

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of June 24, 2015
Village Hall Chambers
9705 E. Hibiscus Street, Palmetto Bay, FL

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE:

Mayor Eugene Flinn
Council Member Karyn Cunningham
Council Member Larissa Siegel Lara

Staff present:

Village Manager Edward Silva
Village Attorney Dexter W. Lehtinen – arrived at 6:40 p.m.
Executive Assistant Missy Arocha

Mayor Flinn called the meeting to order at 6:30 p.m. He led the pledge of allegiance.

- 2. DECORUM STATEMENT:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outburst in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

- 3. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Peter England, 7620 SW 171 Street, and, Beverly Gerald, 14271 SW 74 Court.

4. ITEMS FOR DISCUSSION/DETERMINATION:

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE MANAGER; OFFERING AN EMPLOYMENT AGREEMENT TO EDWARD SILVA AND SUBSEQUENT APPOINTMENT FOLLOWING ACCEPTANCE OF SAME; PROVIDING AN EFFECTIVE DATE.

Councilwoman Siegel Lara moved this item forward. Seconded by Councilwoman Cunningham.

Village Lehtinen advised he added section 9.7 – Indemnification to the Village Manager's Employment Agreement. Section 9.7 – Indemnification reads as follows:

The Village shall defend, indemnify and hold harmless the Manager for any and all acts taken on behalf of the Village within the scope of his duties.

Attorney Lehtinen advised that Section 5.3 – Insurance and Medical Issues of the Employment Agreement was modified. The modification includes language that would entitle the Village Manager to receive the same continued medical insurance equal to all Councilmembers, which is one (1) year of post termination medical insurance benefits for each full two (2) years of service. Attorney Lehtinen confirmed that this clause has no cash value to it.

Attorney Lehtinen referenced that Councilmember Schaffer stated that the modification of Section 5.3 – Insurance and Medical Issues should include medical, dental, and eye insurance for the Manager.

Attorney Lehtinen referenced section 5.4 – Equipment of the Village Manager’s Agreement. He stated that the Village Council has the option to provide the Manager a monthly cell phone allowance of two-hundred (\$200) dollars or provide him with a cell phone at the Village’s expense.

Discussion was held on the matter of section 5.3 – Insurance and Medical Issues of the Employment Agreement. Attorney Lehtinen advised that the Village Manager shall receive the same medical leave benefits that are provided to Village employees under the same terms and conditions as applicable to all Village employees. Attorney Lehtinen also advised that the Manager shall receive the same continued medical insurance benefits as provided under the schedule of continued medical insurance benefits for Council Members.

Councilwoman Siegel Lara made a motion to include the following wording to Section 5.3 – Insurance and Medical Issues: No cash value shall be given for continued medical benefits. Motion was seconded by Councilwoman Cunningham. All voted in favor (3-0). Motion passed.

Attorney Lehtinen referenced that one Councilmember suggested that the cell phone allowance wording be deleted from the Manager’s Employment Agreement. Discussion was held on the matter of Section 5.4 – Equipment. It was agreed that Section 5.4 be left as-is without making modifications to it. If the Council wishes to modify the Manager’s cell phone allowance plan, the matter will be revisited in the future.

Discussion was held on the subject of the Manager’s entitlement to holidays. Councilwoman Siegel Lara made a motion requesting that the Employment Agreement include verbiage under Section 3.1 – Salary, Manager should not receive additional pay and compensation for work performed in holidays. Village Manager

Silva announced that the way the agreement currently reads he won't be entitled to the same recognized holidays as other Village employees.

After further discussion on the matter of the Manager's holiday entitlement, Councilwoman Siegel Lara's motion was revised. Section 5.2 – Holidays, the Manager shall be entitled to all Village recognized holidays, the same as other employees, except for pre-scheduled events or unforeseen circumstances which require his attention. Motion was seconded by Councilwoman Cunningham. All voted in favor (3-0). Motion passed.

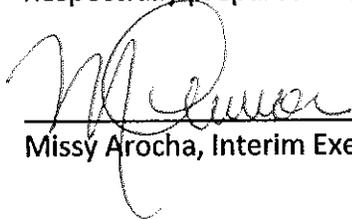
Mayor Flinn referenced that each and every Councilmember has equal responsibility with the Manager; therefore, moving forward with the Manager's Agreement it was decided by the Council that the Manager's Agreement be left with the signatures of the Mayor, Vice Mayor, Councilmembers, and Manager. The terms of the Agreement will become effective when the last person signs it.

Attorney Lehtinen announced that the Resolution relating to the Village Manager becomes inactive as soon as the Agreement is adopted.

Councilwoman Siegel Lara made a motion to accept the Agreement as amended. Motion was seconded by Councilwoman Cunningham. All voted in favor (3-0). Motion passed.

5. NEXT MEETING AND ADJOURNMENT: The Meeting adjourned at 7:18 p.m.

Respectfully prepared and submitted by:



Missy Arocha, Interim Executive Assistant

Approved by the Village Council on this 8th day of September, 2015.



Eugene Flinn, Mayor