclosure from the State. Clerk Alexander stated that the State has guidelines as to which boards are required to report. Attorney Lehtinen added that normally boards with financial control or authority are required. Mr. Quick noted that he was required to fill out a Form 1 on a County Board that had neither financial control nor authority. Clerk Alexander stated that she would provide information for the next meeting.

Mr. Fiore suggested that the Commission consider revising the name of the Village Council; he opined that the term “Commission”, instead of “Council”, is the better term, as it is gender neutral. Following brief comment, the Commission suggested returning to the discussion at a later date. Clerk Alexander stated that she would provide a list of the cities’ names of their governing boards.

5. Discussion of next steps and establishment of schedule for future meetings:
The Commission set the following meetings:

September 17

October 22

6. Adjourn: The meeting adjourned at 8:45 pm.

Respectfully submitted:

Approved by the Charter Revision
Commission this 17th day of
September, 2015.

Meighan Alexander, Village Clerk

David Zisman, Chairperson