



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, August 25, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:01 p.m.

The following were present:

- Mayor Billy Bain
- Councilman Bob Best
- Councilman Paul C. Dotson
- Councilman Rob Youngs*

Absent: Vice Mayor Garcia

*Arrived at 7:18 p.m.

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Interim Chief of Police Peter G. Baan
- Finance Director Leacroft E. Robinson
- Interim Comptroller Alicia E. González
- Public Works Director Robert T. Williams
- Human Resources Director Loretta M. Boucher
- City Clerk Magalí Valls

2. Invocation: Councilman Dotson offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Certificates of Appreciation to Public Works Employees Being Transferred to Miami-Dade County due to the Transfer of the Water and Sewer Systems

Mayor Bain presented Certificates of Appreciation to Christopher Smith, Julio Hernández, and Robert Alvarez who will be transferring to the Miami-Dade County Water and Sewer Department. Jesse Crumpler was not present.

4. Open Forum:

Garage Sale Ordinance

Martin Crossland of 900 Plover Avenue expressed his opposition to changing the ordinance to allow six sales per year. He suggested that residents who have a need to have a sale more than three times per year could do so through the local churches or civic organizations.

City Hall Closing

Martin Crossland was surprised that City Hall had closed on Monday and Tuesday, August 18th and 19th due to Tropical Storm Fay.

Letterboxing

Mr. Crossland would like to set up letterboxing in Miami Springs. He will be sending a letter to explain what it is before the next Council meeting.

Curtiss Parkway: Bike Path Crossings

Theo Karantsalis of 289 Shadow Drive stated that the designated walking path along Curtiss Parkway requires pedestrians to yield the right-of-way to vehicles. The pedestrian safety bill that recently passed in the 2008 Legislative Session requires drivers to yield to pedestrians at crosswalks; therefore the signs should be turned to face the street, not the path.

Councilman Dotson felt that it is a hazardous situation, especially at night when cars should be made more cautious when crossing Curtiss Parkway because not everyone wears reflective clothing. He feels that Mr. Karantsalis' suggestion is a good idea.

5. Approval of Council Minutes:

5A) 08/04/2008 – Workshop Meeting

Minutes of the August 4, 2008 Workshop Meeting were **approved as written** on motion by Councilman Best, seconded by Councilman Dotson, and carried 3-0 on roll call vote.

5B) 08/11/2008 – Regular Meeting

Minutes of the August 11, 2008 Regular Meeting were **approved as written** on motion by Councilman Best, seconded by Councilman Dotson, and carried 3-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 08/04/2008 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the August 4, 2008 Zoning and Planning Board meeting was received for information without comment.

6B) 08/14/2008 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the August 14, 2008 Board of Parks and Parkways meeting was received for information without comment.

6C) 08/19/2008 – Education Advisory Board – Cancellation Notice

Cancellation Notice of the August 19, 2008 Education Advisory Board meeting was received for information without comment.

6D) 08/21/2008 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the August 21, 2008 Historic Preservation Board meeting was received for information without comment.

6E) 08/13/2008 – Board of Adjustment – Approval of Actions Taken at their Meeting of August 13, 2008, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of August 13, 2008 were approved subject to the 10-day appeal period.

Councilman Best moved the item. Councilman Dotson seconded the motion which was carried 3-0 on roll call vote.

7. Public Hearings:

7A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, by Reinstating the Requirement of Gravel Roof Coverings on Low Slopping Roofs; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 8/11/2008 – Advertised: 8/13/2008)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that there were no changes to the proposed ordinance since the first reading.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Dotson moved to adopt the ordinance on second reading. Councilman Best seconded the motion which was carried 3-0 on roll call vote (Ordinance No. 969-2008).

8. Consent Agenda:

None.

Councilman Youngs arrived at this time (7:18 p.m.)

9. Old Business:

9A) Discussion Regarding Placing Shutters on Commercial Buildings

Maria De La Portilla of 1 South Drive stated that she appreciated the fact the City tries to preserve its beauty and small town character. Her concern was for the commercial structures, specifically her building, which faces a residential area. On evenings and weekends the accordion shutters are closed, and she was issued a citation by Code Compliance. The building has been subject to minor vandalism and graffiti. People also use the parking lot in the evenings and leave trash. Pictures of the building with the shutters opened and closed were provided for review.

In response to Mayor Bain's question, Ms. De La Portilla replied that the shutters are closed about 5 p.m. during the week and through the weekend. The plate glass windows were protected; the other windows were not shuttered because they have impact glass.

Mayor Bain noted that he had brought the matter to the Council's attention. In his opinion the building does not face the main downtown area.

Councilman Best said he felt that the City should not pass legislation that would prevent business owners from protecting their property. If the properties are subject to vandalism and graffiti, he did not think he would want to stand in the way of allowing the owners to secure them. He did not voice an opinion the first time the issue came up, but after reflection and some discussion, he now wanted to do so.

Councilman Dotson noted that the building is not on the main frontage, but is rather secluded and off by itself. He felt that security would be a greater problem because of the location, and did not think that the shutters were that unsightly. He thought the owners had reason for concern because of the location.

Councilman Best agreed with Councilman Dotson.

Councilman Youngs noted that a previous discussion had resulted in the suggestion that the matter be sent to the Architectural Review Board for review. He would not like to see any vandalism happen on this property because the Code was enforced, and agreed that the building was in a secluded area. He suggested that the City Manager request an enforcement moratorium for that particular provision of the Code and refer the item to the Architectural Review Board to evaluate the concerns about safety, location and aesthetics.

City Attorney Seiden believed that the provision referred to in Chapter 93 was meant for residential buildings instead of commercial. The Architectural Review Board could recommend a provision in Section 150 that would deny the usage of these types of shutters, subject to a variance request; provisions in Chapter 93 are not subject to variance requests. He continued to say that he did not believe that Council wanted to see rows of businesses shuttered in the downtown area, but that location and circumstances could be taken into consideration.

Discussion ensued regarding the possibility of creating a new ordinance in regards to the downtown commercial properties. It was agreed that the current provision was intended for residential buildings, and that the matter should be referred to the Architectural Review Board.

Councilman Youngs requested that the Police Department also work with the Architectural Review Board to advise them of the historical crime statistics for the different areas of the City.

It was Council's consensus to place an enforcement moratorium on this ordinance while the matter is referred to Architectural Review Board for discussion and evaluation at their next meeting.

9B) Community Center Financing with SunTrust Bank

City Manager Borgmann stated that the finance packet included in the agenda contains a resolution that has been proffered by SunTrust. The City Attorney and the Finance Director have both reviewed the document.

City Attorney Seiden noted that the resolution format has been reviewed and modified several times after discussions with the bank's attorney. The City will request any additional loan documents that it needs to look at and then it is a matter of timing as to when Council wants to entertain the resolution, based upon how the City proceeds with the contract for the Community Center.

In response to Councilman Dotson's question, City Attorney Seiden replied that he did not know what the additional loan documents were at this point. The intent was to make Council aware of the resolution so they could ask questions or make comments.

Finance Director Robinson stated that he has requested the closing package from the bank, so the City will have an idea of what it will be entertaining with the additional documents.

Councilman Best said that he had read through the entire resolution, including the addendum. He believed that this was the correct way to proceed.

City Attorney Seiden explained that the resolution is in its final format. Once the final documents have been received from the bank and reviewed the resolution can be approved.

Councilman Youngs asked if favorable comments from the Council members would encourage SunTrust to lock the rate in.

Finance Director Robinson replied that the rate is not locked in; there were additional costs of approximately \$8,000 dollars to lock in the rate, and it would add an additional five basis points to the rate that was presented to Council earlier. The rate presented to Council was 4.72% and it has not changed significantly, so if the City were to close within the next two days the rate would still stay about 4.72%.

Councilman Dotson asked if that was the standard the bank was using when they defined the interest rate at "91.8% of the 30-year Federal Reserve H.15 interest rate swap on the date which is two days prior to Closing", as stated in the draft of the resolution.

Finance Director Robinson confirmed that was correct. He had checked on the rate and it was still 4.72%.

Councilman Dotson asked Finance Director Robinson if he knew what the "Maximum Debt Service Requirement" would be, as stated in the document.

Finance Director Robinson said that those numbers were already presented to Council and should not change significantly. The amount was approximately \$199,000 four to six weeks ago, and that would be the debt service at 4.72%.

Councilman Youngs asked if the \$137,500 was still accurate for budget purposes and Finance Director Robinson replied that he increased the rate a little bit to make sure there was some cushion in the budget in case the rates did increase. He explained that rates have stayed fairly stable and the \$137,000 was still a good number; it included one month of principal payment of \$7,000 dollars.

Finance Director Robinson stated that in the event the loan was declared not to be tax-exempt, the maximum rate estimate from SunTrust would be 6.99%, which still compares favorably with the current fully taxable rate of 7.12%.

Mayor Bain felt that the longer they wait to make a commitment there is a greater chance of the rates increasing. He would like to see this finalized and locked in to be able to move forward.

City Attorney Seiden explained that they want to make sure that the financing is in place and that they are very close to executing a contract because the City does not want to borrow money and pay interest on it if there is no contract in place. They anticipate having a signed contract and the financing in place either before the fiscal year begins or by the first meeting after the fiscal year begins.

Councilman Youngs said that he appreciated having a draft of the resolution for review.

Councilman Dotson noted that it is very clear in the document that no ad valorem tax revenue will be used to redeem the loan. He asked if that had any effect on the interest rate.

Finance Director Robinson replied that there had been no indication from SunTrust from the beginning that it would affect the interest rate. The City pledged the half-cent sales tax.

City Attorney Seiden explained that SunTrust is not in the business of issuing loans of the ad valorem nature. He said that SunTrust does a lot of government work and the proposed language in the documents is very well written from a legal standpoint.

Councilman Dotson asked what type of action would constitute a violation of the Code that would affect the tax-exempt status of the loan.

Finance Director Robinson replied that the matter had been discussed; the only thing he could think of would be if the City did not meet the Internal Revenue Service (IRS) Code 148. If the funds were going to be used to gain higher yield from certain investments, the IRS would not exclude that. Then the entire loan would become taxable.

Mayor Bain thanked Finance Director Robinson for his input.

9C) Consideration of Setting a Date for a Special Meeting to Discuss Annexation

Mayor Bain noted that several guests were in the audience from the Village of Virginia Gardens, and he asked City Manager Borgmann to share his report from their Council meeting that he attended Thursday night.

City Manager Borgmann said that the Village of Virginia Gardens Council had a good discussion regarding annexation. He made no comments other than to advise the Village that some of their people would be getting bills from the County once the transfer of the Water and Sewer Department was completed.

City Manager Borgmann said that according to his notes, Mayor Deno made the following recommendations: if Miami Springs were to get Area 9, then Virginia Gardens would get the land all the way down to 36th Street; if the County did not allow Miami Springs to acquire Area 9, then the suggestion was to split at the center line of 36th Street. The north half of 36th Street would belong to Miami Springs and the south half would belong to Virginia Gardens.

City Manager Borgmann said that after discussion, a motion was made to go to 41st Street and support Miami Springs on Area 9. If Miami Springs was not allowed to acquire Area 9, then Virginia Gardens would like the six parcels of businesses that front 36th Street on the north side of the street and Miami Springs would get the back half of that block, which would be the south portion of 41st Street.

Spencer Deno IV, Mayor of the Village of Virginia Gardens, said that there had been numerous discussions over the years concerning annexation, and he was very hopeful that they are close to coming to an agreement and finalizing the whole issue with the County Commission. His recommendations to the Virginia Gardens Council were based upon the discussions between himself and Mayor Bain.

Mayor Deno agreed that City Manager Borgmann had reported the motion correctly, and reiterated that the Virginia Gardens Council wanted the portion of 36th Street from the Denny's by the Palmetto to the Shell gas station at Milam Dairy Road, regardless of whether or not Miami Springs acquires Area 9. He said that Virginia Gardens, Medley and Doral all support Miami Springs on the acquisition of Area 9.

Councilman Best thanked Mayor Deno and the two Virginia Gardens Council members for attending this meeting. He stated that annexation is an important issue for Miami Springs because of the recent tax legislation in Tallahassee. He was concerned what the numbers would be, relative to those six parcels and what would be available to Miami Springs if Area 9 were not available. At this point it is not clear if Area 9 is available.

Mayor Deno replied that right now both sides of 36th Street belong to Virginia Gardens from the triangle on 67th Avenue. One has to drive through Virginia Gardens to get to 36th Street, and Virginia Gardens would like its own entrance to the west.

Councilman Dotson also thanked Mayor Deno for appearing before Council, and said that he and any of his Council members were welcome to attend the Miami Springs meetings and express their opinions about annexation or any other matter. He was opposed to the idea of the City acquiring Area 9 because the last time the City did the calculations, it was a losing proposition. The Miami Intermodal Center (MIC) is going to occupy a lot of land that the City will not be able to tax. The original plan was to build a hotel and some stores in that area, but the State has never indicated that the area would be taxable. If there is no hope of financial benefit to the City for providing services, then it is not advantageous for the City to have that parcel.

Councilman Dotson said that while it was true that Virginia Gardens had both sides of the road at 36th Street, he felt it was a natural access for Miami Springs on the south side. He felt that it was important that the City have the benefit of the revenue that would come from 36th Street north; otherwise Miami Springs would have a serious problem with liability. He would like to have another meeting to unify the Council's approach to annexation. He respected the opinions of Virginia Gardens, but did not know how close they all were to coming to an agreement.

Mayor Deno said that he had read an article in the River Cities Gazette that reported that Councilman Dotson would like the residents to vote on the annexation issue. His concern was that annexation has been talked about for six years, and to his knowledge not even a straw ballot had been put out. He reiterated that his Council is unanimous and ready to move forward, along with Doral and Medley. Right now, the only Council that is not ready to move forward is Miami Springs.

Councilman Best said that he believed that the Miami Springs Council is ready to move forward. The key is to reach an equitable compromise on the sliver of land that is available and that Miami Springs would like to have and bring it before the County Commission.

Mayor Deno replied that he had asked County Commissioner Pepe Diaz to delay making a presentation to the County Commission to give the two municipalities time to come to a mutual agreement. It is his understanding that the item will be introduced to the County Commission within the next month or so by either a resolution amongst the municipalities or by the Commissioner himself. He continued to say that Virginia Gardens is also taking a risk; there is no guarantee that the 20/20 plan presented by the County a few years ago will not be re-introduced. That would affect the revenues generated south of 36th Street and Virginia Gardens would be the municipality dealing with the result.

Councilman Youngs thanked Mayor Deno and his Council members for their attendance and contributions to the discussion. He did not understand why the six parcels on 36th Street would be a natural boundary and so necessary, but that was something that could be discussed further. The purpose tonight was to see if this Council would agree to have a meeting to go over these issues in greater detail.

Mayor Deno replied that the natural boundary right now is 41st Street between Virginia Gardens and Miami Springs. Virginia Gardens really would like to have 36th Street and 41st Street and move forward.

Councilman Youngs refuted the idea that Miami Springs is not ready to move forward; the Council has voted consistently several times in favor of annexation. The Council can act for the residents of Miami Springs, and the official action had been to move forward with annexation. In his opinion, the delay has not been because of Miami Springs, but that Miami Springs and Virginia Gardens are seeking to annex the same land and have not come to an agreement. Miami Springs is ready to move forward with its annexation application; doing so would leave no land available for Virginia Gardens. If Virginia Gardens moves forward with its own annexation application on file with the County, that would leave very little or no land available for Miami Springs.

Councilman Youngs reiterated that the concept that Miami Springs is not ready to move forward is not correct. The trouble has been the lack of a compromise on the boundaries. He noted that four years ago when the County took the land south of 36th Street off the negotiating table, it worked to the advantage of Medley and Doral. It gave some land to Miami Springs and almost nothing to Virginia Gardens. Miami Springs and Virginia Gardens both advised the County that those boundaries were not acceptable. The intent is to have a compromise between the two municipalities in that area that is fair to both and that is what he wants to work towards when they schedule a meeting.

Mayor Bain said that he appreciated the negotiations with Mayor Deno and the discussions were sometimes heated. He expressed disappointment that the Virginia Gardens Council did not agree with the recommendations made by Mayor Deno, because he believed that the proposal might have been accepted by this Council also. He did not know if Area 9 was off the table or not, but he was not sure that subsidizing the area now would be worth it when they did not know if it would be beneficial for Miami Springs in the future. He thought the original proposal that he and Mayor Deno agreed upon was fair to both Virginia Gardens and Miami Springs in terms of population and revenue.

Mayor Deno pointed out that once the borders are set, Virginia Gardens is land-locked. Miami Springs may be able to go east in five or ten years, but it will not be an option for Virginia Gardens. He did not feel that it was fair to compare population between the cities.

Mayor Bain replied that he was not trying to compare the two cities. The purpose of annexation is to help all municipalities in their commercial tax base; the County wanted to make it fair and balanced for all concerned. He continued to say that he knew Mayor Deno, Commissioner Sosa and Commissioner Diaz all wanted to have an agreement in place before presenting the applications to the County. If the Virginia Gardens Council had backed the proposal they talked about, this Council might also have agreed to it. It may come down to letting the County arbitrate the boundaries.

Mayor Deno noted that the Miami Springs Council had not discussed the proposal, so it was a moot point. He thanked the Council for letting him speak.

Virginia Gardens Councilman Richard Block stated that the majority of the Council wanted to keep the 41st Street line because it was a logical extension between the two cities. He wanted to clarify that the six parcels mentioned earlier are necessary to control both sides of 36th Street. The fallback position was to surrender the properties north of those six parcels to Miami Springs. He did not see that as a problem and thought it was no less logical than Virginia Gardens taking the south side of 36th Street from Curtiss Parkway down to LeJeune Road from Miami Springs.

Councilman Best reminded Councilman Block that there were considerably more parcels available to Miami Springs when the annexation issue was first raised. Miami Springs has also graciously extended its recreation programs to the residents of Virginia Gardens over the years and maintained good relations in that area. He explained that Miami Springs has an 80/20 residential to commercial tax base, while Virginia Gardens is about 55/45 commercial to residential, if not more. Virginia Gardens knows what Miami Springs needs and he is asking them to cooperate.

Mayor Deno replied that Virginia Gardens had put their fair share in when it comes to recreation. He noted that the kids from both municipalities go to school together and the Virginia Gardens residents pay non-resident rates for the use of the recreation facilities and the various camps. He would prefer that the conversation concentrate on annexation.

Mayor Bain stated that Council is trying to set a date for a special meeting to further discuss the issue of annexation. He said that the suggested meeting dates are Wednesday, September 3rd or Thursday, September 4th.

City Manager Borgmann noted that the Water and Sewer transfer was scheduled to take place on September 3rd and that Thursday the 4th might be a better alternative.

Discussion ensued regarding the availability of the Council members and the City Attorney to attend the special meeting. Several alternative dates were suggested, leading to an agreement on Wednesday, September 3rd at 7:30 p.m.

Mayor Bain asked if a Resolution could be prepared for the meeting based on the “statement of position” prepared by the City Attorney.

City Attorney Seiden suggested that the Resolution could be prepared for the Council meeting the next Monday, after the Council had made their recommendations and decisions in the special meeting.

Council scheduled a Special Meeting for Wednesday, September 3, 2008 at 7:30 p.m.

9D) Appointments to Advisory Boards by the Mayor and Council Members

Councilman Youngs **re-appointed** Manny Perez-Vichot to the Board of Adjustment for a full 3-year term ending on April 30, 2011.

10. New Business:

10A) Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-50, Garage Sales, by Adopting Special Economic Condition Exceptions with a Sunset Provision; Providing for Suspension of Operation of Conflicting Provisions; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden explained that due to the current economic conditions, Council has requested that residents be allowed six garage sales per year instead of three as presently allowed. In addition, two garages sales a month will be permitted, eliminating the current 30-day wait period between sales.

Michael Gavila of 684 Morningside Drive said that he believed that garage sales were permitted at Prince Field several years ago, and suggested that could be an alternative to having residents hold multiple garage sales. He agreed that three garage sales in a year are sufficient.

City Manager Borgmann stated that he had compiled statistics from Code Compliance regarding the number of garage sales as requested. He continued to report that in the last twelve months, Code Compliance received 388 requests for garage sales. That averages out to 7.5 garage sales per week, City wide; the previous year averaged 6.3 garage sales, and the year prior to that averaged 5.2. The increase in frequency can be tracked even with the current ordinance in place. He also suggested residents could alternate and have a neighborhood or community sale if necessary.

City Attorney Seiden stated that garage sales were not intended to be a retail profit-making venture. The ordinance was drafted to curtail that type of retail business, and has been very successful at doing so. He suggested that the ordinance should not be changed permanently.

City Manager Borgmann pointed out that there had been instances of garage sales being used for retail sales, and they had been stopped.

Councilman Best wondered if the temporary changes proposed to the ordinance would be enough to alleviate some of the problems the residents are having. He also asked how the garage sales were enforced.

City Manager Borgmann replied that a Code Compliance specialist is out on the weekends to check the garage sales.

Councilman Dotson asked if the City was having a problem on South and Westward Drives. He explained that he had received a phone call mentioning both of those areas.

City Manager Borgmann replied that 990 Westward Drive used to be notorious for having numerous community garage sales; they created a parking hazard because people came from all over. He has heard of the ones on South Drive, but not personally seen them. He continued to say that action has been taken regarding the property on Westward Drive.

Mayor Bain pointed out that those situations are more of an enforcement matter regarding the ordinance. He explained that the suggestion of twelve garage sales a year was just a number for discussion purposes only. Several residents had strongly objected and he wanted to point out that Council was using it as a point of reference only.

In response to Councilman Youngs' question, City Attorney Seiden replied that the current ordinance provided adequate strength for enforcement purposes.

Councilman Youngs reiterated that the proposed change would allow six garage sales in a calendar year for a period of one year; then the provision would automatically expire. He thought that six would be a good number to suggest for a year.

Councilman Dotson would prefer to limit the number to four. After much thought and numerous discussions, he believed that four should be enough for the average household. For those few who might be in financial distress, he suggested that a special application be made available.

Mayor Bain said that he had also received a phone call from Ms. McGregor regarding the problem areas on Westward and South Drives and she felt that twelve garage sales per year were too many, but she would support four. Mr. Crossland had submitted a letter to the River Cities Gazette opposing twelve. He asked if the ordinance could be modified to allow residents who have already had three garage sales this year to have an additional three instead of six.

Councilman Best stated that he was the one who suggested that the number be lowered from twelve to six. After hearing the statistics tonight and the discussions since the previous meetings, he would be willing to compromise and set the number at four.

City Attorney Seiden noted that the people who would be inclined to have sales and benefit the most from the increased number have probably already had one or two garage sales in the last eight months and now they would be able to have another four in the next eight months.

Councilman Youngs confirmed that the change would be from six to four. He asked that Code Compliance keep track of residents that are requesting more garage sales, so the issue can be re-evaluated when the provision expires.

Councilman Best stated that he was also in favor of maintaining the sunset provision, and was satisfied with the report that Code Compliance was monitoring the garage sales.

City Attorney Seiden reiterated that the ordinance was being amended to allow four garage sales per year, and that Code Compliance would keep track of those residents who requested more. The ordinance would be re-visited about the time it is ready to sunset. He asked the City Clerk to place the item on the calendar thirty days or three meetings before it would sunset.

Councilman Youngs suggested that the ordinance be revisited before next summer, since summer seems to be the peak season, and people might be selling their homes during that period.

Mayor Bain and Councilman Best agreed that they were content to let the item sunset in a year and revisit it at that time.

Councilman Best moved to approve the ordinance, as amended. Councilman Youngs seconded the motion, which carried 4-0 on roll call vote.

10B) Presentation of Third Quarter Golf Course Financials for Fiscal Year 2007-2008

Finance Director Leacroft E. Robinson stated that he had prepared the unaudited Golf Course Financials for the nine month period ending June 30th, 2008. He would review the key financial indicators, and then answer any questions the Council members might have.

Finance Director Robinson explained that total revenue through June 30th 2008 was \$1,114,922, compared to \$1,053,099 for the same period in 2007, or a 5.9% increase. There was an operating profit of \$91,053 versus \$139,498 for the same period in 2007, or a decrease of 34.7%. The overall profit/loss including non-golf costs is -\$39,656, versus -\$22,206 for the same time period in 2007.

Finance Director Robinson stated that Pro shop costs total \$406,134 versus \$383,892 in 2007, or a 5.8% increase attributed to normal salary and benefit increases for that period. Maintenance costs were \$617,735 versus \$529,709, or an increase of 16% that was related to the department's outsourcing of the contractual services versus the prior year.

Total rounds played were 33,278 versus 32,160 for the prior year, or a 3.5% increase over last year. Total greens revenues were \$977,432 versus \$905,699, or a 7.9% increase. The average per round totaled \$29.37 versus \$28.16, or a 4.3% increase. Overall memberships sold increased significantly to 117,305 versus 94,269 or a 24.4% for the same period in 2007.

Finance Director Robinson continued reviewing the schedules, explaining that the net management excess of expenditures over revenues was \$91,053, which compared favorably to 2006, which was a loss of \$91,818. This represents a decrease of 34.7% over the 2007 number of \$139,498. Other costs associated with operations include administrative expenditures, proceeds from debt, improvements, debt service maintenance, machinery and equipment. The excess expenditures over revenues totals -\$39,656.

Schedule A-2 shows more details for the overall Pro Shop operations. The maintenance department costs were \$617,735 versus \$529,709, or a 16.6% increase over last year. The net profit reflects the Pro Shop operations without the impact of the administrative expenditures. It is close to breaking even through six months with -\$1,408 versus a positive \$34,705 from the prior year.

Finance Director Robinson noted that page A-3 contained the maintenance details; there is a big decrease in regular salaries of 44.1% since employees have been replaced with the contractual services of Green Grades. The contractual service was \$190,582, versus \$13,316 from last year. Maintenance costs totaling \$797,029, versus \$637,385 for the previous year, represents a 25% increase.

Page A-4 contains the details of the administrative expenditures showing a slight decrease of 32.8% from 2007. Page B-1 compares the current year versus the year-to-date budget, and schedule C-1 shows 24,039 rounds played, which generated \$817,427 in revenue, with an average per round of \$34.00. In 2007, there were 24,422 rounds played which generated \$786,285 with an average per round of \$32.20.

Councilman Youngs noted that it had been thought that outsourcing the maintenance would save money. He said that total revenues and cost per round had increased and he wondered if the outsourcing was the problem.

City Manager Borgmann stated that they may have been using more contractual workers than they thought they were going to, but he was not ready to say that was the total problem. The Administration has met with the Golf Course management to discuss the matter. The purpose to go private was to save money, and if it is costing more the question is whether or not they should revert back. It was thought at one point they were being overcharged, but a review of the contract showed that was not the case.

Councilman Youngs said that this was an experiment that they thought would work and it sounded good, but the goal is to bring the Golf Course to a break-even point. If these results are projected out until the end of the year, they will have an operating loss that is greater than the previous year. He asked if there were any other areas that could be adjusted other than the outsourcing of the maintenance employees. The outsourcing is in the budget for next year, and he wanted to know if there was still time to evaluate the situation and make a change.

City Manager Borgmann replied that there were a lot of problems in the beginning. He thought they were under control now, and the amount they have been paying over the last several months is more realistic of what will carry into the next fiscal year. He would like to get the numbers broken down on a month by month basis to make sure they were spending the right amounts. If the initial problems were corrected the numbers might be going down, but this information is not available.

Councilman Youngs suggested that a detailed analysis be prepared before the item is placed into the budget with the same plan for next year. Based upon the third quarter results, the onus is on Mike Aldridge and Sandy Pell to justify continuing the expense. He did not know how expensive it would be to switch back to the other model. He agreed the course is in better condition, but if the costs are going to derail them from the goal of a break-even operation, the situation needs to be reviewed.

Councilman Dotson said that he thought it was a primary problem.

Mayor Bain said that he knew one job was eliminated from the budget next year. He added that three or four additional maintenance routines had been performed on the greens this year that were not done the year before, which would have added to the costs. The course was in better shape this year. The Mayor said that the labor must be considered.

Human Resources Director Loretta Boucher explained that one of the reasons the maintenance department was out-sourced was the high turnover rate for personnel. They were spending money for hiring, background and drug tests and physicals, and the people were not working out. She believed that over time that the outsourcing would save money. She added that two positions were being eliminated in this year's budget.

Councilman Best noted that they had discussed the issue previously, but he did not remember the numbers that were presented that prompted them to consider outsourcing. He asked if anyone knew if the number was greater than 25%.

Human Resources Director Boucher replied that they were spending too much money and were not able to hold people to a schedule. A full time greens employee could not work in bad weather. She did not have the figures presented for the outsourcing.

City Manager Borgmann said that they could have budgeted for four people, but at any time they might only be three because of the turnover. He felt the real question to be answered was to compare last year's number and decide whether they got the full benefit. It may have been budgeted at a higher number than this, and brought in lower because they were not paying the salaries of people who are not there. He said that there had been instances where Golf employees had applied for Public Works positions, which left the Golf Course personnel short.

Councilman Youngs said that he recognized the difficulty in advertising, hiring and training people and the costs involved. He pointed out that the costs could also have come from the Human Resources budget in previous years instead of the Golf budget, and they may not have correctly accounted for it. He felt that the item needed to be closely looked at for the upcoming budget because it was one of the larger items.

Councilman Dotson agreed that aeration of the greens was very important and it was not being done to the appropriate schedule; it was changed last summer because the condition of the greens was beginning to deteriorate. The Golf Manager felt at one time there was so much play that it would have to be reduced to accommodate the aeration schedule, and the greens would also not be as attractive. The result was that some of the greens were in bad shape because this type of grass needs aeration on a regular basis. Aeration will have to be a continual part of the maintenance program.

Councilman Dotson noticed that the 'revenue as forecast' was generally overstated. He did not know if there were any options to increase the rates or make a change in some of the mix of rates. There seems to be pretty good play; the summer months are traditionally poor because of the rainy season. He did not know if they were too optimistic with their forecasts and it looks like they can estimate higher expenses if the revenue is higher. He would like to take a closer look at the revenue.

Councilman Dotson remembered the conversations regarding the outsourcing and thought it could be fine tuned a little bit. He would like to know that they are on the brink of getting things straightened out so there is more confidence with the numbers in the next budget.

Councilman Youngs said that he would like to focus on the maintenance budget with new detail because in two years they have gone from \$477,000 up to \$617,000. He was not sure what the proposed budget was for the next year.

Councilman Best commented that the costs might have been related to the Championship Greens and the maintenance schedule that they required.

Finance Director Robinson stated that \$395,892 was budgeted for contractual services for the entire fiscal year. He understood that those costs would be reduced by \$63,083; the intent is to keep one of the maintenance staff that was originally cut. That person would come back on board and the contractual services would be reduced by that amount. He reiterated that \$395,892 is in the budget line for contractual services and the amended budget was about \$217,000. The total maintenance cost for the entire year is \$1,085,000.

Councilman Best noted that the maintenance expenses under schedule A-3 listed machinery and equipment as a 3,076% increase over last year.

Finance Director Robinson explained that the machinery was considered capital equipment, which is offset by income or revenue stream.

Councilman Dotson said that the other contractual service shown with a budget of \$395,892 would be the operation without the third party outsourcing.

Finance Director Robinson believed the intent was to reduce staff and increase contractual services, which is reflected in regular salaries. Two years ago the actual was \$329,879, which dropped last year to \$282,055, and the amended budget of \$194,643 has been reduced to \$104,766 for 2009. In theory, the increased contractual fees should be offset by reduced salaries for maintenance staff.

Councilman Dotson said that he thought that the numbers were still pretty high. The amended budgets were \$411,000 this year. Adding the budgets of the regular salaries with the contractual services comes up to about \$422,000, and we are now at almost \$500,000.

Finance Director Robinson replied that he understood the question and would ask Golf Director Mike Aldridge for an explanation.

Councilman Youngs said that he would like to look at all of the maintenance costs, particularly the outsourcing of the employees in order to determine if the service was worth keeping. He would also like to see if there was anything else in the Golf operations budget that could be changed to bring it closer to a break-even point.

Councilman Dotson stated that it looked like the primary budget numbers for revenue and maintenance were not fine-tuned. The salary adjustment and the allocation of additional funds for outsourcing was something that Ms. Pell was very optimistic about last year. He suggested that she could present a follow up on how the process was working.

Mayor Bain agreed that Golf Director Mike Aldridge and Superintendent Sandy Pell should be invited to speak on their own behalf.

Councilman Youngs said that it was nice to see that the membership and revenues were up. He still had hopes the Golf operation would reach a break-even point.

10C) Consideration of Entering Into a Letter of Intent with Link Construction to Permit Preliminary Work to Begin on the Project in Advance of the Execution of a Formal Agreement

City Attorney Seiden explained that the Council members had been promised a copy of the proposal that Link Construction had provided, which was included in the meeting packet. He said that he agreed that the letter of intent saved time in the short run, but he recommends waiting to receive a contract. The City Manager has spoken to their representatives and advised them that the City would like a contract as soon as possible so that it could be reviewed.

In response to Mayor Bain's question, City Manager Borgmann replied that they had received a basic contract format, but all the blanks had not been filled in. He will advise Link Construction that Council would like to see a contract.

City Attorney Seiden noted that the process should not take that long.

Recess at 8:45 p.m.

(Agenda Item 12A presented at this time)

11. Other Business:

11A) Budget Workshop Continuation and Follow-up Items

Finance Director Robinson noted that the Council members had received a hand-out that summarized all of the capital expenditures for each department. Council previously reviewed all the details from the various departments with the exception of the capital projects and the funding sources related to those projects.

Councilman Dotson asked for information regarding the new parking garage/deck.

Finance Director Robinson clarified that the budget has a place holder for the parking garage/deck, the same as the jogging path replacement.

To answer Councilman Dotson's question, City Manager Borgmann replied that they were discussing the possibility of double-decking the existing parking lot across from City Hall. This would provide more parking for the public and City employees, but the details have not been determined as far as the number of spaces, etc.

Mayor Bain asked Council if the six new tennis courts were a priority for anyone. There were no comments in favor.

Mayor Bain asked if anyone wanted to budget for a new skate board park as promised to the residents who made their request to Council, even though they have not found a location.

Councilman Best said that he would like to see a skate board park coupled with additional basketball courts, if a place could be found for both.

Councilman Dotson stated that he would like to summarize what they have done in the budget, and then see what is left and what is possible to do.

Mayor Bain pointed out that some of the items could be eliminated right away.

Councilman Dotson said that he would eliminate the tennis courts on his list, and keep the skate board park as a question mark.

Mayor Bain asked if Council would like to proceed with the Canal Street Linear Park.

To answer Councilman Dotson's question, City Manager Borgmann clarified that the City is applying for a \$200,000 grant for the Canal Street Linear Park Project and hopefully it will be matched by \$200,000 by the City.

Mayor Bain said that he was under the perception that the grant money would be lost if the City did not proceed with the Canal Street Linear Project.

Mayor Bain noted that he had already expressed his opinion regarding the sound barrier for the Trane air conditioning unit on the roof of City Hall. He did not want to budget \$100,000; he thought they could buy a new unit for less money since some of the duct work was new and could be reused.

City Manager Borgmann replied that the Administration had not had a chance to check pricing, but they were starting the process. He explained that some of the duct work was new because of the way the building was blocked off.

Mayor Bain felt that funding should be allocated for a new Golf Course irrigation system.

Councilman Best suggested that the \$500,000 eliminated for the tennis courts could be put in a fund towards a new irrigation system.

Mayor Bain suggested that the item remain on the list, and they would see what funds are remaining after the final review.

With regards to repairing the steel columns in front of City Hall, Mayor Bain said that he would like to hold off on that item, but that he would approve painting the facility.

City Manager Borgmann noted that the columns were a structural issue. He explained that the first inch or two of the columns were rotted out and they would need to be addressed sooner or later.

Mayor Bain thought the parking garage should remain on the list, and suggested that the downtown business owners and the City come together with proposals to fund the construction.

In response to Councilman Best's question, City Manager Borgmann replied that the criteria for the use of Citizens Independent Transportation Trust (CITT) money would involve a tie-in to a commuter stop where people would catch a bus. The intent is to take cars off the street and put people on a bus.

Mayor Bain thought a price quote could be obtained for replacing the jogging park around Stafford Park.

City Manager Borgmann noted that he had presented a quote from the company that was going to be doing the T-ball fields and the concrete work at Stafford Park.

To answer Councilman Dotson's question, City Manager Borgmann responded that the quote to replace the entire walking path with concrete on Ludlam Drive was close to \$500,000. The price for Stafford was about \$50,000 for four-tenths of a mile of five foot wide sidewalk.

Mayor Bain stated that if the concrete sidewalk at Stafford Park could be not be done in-house, he would suggest contracting labor and doing the work under the supervision of the City's Building Official.

City Manager Borgmann offered to look into the Mayor's recommendation.

Finance Director Robinson explained that an update was received from the Department of Revenue regarding the 2008-2009 fiscal year projections as related to the local government half-cent sales tax, municipal revenue sharing and local discretionary sales tax revenue. Those numbers have been slightly reduced and the net impact to the entire City is about \$72,000. The impact to the General Fund is approximately \$68,000. He reviewed the details as follows:

- Local option fuel tax – The number has been reduced from \$288,353 to \$276,819, or a 4% decrease. The impact is -\$11,534.
- Revenue Sharing – The number has been reduced from \$292,347 to \$282,915, an impact of -\$9,432.

In response to Councilman Dotson's question, Finance Director Robinson replied that the revenue sharing funds are composed primarily of sales and use tax collections, state alternative fuel user decal fee collections and the collection of one-cent municipal fuel tax.

- Eight-Cent Motor Fuel Tax – The number has been reduced from \$110,890 to \$107,313, an impact of -\$3,577.
- Half-Cent Sales Tax – The projection is now \$848,373 from \$891,747; the amount of principal and debt service for the new loan reduces the total to \$711,373, or -\$43,374 overall.

Finance Director Robinson continued to say that a small portion of the \$72,288 is related to the CITT fund and the approximate impact to the general fund is \$68,000.

In response to Councilman Youngs' question, Finance Director Robinson replied that the update on the state revenue projections came out on August 15th and the municipal revenue sharing came out on August 21st.

Councilman Youngs noted that the revenue trend was down and there was not much time left in the fiscal year. He asked if there would be another update on the numbers before the second budget meeting in September to show if the economy is still declining.

Finance Director Robinson replied that he did not know how often the schedules were updated or distributed, but he would be sure to stay on top of them. The revised projections that he just received were the result of a general revenue estimating conference that took place on August 15.

Councilman Youngs could not remember making these last minute adjustments in prior years, but he felt that they were important considering the current financial climate.

Councilman Dotson stated that Assistant City Manager Gorland had provided an analysis of the recreation revenues that are being generated by activity. He thought that fees for child care and some of the other activities should be increased to at least keep pace with the 5.8% inflation rate. Child care reflects a deficit of \$53,257, which is the amount the City is subsidizing and there are additional expenses for labor.

In response to Councilman Dotson's question, Assistant City Manager Gorland said that the prices varied for the two week intervals during summer camp, and during the year it depended on whether the child is in the after school or holiday program. He agreed with Councilman Dotson that the rates should increase and they would like to know Council's feeling about altering the recreation activities.

Mayor Bain suggested that the Administration could prepare a resolution and recommendation for a fee increase at the next meeting.

Councilman Dotson remarked that business licenses were recently adjusted and he thought that a number of the other fees were contractual, like the bus benches.

City Manager Borgmann noted that the State Statutes allow an adjustment to the business licenses every two years. He explained that the City is paid a flat fee for the bus benches and there is an escalator clause that allows the fee to rise a little every year. The cell towers fall into the same category.

Mayor Bain said that he was concerned that raising fees was a double edged sword; Council reduces taxes, but at the same time they must raise fees to cover operating expenses.

City Manager Borgmann replied that raising the user fees and fees for building permits and services only affects the people who use those services.

Councilman Dotson was surprised to see allocations for water and sewer transition after October 1st.

Finance Director Robinson said that he had gone over those figures at the last Workshop meeting and how he arrived at the allocations.

To answer Councilman Dotson's question, City Manager Borgmann explained that there are bills currently out and due after the takeover, which is the City's revenue. The meters will be read by the City and the County, and that will be the ending and starting point for both parties. The City will be sending out a final bill, which may or may not include the sanitation fees, depending on the timing.

City Manager Borgmann explained that the County will start billing as of the beginning of September, and their first bill will not go out until three months after. He continued to say that there are still revenues to be collected by the City to cover various costs. The City will still have two cashiers until the workload is evaluated.

Interim Comptroller Alicia E. González added that the City would still be collecting the receivables that are left on the books.

Councilman Dotson said that it seems most people pay their bill on time. He asked what percentage of the bills were more than 30 days past due.

Interim Comptroller González replied that due to the state of the economy, there are a number of residents that are behind in their payments and the City is working with them to establish payment plans.

Mayor Bain asked when the residents would receive their last bill from Miami Springs.

City Manager Borgmann replied that the last bill would be sent out a few days after the final read; the only problem is that the City will not have the authority to turn off the water for non-payment.

Councilman Dotson understood that the City is entitled to collect the money it is owed. He did not see why the forecast was beyond October 1st. He pointed out that there was a small amount of funds allocated for cashiers and most of the administrative costs should end on September 3rd.

Finance Director Robinson said that there would be a fund balance after the transfer and that is where the revenue will come from. He expects significant expenditures beyond September and the cashiers will still have to be at the windows for another thirty to sixty days.

City Manager Borgmann explained that the City would still be charged from the County for water and sewer in August and some of the money that the City will be collecting from the final bills will go toward those costs. A budget was set aside because they do not know yet if all the bills will be paid by the end of September.

In response to Councilman Dotson's question, Finance Director Robinson explained that the \$500,000 in the appropriation from the fund balance was set aside for hurricane contingency, not the new gym.

Councilman Dotson asked if the \$20,295 noted for Elder Affairs with Virginia Gardens had been adjusted for any increase in inflation and City Manager Borgmann explained that the figure represented part of the revenue derived from Virginia Gardens. He agreed that it should be adjusted for inflation for the next year.

Mayor Bain said that Virginia Gardens was aware that they would be paying their share, whatever that cost is.

Councilman Dotson noted the higher meal prices for the coming year. He was looking for accounts and revenue that he felt should be adjusted upward to offset the rate of inflation.

City Manager Borgmann stated that the Human Resources Director had given him the cost of living statistics from May 7, 2007 to May 8, 2008, which was an increase of 4.6%.

Councilman Dotson thought that the Police Department had developed a factor of 5.8%, and the maximum permitted under the contract was 5%.

City Manager Borgmann stated that he had received earlier reports of inflation rates that were closer to 5% and they might be going down a little according to the report.

Councilman Dotson commented that there were a few items that he wanted to discuss further, specifically the 5% out of class salaries for Public Works. In reviewing last year's budget he noted one employee who was a foreman for both Water and Sewer received an increase for both positions. The 2007- 2008 budget allocated \$4,954 to two departments, including Human Resources. In 2008-2009 a similar category is listed in Finance, Building and Zoning, Information Technologies and Recreation with a total of \$21,230.

Councilman Dotson commented that the step-up is not evident in the budget numbers and the description of title for the work that is being done. He pointed out that there is a person working in Finance and Public Works and the salaries are split 50/50, but he did not see evidence of a step-up for this position. He agreed with the COLA, merit and longevity increases, but had a problem with those marked 'Other'. He believed that these increases are not affordable and it is not good personnel practice.

City Manager Borgmann said that the term is usually called working "out of class". Sometimes it is a lateral transfer and other times a promotion. Even with a promotion, the additional 5% may not be equal to the salary for that particular job. He explained that the budget breaks out the costs in order to be able to see where the funds are allocated.

City Manager Borgmann explained that the Assistant City Manager was hired for a base salary of \$98,000. However, he is being paid an additional 5% out of class for supervising Recreation as well as Building and Zoning. If a new Recreation Director and a Building Official were hired, both of those increases would cease.

Councilman Dotson was of the opinion that it would be a step-up in class, with additional pay and it is a different situation with the Assistant City Manager.

City Manager Borgmann clarified that the increases for the Assistant City Manager were considered working out of class, not a step-up. Additional duties can be assigned, as in the case of the Human Resources Director assuming the Risk Management duties since there was no one qualified or available from the Finance Department. She was given an additional 5% increase, and has done a great job.

Human Resources Director Boucher pointed out that when Human Resources took over Risk Management, they also took over Workers Compensation and the associated paperwork. Instead of hiring a part-time person or asking someone to work overtime, she wanted to give the additional pay to her assistant, who took on additional duties and keeps the records. She did not want to create a new job description because the next person that is hired may not be responsible for those duties or the Finance Department may eventually take back the duties and the increases will cease.

Human Resources Director Boucher said that she is not locked into the 5% figure if Council wanted to make a reduction, but her assistant took on the additional responsibilities and does it well.

Mayor Bain commented that Ms. Boucher is the Department Head who understands what the job entails and she justified including the funds in the budget.

Human Resources Director Boucher explained that her assistant will retire in two years and the next person in the position may not be qualified to handle the additional duties, so the Department is not locked in to a promotional title or the extra money. She explained that in the event another classification or title was created to encompass the additional duties, it would become a promotion and it would create a higher pay grade and range.

Councilman Dotson said that he worked in organizations where the rate of pay was changed for a position if it requires additional duties and the change is permanent. If another person comes into the position, management should have the right and the wisdom to determine how that new person is paid. He had a problem with the temporary increases that are not temporary.

Human Resources Director Boucher explained that this would be the second budget year for the 5% increase.

Councilman Dotson felt that the Council should have the prerogative to review and approve or disapprove certain personnel matters. In his mind, if a person is making \$71,500 one year and \$87,500 the next year, the matter should have been brought to the attention of Council.

Human Resources Director Boucher replied that she believed the decision to upgrade the position in Finance was presented to Council and approved before the new Finance Director was hired. The title of Interim Comptroller and the new pay grade were to be presented in the budget process.

Councilman Dotson replied that he had no recollection of being notified and that an increase of \$16,000 would be something that he would have remembered. He stated that former Finance Director William Alonso was hired at a set rate of pay and his salary increased by \$20,000 when he was being recruited by Miami Lakes, which was brought to Council's attention.

City Manager Borgmann explained that the top of the range for the former Finance Director was a certain amount and Miami Lakes was offering him \$95,000, so the City matched that amount in order to retain him, which required Council approval.

Councilman Dotson said that he was not as interested in the merit of the raise as much as he felt that the matter should have been brought before Council. A new title or position should also be part of the presentation, which should be discussed and approved.

City Manager Borgmann agreed. He noted that since they were in the budget process for next year, they did want to create the position of Comptroller and increase the salary.

Councilman Dotson reiterated that he would like to see these types of items brought to the Council. He would also like to review major increases given to any department head, and noted that Council had discussed an increase in range for four different positions in the past.

Human Resources Director Boucher clarified that her last raise in November 2006 was approved by Council to increase the range for the position.

City Manager Borgmann advised Council that an amended package would be compiled within the next week containing all of the items that were discussed and reduced. He explained that Council must make a decision on the Capital Projects. The amended report will show the dollar amount of the reductions and how much additional money there is with a tentative millage rate of 6.4000.

Councilman Dotson said that he would like to see what the millage rate would be after all of the reductions are in place.

City Manager Borgmann pointed out that some of the numbers received from the State just came in today; those reductions in revenue may consume all the savings that have been identified in the workshop meetings.

Councilman Dotson was of the opinion that the reductions he proposed would have to be voted upon because they might be different from other proposals that were accepted.

Mayor Bain noted that September 8, 2008 will be the first public hearing on the budget, and decisions will be made at that time.

12. Reports & Recommendations:

Before Item 11A

12A) City Attorney

Water and Sewer System Transfer

City Attorney Seiden reported that time was spent in the morning with the City Manager and City Clerk executing all the documents. The County has some issues and he met with them today to resolve some of the financial difficulties and amend language in some of the documents. County Staff will come in on September 2nd to do their inventory and they will take all the personal property that would be part of the inventory.

City Attorney Seiden thanked Mayor Bain for signing the Promissory Note. The County and the City will wire the funds on Tuesday, August 26th and it will be placed in a suspense account until Tuesday, September 2nd at which time it will be paid and the bonds will be redeemed. The closing will take place on Wednesday, September 3rd. He is confident that he and the Administration had done everything in their power to assure a smooth transition. He thanked Public Works Director Robert Williams and consulting engineers Post Buckley Schuh & Jernigan.

City Attorney Seiden explained that the County is more excited about receiving the system than the City is about giving it to them. He said that the County had not done a transfer in the last ten years and the City has established a format for the next two or more transfers they are expecting in the future.

12B) City Manager

County-wide Election

City Manager Borgmann stated that a County-wide election would be held on Tuesday, August 26, 2008.

Optimist Football

City Manager Borgmann announced that Optimist Football is playing at Prince Field on Saturdays.

Soccer Registration

City Manager Borgmann reported that soccer sign ups have begun.

Tropical Storm Gustav

City Manager Borgmann reported that Tropical Storm Gustav formed in the Caribbean and is projected to come close to South Florida by Friday, August 29th. The Administration will keep a close watch on the storm.

Pastor Albert Schmidt

City Manager Borgmann sends get well wishes to Pastor Schmidt who had some serious health issues and is home recuperating nicely.

Park Restrooms and Dug Out Roofs

City Manager Borgmann reported that there are a couple of finishing touches left to be done in order to complete the restrooms and the dug outs before they will be ready to use. A letter was received from someone questioning the wheelchair ramp at Stafford Park and Building Official Skip Reed verified that it has the correct pitch and meets the ADA requirements. The contractor needs to add the towel and toilet paper dispensers.

Reims Building

City Manager Borgmann stated that there had been an ongoing issue with the Reims building that has been under construction and litigation for almost five years. They are finally coming to a conclusion that all the materials that were used do in fact have product approval.

City Hall Closing

City Manager Borgmann said that he sent an e-mail to Council explaining that the City follows the County policy on closing before an approaching storm. The County closed at 1:00 p.m. on Monday, August 18th and remained closed for Tuesday, August 19th. He said that obviously the weather was no worse than a summer rain storm, but the situation could have been different.

12C) City Council

Annexation

Councilman Best thanked the Virginia Gardens Mayor and Councilmember for attending the meeting to discuss annexation. He appreciates Virginia Gardens' side, although he is not necessarily in accordance with everything. He hopes that continued negotiations will result in an agreement that will benefit the City because it could have major ramifications in terms of future projects for the City.

Pelican Playhouse

Councilman Best announced that the Pelican Playhouse would be holding a Summer Showcase on Sunday, August 31, 2008 at 7:00 p.m. in the Cavalier Annex to present everything that they have been working on this summer.

Labor Day Holiday

Councilman Best wished everyone a happy Labor Day.

School Board Compact

Councilman Dotson reported that he, Councilman Youngs and the City Manager attended the School Board meeting when the education compact was approved. He stated that Councilman Youngs did an outstanding job in his presentation and everyone would be proud to see how he represented the City. He would like to consider an organized plan in order to obtain the progress that was promised in the agreement with the School Board.

City Manager Borgmann stated that an organizational meeting was scheduled in his office this morning, but unfortunately all the people who were supposed to attend were not present and the meeting was rescheduled. After the meeting, he would like to bring the issue back to Council because some of the tasks might be assigned to the Education Advisory Board or the Administrative Staff.

Deer Run Stop Signs

Councilman Dotson said that he saw the new stop signs on Deer Run.

City Manager Borgmann stated that the signs were installed, but the striping was not finished due to the storm.

Labor Day Holiday

Councilman Youngs wished everyone a happy and safe Labor Day weekend.

Annexation

Mayor Bain stated that negotiating with neighboring Virginia Gardens makes annexation a difficult situation. He would like to negotiate on the annexation issues and not focus on what happens on a day-to-day basis. He would like to be professional and only discuss what annexation means for each City.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:03 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 9/22/2008.

Transcription assistance provided by M. Newton and S. Hitaffer.