

JANUARY 4, 1962

7:30 Meeting Called to Order.
Roll Call.
Treasurer's Report - Mr. Moran.
Discussion of Minutes of Previous Meeting.
Approval of Minutes as discussed and amended.

1. Community Center Improvements - Mr. Sizoo.
2. Report - Mayor Kipula.
3. Report - Mr. White, City Manager.
4. Report - Mr. O'Donnell.
5. Report - Attorney Spander.

14 Business.
New Business.

MEETING ADJOURNED UNTIL JANUARY 18, 1962

JANUARY 8, 1962

7:30 Meeting Called to Order.
Roll Call.
Treasurer's Report - Mr. Moran.
Discussion of Minutes of Previous Meeting.
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1. Community Center Improvements - Mr. Sizoo.
2. Report - Mayor Ripols.
3. Report - Mr. White, City Manager.
4. Report - Mr. O'Donnell.
5. Report - Attorney Spender.

Old Business.

New Business.

MEETING ADJOURNS UNTIL JANUARY 15, 1962

REGULAR MEETING OF CITY COUNCIL-CITY OF PEMBROKE PINES, FLORIDA
January 4, 1962

The regular meeting of the City Council of Pembroke Pines was called to order by President James O'Donnell, Thursday January 4, 1962 at 7:30 P.M.

Roll call followed. Present were: Mayor Kipnis, Attorney Sponder, City White, Councilmen; Quinn, Miller, Kier, Moran and Rizzo, City Clerk Vaughan and Deputy Clerk Candler.

Mr. O'Donnell stated that Mr. O'Brien had asked to be excused from the meeting.

TREASURER'S REPORT- Mr. Moran.

		<u>GENERAL FUND</u>	
Balance last reported			\$17,303.11
Deposit			1,548.60
Disbursements	\$814.51		
Balance to date			<u>18,037.20</u>
		<u>CIGARETTE TAX FUND</u>	
Balance last reported			2,385.15
Disbursements	460.34		
Error in deposit	52.50		
Balance to date			<u>1,872.31</u>
Balance CF fund and Gen. Fund			\$19,909.51
Contingency Fund			5,000.00
Emergency Fund			2,000.00
CF Savings Fund			<u>10,000.00</u>
	TOTAL		<u>\$36,909.31</u>

DISCUSSION & AMENDING OF MINUTES OF DEC. 21, 1961 & DEC. 27, 1961.

MR. FERRARO: At the Council meeting of December 21, 1961, I brought up the subject of the present procedure of paying bills for the City. There was a discussion on this but it was not recorded in the minutes. You did tell me to bring it up later under New Business, but we did not do this. Tonight we heard of disbursements of something over \$1200.00. I would like to bring this up tonight under New Business.

The following corrections were made in the minutes of Dec. 21, 1962.

- 1) Mr. Rizzo stated that the motion, by Mr. Kier, page 3 pertaining to NPA Zoning should not have ended with "Until further study could be made." He went on to say that he had made this statement, not Mr. Kier.

Mr. O'Donnell then said he thought the person making the statement should do the correcting. He then asked Mr. Kier if he wished to correct the statement. Mr. Kier answered "No", the motion was correct as it was recorded.

- 2) Mr. Rizzo then corrected a statement of Mr. Hlay, page 13, as follows; " I think it was an honorable and wise thing when the Council refused to give a license to one of their members or to any city official. Councilmen should not be allowed to make money because of their position and receive

a license this."

- 3) Mr. Kier asked Mr. Rizzo if the word in his statement, page 13, paragraph 7, should be negligent and not negligible. Mr. Rizzo answered "yes".

Mr. O'Donnell then stated he objected to anyone making corrections for the statements of another person.

Mr. Rizzo said he would, in that case, refuse to accept these minutes.

- 4) Attorney Sponder asked Mayor Kipnis if, on page 3, paragraph 6, his question was "If a person pulls out from the City". The Mayor answered yes.
- 5) Attorney Sponder corrected paragraph 3, page 4 to read "the prevailing opinion is that poll watchers should be used."
- 6) Mr. White had the words "and Police Dept.", stricken from his report No.2 on page 6.
- 7) Mr. Whitis then said he had given Mr. White corrections to be made in the minutes of December 7, 1961. These had not been taken care of, but he thought Mr. White had reserved his right to make his own corrections.

Mr. O'Donnell stated that these minutes had been approved and passed.

Mr. White said that it was in the minutes that he had reserved this right for Mr. Whitis.

Mr. Whitis then said he had only one correction he was really interested in having corrected. This was when Mr. Kier asked him if he wanted the revision of the Zoning Book for himself, he answered, "No, not for myself, but for the citizens of Pembroke Pines."

MOTION: Mr. Miller made a motion to accept the minutes of Dec.21,1961, as amended. Mr. Kier seconded the motion. Upon roll call vote, Mr. Rizzo voted "no", all others present were in favor and none opposed. Motion carried 5/1.

MOTION: Mr. Miller made a motion to accept the minutes of the Special Meeting of December 27, 1961. Mr. Quinn seconded the motion. Upon roll call vote, all those present were in favor and none opposed.

REPORT- MR. WHITE, City Manager.

- 1) Mr. White gave a report on the expenses and income of the first three months of the fiscal year of 1961-1962, October, November and December, and the income for the fiscal year of 1960-61.

	INCOME		
	1960	1961	Difference
General Administrative	\$9,719.32	\$11,500.51	\$+1781.19
Building & Zoning	6,842.95	5,261.35	-1581.60
Police & Public Safety	630.00	690.00	+ 60.00
Lot Cleaning		104.00	+ 104.00

EXPENDITURES		
First three months 1961-1962		
General Administrative		\$3,462.64
Building & Zoning		1,211.95
Police & Public Safety (New Car Included)		4,201.28
Public Works		7.50
Building Supplies		797.63
Parks & Recreation(Fence)		600.00
Health & Welfare (Tractor Inc.)		1,207.00

Expenses for fiscal year of 1960-1961	\$31,570.74
Revenue " " " " " "	59,413.86

MR. FERRARO: Again, on the payment of bills, in previous meetings, bills were approved by Council for payment. In the last month Council has not signed approval. I would like to know, Mr. White, did Council give you approval for this procedure? I am not talking about telephone and utility bills, but the other bills.

MR. WHITE: As far as Council giving me approval, no they did not. There was a purchase plan adopted, which was handed to me to study and give my recommendation. I picked a plan I thought most suitable. It states that all purchasing must be handled by the Purchasing Agent.

Mr. Ferraro: If it was approved, that is all right. I did not myself, and it is my opinion that others did not, understand the part of the plan that eliminates approval of bills by Council.

MR. WHITE: This purchase plan was drawn up before I came here. Mr. Bates explained the plan for Council. I got with Mr. Bates and the only change I recommended was that the amount required for inquiry letters to be sent out for a purchase be raised from \$20.00 to \$100.00. The reason the procedure for payment of bills was not used before was because I could not use it until after the budget was adopted.

At this time Mayor Kipnis interrupted the meeting to say that Mr. Thomas Avolese had passed away. Mr. O'Donnell then called for a recess.

When the meeting resumed, Mr. Miller asked for a moment of silence for Mr. Avolese, which was observed.

MR. FERRARO: Mr. White, on the plan you have adopted, it could be very simple if the Council members make a resolution to adopt this procedure.

MR. WHITE: Lets get this purchase plan straight. It is not my plan.

The Purchasing Agent can purchase up to \$300.00 on her own authority. Over \$300.00 up to \$1000.00 must go to Council and be advertised in a County newspaper. After \$1000.00 must go to Council and be advertised in both County and State newspapers. This is the plan adopted by Council.

MR. FERRARO: If Council wishes that will have to be the new procedure. Mr. Quinn was also questioning this procedure at the last meeting.

MR. WHITE: As I said before, the reports are posted on the bulletin board each month, the amount by month, accumulative to date and debit and credit in each department.

MR. FERRARO: This report does not state what was purchased or how much paid for each purchase. Where are the bills that show this?

MR. WHITE: In the City Clerk's office for anyone to see.

MR. O'DONNELL: Regardless of how small the checks are, they are signed by two councilmen, Mr. Moran and myself.

2) Mr. White stated that he had taken Mr. Ferraro's advice and called in Chief Frey of the Hollywood Fire Department to check the pressure of the hydrants in our area. It ranges from a low of 670 to a high of 1060. We also secured telephone numbers from the water companies to call in case of emergency pressure needed.

3) On the lot clearance, Mr. White stated that we have accounts payable of \$121.00 and other lots to be checked and followed up to get owners permission to clean.

4) Mr. White stated that on the contract with Mr. Semmel the accountant, that Mr. Spönder felt it would be better to have a 1/year contract. Mr. White felt that we would be safe as far as the Charter is concerned, to negotiate a 2/yr. contract, but if Mr. Spönder feels otherwise, he would go along.

5) Mr. White stated that we have had several complaints on the building being so cold. We have a gas connection in each corner of the building. He had talked to Mr. Hale and Mr. Di Pietro about utilizing this for heating purposes. This is a figure out of thin air and he ^{would} not be held responsible for quoting it, but it was ^{his} belief this could be done for approximately \$400.00. He would like for Council to give consideration to getting reverse cycles to get both

air and heat.

6) Mr. White stated that the rental of the Community Center needed some study and revision. He suggested setting up a committee if Council desired.

7) Mr. White stated that there was a great need to enlarge the building. He said Mr. Di Pietro had plans for enlarging the back to make a storage room, police department and detention room. If we wish to do this and enlarge the hall, we could have it financed.

MR. FERRARO: I would like to thank Mr. White for his report on the fire hydrants. But, I would still like to have something done about reading and approving the bills to be paid.

MR. RIZZO: What is your recommendation, Mr. Ferraro?

MR. FERRARO: I would like for Council to adopt a resolution for this new procedure, if it is to be done in this manner.

MR. WHITE: Council has already adopted this.

MR. FERRARO: In the Purchase Plan, yes, but when Mr. Bates read the plan and it was discussed, there was nothing in it to say the bills would not be read and approved at Council Meetings.

MR. RIZZO: We used to read a lot of bills at Council Meetings that I objected to, and still do, such as telephone etc., but if the people want something different we can come to some agreement about this.

COMMUNITY CENTER IMPROVEMENTS-Mr. Rizzo.

MR. RIZZO: It seems that Mr. White has covered almost everything I had in my report. I do feel that we should get started with some of these improvements or we will never get them done.

First of all, everytime one of the City's organizations has a dance or social gathering of any size, they either have to borrow chairs and tables or rent them. We have had a number of chairs donated, so I think the City should buy some too. We charge these organizations a fee for rental and it costs them around \$50.00 by the time they get through with it where could they gain anything? My suggestion is to get prices on chairs and tables and buy as many as we can. I would like to turn this over to Mr. White to secure costs of these.

MR. WHITE: I agree with this on the chairs, but if we buy tables to seat 10 or 12 people, we run into the problem of storage space.

MR. RIZZO: I am coming to that also. In addition to the chairs and tables, I think we should look into the costs for curtains for the building. As for storage space, we could put up walls, roof and doors and use it until we could finish it. We would not have to have it perfect to start with.

MR. WHITE: This brings on the problem of additional land for the driveways to the back.

MR. RIZZO: As of now, we do not owe any mortgage. I have been advised that it is not unhealthy for a city to have a mortgage. We can buy and pay off this land and then it would be ours for good.

Now, in the lobby- When people come into City Hall on business, they have no where to sit. Why not put in benches with cushions and set ashtrays by them so that they can be comfortable while they are waiting.

MR. O'DONNELL: Furniture for the lobby has been approved in the budget.

MR. MILLER: Can't we take all of this up later? We only have one or two more meetings of this council. The new Council coming in might not approve of this.

MR. RIZZO: I can see no reason for not making plans and laying the groundwork. The new Council may be more encouraged to go ahead with the plans if some of the work has been started. I would like to go on record as having asked Mr. White to look into the costs and the feasibility of buying these things.

MR. KIER: Ten of the chairs we now have were donated by the A & P Store. I feel we owe them a vote of thanks.

MR. RIZZO: We should send them a letter of thanks.

MR. KIER: I feel we should go ahead and get some of these things done. If we get material we could probably get some of the ladies of the community to help with the curtains.

I would like to know what has been done about the parking lot. At the rate we are now going it will be months or years before we do a thing.

MR. WHITE: Lets face facts. When we had fill for part of the parking area and the cost of doing the job would be \$250.00, the thought was that we should do the whole thing. Now, since the building in the area has slowed down so that we cannot obtain this fill for awhile, the cost would jump to \$525.00.

MR. KIER: I would rather pay \$525.00 than wait three years. We, here in the city should pay our own way. When we accept this gratuity, it places the Police Department in an awkward position. If we give out a ticket we could be reminded of this favor. I say buy the fill.

MR. RIZZO: There are so many things to be done. We always say another time and that way, we never get anything done. We should get the tables and chairs and furnish the lobby now. If we do one thing at a time, eventually they will all get done.

MR. FERRARO: If Mr. White would arrange to get the materials for the building, I believe the young men of the City would get together with Mr. Di Pietro and try to accomplish what we did in 1959-1960. We might also ask some of the Women's organizations to donate some of the curtains.

REPORT- Mr. Spender.

Mr. Spender reported that the courts had ruled against the City in the case of Johnson versus the City of Pembroke Pines in the rezoning of property lying West of the turnpike and South side of Pembroke Road. The Court orders the City to amend the Zoning Ordinance to allow business and multiple dwellings in this area. MR. SPONDER: I am not making recommendations but I do believe, with all due respect to the Judge, an error has been made. We have something to appeal. I cannot guarantee this will be in favor of the City.

MOTION: Mr. Miller made a motion to give Attorney Spender permission to start proceedings for an appeal.

MR. RIZZO: I would like to go into this more carefully. Mr. Spender, could you tell us more about it?

MR. SPONDER: We have 60 days from December 21, 1961, in which to make an appeal. If anyone should apply for a building permit, the Building Inspector would have to issue it unless an appeal is made.

MR. O'DONNELL: I think it is imperative that we take action now.

Mr. Kier seconded Mr. Miller's motion.

MR. QUINN: Mr. Spender, do you have any idea of how much this will cost?

MR. SPONDER: As you realize, this does not come under my commitment to the City. I would have to have \$500.00 to defend and \$250.00 outside costs. It might not cost this much but it is a safe figure.

MAYOR KIPNIS: Mr. Sponder, where is this appeal taken?

MR. SPONDER: It is taken from Circuit Court to Second Court of Appeals in Lakeland.

MAYOR KIPNIS: After that taken to Supreme Court if necessary.

MR. SPONDER: We may, even if we win, be taken to Supreme Court by the other side.

MAYOR KIPNIS: In past cases, we have had co-counsel on this.

MR. SPONDER: I assure you I will take co-counsel on this, if I feel I need it. I believe I can take care of this.

Upon roll call vote of Mr. Miller's motion and Mr. Kier's seconding to allow Attorney Sponder proceed with appealing the case of Johnson versus the City of Pembroke Pines, all those present were in favor and none opposed.

MOTION: Mr. Kier made a motion to allocate from the Contingency Fund up to \$750.00 to Attorney Sponder to appeal this case. Mr. Miller seconded the motion. Upon roll call vote all those present were in favor and none opposed.

MR. SPONDER: I hate to bring this up at this time, but it is important that it be taken care of due to the unfortunate death of Mr. Avolese. I have been in contact with Mr. Bradford and Mrs. Gates. The State Election Board does not provide for this. The Council has the authority to make some provision as to what is to be done with Mr. Avolese's position on the ballot. I bring this up with reluctance but this is the last moment.

MR. KIER: Can the name be covered and the keys fixed?

MR. SPONDER: It will have to be done with Council approval. The slot can be locked and the name covered with Council's approval.

MR. RIZZO: Is it necessary for the Council to notify the people of this blocking of Mr. Avolese's name so they would have time to think of another candidate?

MR. O'DONNELL: The newspapers will print it and it will be blocked so the people can't vote for him anyway.

MOTION: Mr. Kier made a motion to have Mr. Avolese's name covered and the slot locked on the voting machine for the Primary Election of January 6, 1962. Mr. Moran seconded the motion. Upon roll call vote all those present were in favor and none opposed.

MR. Kier stated that he had a copy of a Fingerprint and I.D. card Ordinance of the City of Hollywood, which he would turn over to Attorney Sponder to study and come up with an ordinance

suitable for the City of Pembroke Pines .

Mr. O'Donnell read a letter of resignation as Prosecuting Attorney for the City from William J. McNaughton. He stated in the letter he was forced to resign because of other duties.

MOTION: Mr. Miller made a motion to accept Attorney McNaughton's resignation. Mr. Kier seconded the motion. Upon roll call vote all those present were in favor and none opposed.

OLD BUSINESS.

Mr. Geiger asked if anything had been done about the fire hydrant situation.

MR. WHITE: A representative of Welwyn Water is to come in. We will try to spot for additional hydrants.

MR. KIER: Mr. White, did we mention writing a letter on a traffic light at 69th Avenue?

MR. WHITE: I wrote a letter six months ago. Mr. Jim Chandler is to come in to try to survey for lights and signs.

MR. KIER: How about the entrance to Pembroke Pines?

MR. WHITE: Mr. Snow is looking into this. He has been working on it, but I haven't heard from him.

Mr. White then read a letter written to Mr. Snow asking for a reply to a letter of November 14, 1961 asking for recommendations on the entrance to 69th Avenue , what needs to be done about the ponding of water at the Shopping Center and conditions of the swales.

MR. KIER: I get very frustated over these things. We just keep talking and get nothing done. Suppose we needed the City Engineer . Could we get him?

MR. WHITE: I can say this, when the final inspection was up for a bond release, he was there. He says he is working on this.

MR. KIER: Mr. Sponder, who has jurisdiction over the parking lot at Pax?

MR. SPONDER: Parking lots are private property, under jurisdiction of the owners. We can have owners mark them by amending our ordinance. But if this has been dedicated, it is under the jurisdiction of the Police Department. In this case the City has the right to mark the paved area and enforce the traffic ordinance.

MR. O'DONNELL: The plat reveals it has been dedicated to the public.

MR. KIER: Mr. Sponder, will you look into this and provide some type of ordinance to have exits and entrances to parking lots marked so as to not be a hazard?

MR. SPONDER: This should go to the Zoning Board.

MR. FERRARO: I will recommend it to the Zoning Board.

MR. SPONDER: Why not approach the A & P and ask them to set up the signs. They might cooperate in this.

MR. SWENGEL: At a Council Meeting in September, the City Engineer was asked to go and check the conditions existing between 68th and 69th Avenue as to conditions of the swales. He was also asked to check the driveways. Mr. Snow told me they were not up to specifications. He had a report to bring to Council. If he brought this to Council, what action has been taken?

MR. O'DONNELL: I have never seen this report. I really think we should do something about 9th St. We have a responsibility to see that something is done.

MR. KIER: I think Mr. Swengel wants to know where this report is. I suggest Mr. White contact Mr. Snow and urge him to make this report. We have to go by what our City Engineer reports.

MR. SWENGEL: I would rather you would hear this from Mr. Snow, but I assume most of you have driven down this street. You don't need the City Engineer to see that it is not right.

MR. WHITE: There never was a bond on this. As far as forcing anyone to do this, we will have to say it is City property and decide who is to do it, the city or the residents.

MR. O'DONNELL: Mr. Snow, will you tell us about the reports on 9th Street, we were supposed to receive? Did you make this report?

MR. SNOW: I made it verbally, not in writing.

MR. O'DONNELL: Also, Mr. Snow, I believe we also asked for a report on the 69th St. entrance and the ponding of water at the Shopping Center.

MR. SNOW: I gave all of these reports verbally. I checked with the Developer, Mr. Hogan, and he informed me it is not his responsibility for these swales and driveways. Mr. Davis and Mr. Wyndell were here for the final inspection. Mr. Davis said the developers were not obligated for any future work on 9th Street. We did get permission to cut down the side of 9th Street.

MR. SWENGEL: I am trying to find out if swales were up to specifications. Mr. Snow said they were not.

MR. SNOW: They are still not right in my opinion. The developers say they are not obligated. The County Engineer and the Chief Inspector says they are not obligated.

MR. SWENGEL: Did the City of Pembroke Pines allow the developers to tear this up and not repair it according to specifications?

MR. O'DONNELL: When we met with Mr. Wyndell and Mr. Davis, he notified me that driveways were according to the specifications of Mr. Snow.

MR. SNOW: They said they had been cut according to specifications at one time, but they could have gathered fall-in since then. I still am not satisfied. I want them dressed.

MR. O'DONNELL: They were built to your specifications.

MR. SNOW: They were cut to my specifications, back as far as they could.

MR. SWENGEL: They are not cut within fifteen feet of the property line. That is why they are not right.

MR. SNOW: I made a request that yours, Mr. Swengel, and Mr. Smith's driveways be corrected. I got no cooperation.

MR. MILLER: Mr. Snow, did we not pay a fee for a survey on these conditions? Did you submit these plans?

MR. SNOW: Yes, I did, and submitted them. They did not go by them. They had two plans, one they submitted to FHA and one to me.

MR. MILLER: You were to draw up specifications and submit them to Mr. McCroy. What became of your survey?

MR. SNOW: I still have the original. I submitted a set of them to Mr. McCroy. He said the plans he had submitted to FHA were the same.

MR. MILLER: Did you call attention to the driveways?

MR. SNOW: Merely a note saying the driveways would be according to specifications. I later called this to the Contractor's attention, and he told me to mind my own business or if I had any complaints to take it up with the County Engineer.

MR. KIER: In other words, this was not built in accordance with plans?

MR. SNOW: The width of the street and the driveways yes, but not the swales.

MR. SWENGEL: This answered my question but what action are you going to take now?

MR. SPONDER: Is this situation on the South side a violation of our City ordinance?

MR. SNOW: Yes, it is.

MR. SPONDER: Is Mr. Swengel's driveway and swale in violation?

MR. SNOW: The swale is in violation. I have objected to these conditions and been over ruled.

MR. O'DONNELL: Who over ruled you, Mr. Snow?

MR. SNOW: The County Engineer, his assistant and the President of this Council. You told me, Mr. O'Donnell, to lay off that developer, to take it easy on them. You said you had personal benefits from them. I have proof that you did say this.

MR. O'DONNELL: Mr. Snow, that is a lie. If you have any charges bring them before Council.

MR. SNOW: That is what I am doing now. I can prove this. I can bring a witness in.

MR. O'DONNELL: I also have witnesses, the County Engineer and his assistant. Bring your witness before me and anyone else you wish. But when you make a statement like this be prepared to back it up.

MR. SNOW: You objected to my objections and told me to lay off. I can prove it by the Building Inspector.

MR. SPONDER: I will go into this with Mr. Snow and Mr. White. I will also go over the ordinance and find out the penalty and see what the city may have to do to rectify the situation. This is the first time this has come up to me and it is a complex problem.

MOTION: Mr. Kier made a motion to adjourn. Mr. Rizzo seconded the motion. The meeting adjourned at 10:05 P.M.

NEXT MEETING JANUARY 18, 1962 at 7:30 P.M.

Respectfully submitted,

Flora Candler