

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, MAY 5, 2008
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR CENTER
16701 SOUTHWEST 72 AVENUE
PALMETTO BAY, FLORIDA

I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Mayor Flinn called the meeting to order at 7:00 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Councilman Ed Feller, MD
Councilman Paul Neidhart
Councilwoman Shelley Stanczyk

The following staff members were present:

Village Manager Ron E Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

Mayor Flinn asked the Daisy Scouts of Troop 446 (Winhold Montessori School) to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Proclamations to Eagle Scouts of Troop 457: Mayor Flinn asked School Board Member Evelyn Greer and the Daisy Troop to join him in presenting Proclamations to honor of the following Eagle Scouts: Daniel E. Belisario-Lara, Kevin Carlson, Nicholas Gladieux, Harrison Hodgman, Stephen Leatherman, Matthew Marvel, and Michael L. Rivera. The parents of the Scouts were recognized.

Mayor Flinn thanked the girls of Troop 466: Elizabeth Meeks, Maia Snyder and Sierra Castillo and encouraged them to continue with Scouts.

B. Update from School Board Member Evelyn Greer

School Board Member Greer provided a report, explaining how the School Board is facing a difficult year for funding. She provided a chart depicting that Miami-Dade ranking 50th in funding throughout the State of Florida for public school system. She also noted that Miami-Dade tax payers pay 65% of their taxes toward State public education and, although we pay more locally than most other counties, very little gets returned to Miami-Dade County. She provided

information regarding recent proposed budget cuts, such as eliminating field trips, all discretionary summer school and psychologists, janitors, library/media specialists, cars, bonuses, teacher and administrator raises, and explained that further budget reductions are needed. Board Member Greer reported that there is some positive news: new school construction is eliminating overcrowding and full-time gifted programs will now be in a child's "home-school". She stated that some of the new high schools being constructed are a medical arts magnet located at the former site of Homestead Hospital, a Math-Science high schools planed in conjunction with the University of Miami at a site west of Metro zoo, and South Dade Senior now has an IB program. She stated that no boundaries in the Palmetto Bay feeder pattern are at risk of being changed.

Discussion ensued regarding Mayor Flinn's question of any increase of revenue due to the recent changes in gambling laws. Mrs. Greer noted that the Miami-Dade School system realized an insignificant amount of revenue.

Vice Mayor Robinson expressed her concern regarding the reductions in population. Mrs. Greer noted that losses in population are continuing and the schools are continuing to insure that residency requirements are met. Vice Mayor Robinson congratulated Mrs. Greer for being honored for Big Brothers/Big Sisters.

- C. Presentation to Waste Management re: support of Autism Speaks: Mayor Flinn thanked Jason Neal of Waste Management for his attendance at our Earth Day celebrations and also for his support of the dunk tank for Autism Speaks.

Mr. Neal provided an explanation regarding the revisions to the recycling program

Local School Presentations re: Earth Week: Mr. Bill Kress, Public Information Officer, gave a report concerning the events that occurred during Earth week. He thanked all of the schools, Coral Reef Elementary, Perrine Elementary, Howard Drive Elementary, Alexander Montessori School, and Winhold Elementary.

Mayor Flinn thanked Mr. Kress for his hard work.

- D. Presentation of Commuter Challenge award: Mr. Kress noted that the Village had asked the public to provide input as to how they did during their commuter challenge. He advised that Judy and Charles Jones are awarded three months of free transportation from Miami-Dade County. Mr. and Mrs. Jones each encouraged all to use alternative transportation.
- E. The Green Mobility Network: Mayor Flinn provided Mr. Tullberg with a certificate of appreciation for the Green Mobility Network, specifically thanking Mr. Tullberg for his assistance.

- F. Mr. Kress also thanked Stuart Guthrie, Bill Best, Baptist Health South Florida, and Ludovici and Ludovici, PA for their assistance and generosity.

III. APPROVAL OF MINUTES

- A. Minutes of the April 7, 2008 Regular Council Meeting

Councilman Feller moved to approve. Seconded by Councilman Neidhart. The Minutes were approved unanimously (5-0).

IV. VILLAGE MANAGER'S REPORT

Manager Williams encouraged Council and the public to take advantage of on-line GovQA citizen response center that is currently active on the Village's website. He reported that the South Florida Water Management District has modified the water restrictions and asked all to review the new dates (a link is available on the Village's website).

Finance Director Desmond Chin provided the Second Quarter – Budget to Actuals report, noting that all departments are under budget and the Village may realize a \$1,000,000 surplus if the trend continues.

Commander Gregory Truitt provided a public safety update.

Mayor Flinn remarked that he became aware of a neighborhood fire due to a neighbor reporting it to him. Commander Truitt noted that the fire resulted in a road closure, and the Unit facilitated public safety. He stated that it remains important to have proper communication and he has instructed his Sergeants to call the duty officer and report any problems.

Manager Williams stated that staff will endeavor to continue to keep the Council involved and informed. Discussion ensued concerning coordinating communication efforts and community outreach between the Village's Public Works, Parks and Police Department.

Clerk Rader advised that there will be a zoning hearing on May 12th at Southwood Middle School and a Town Hall meeting on May 29th at 6 pm at the Deering Estate Visitors' Center.

V. VILLAGE ATTORNEY'S REPORT

Attorney Boutsis noted that she is scheduling an ethics workshop for the new advisory boards and staff. She also reported that she is currently working with Code Compliance regarding a property and may have to seek injunctive relief to clean the property. She will keep Council informed of the progress.

VI. BOARD AND COMMITTEE REPORTS: None at this time.

VII. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE PARKS GROUNDS MAINTENANCE CONTRACT WITH TIP TOP ENTERPRISES THROUGH SEPTEMBER 30, 2008; AND DISBURSE AN AMOUNT NOT TO EXCEED \$13,500; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$28,736.73; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENT PROJECTS AT SW 92ND COURT FROM 178TH STREET TO 176TH STREET, SW 178TH STREET FROM SW 93RD AVENUE TO SW 92ND AVENUE, SW 180TH STREET FROM SW 94TH AVENUE TO SW 94TH COURT, AND SW 141ST TERRACE FROM SW 80TH AVENUE TO SW 78TH COURT WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (C3TS) TO PROVIDE ENGINEERING SERVICES FOR DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION MANAGEMENT OF DRAINAGE IMPROVEMENTS, AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$36,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the Consent Agenda. Seconded by Councilman Feller. All voted in favor.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH GROUND KEEPERS, INC. TO PROVIDE TREE PLANTING SERVICES IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$75,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Robinson moved the item forward. Seconded by Councilman Feller. All voted in favor.

Manager Williams provided staff report.

Vice Mayor Robinson moved to approve the Resolution. Seconded by Councilman Neidhart. All voted in favor.

Attorney Boutsis distributed an add-on item sponsored by Councilwoman Stanczyk and read the caption.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE REQUEST OF FAIRWAY ESTATES HOMEOWNERS' ASSOCIATION'S DESIRE FOR ANNEXATION; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilwoman Shelley Stanczyk)

Attorney Boutsis noted that a motion and second would be needed to add the item to the Agenda. Councilwoman Stanczyk so moved. Vice Mayor Robinson seconded. The Motion carried 4-1 with Councilman Neidhart being opposed.

Mayor Flinn asked Councilwoman Stanczyk if she would consider adding the Falls to the proposed Resolution.

Councilwoman Stanczyk agreed.

Mayor Flinn opined that approval of the proposed resolution would allow both areas to go through their process and then the people of Palmetto Bay would be allowed to vote.

Councilman Feller stated that issues such as economics of the area, and what the Palmetto Bay residents' desire need to be addressed. He noted that when the Falls' representatives came to the Village, many citizens expressed that they didn't want to expand. He suggested deferring the matter or defeating it and having the topic be placed on the Town Hall meeting agenda. Councilman Feller suggested that expansion should only be allowed as a referendum.

Councilman Neidhart concurred, adding that he had received many emails against the Falls' request and has heard nothing positive concerning Fairway Estates. He stated that he would also like to place the matter on the agenda for the town hall meeting.

Following brief discussion, Mayor Flinn asked if passage of the proposed resolution would have any financial impact. Manager Williams replied that the groups have the onus to spend the resources and funds, if needed. At this point, the Village is not responsible for any due diligence.

Councilman Feller opined that the resolution expresses our support for the groups to begin the next step. He reiterated that the matter should be deferred and heard as a topic at the Town Hall meeting.

Councilwoman Stanczyk stated that the Village should continue to discuss it at the Town Hall meeting, but the matter should move forward now.

Vice Mayor Robinson called the question. A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: no; Councilman Neidhart: no; and, Councilwoman Stanczyk: yes. The Resolution passed 3-2.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO WAIVER OF POSSIBLE CONFLICT PURSUANT TO VILLAGE CODE OF ETHICS SECTION 3(B), AFTER PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this matter forward. Seconded by Councilman Neidhart.

Attorney Boutsis provided staff report.

Mayor Flinn remarked that all of the tournament events were planned before Mr. Rehban became an employee.

Mayor Flinn opened the public hearing. No one wished to be heard. He closed the public hearing.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously (5-0).

- X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:**
None at this time.

XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, RELATING TO ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE VILLAGE OF PALMETTO BAY, FLORIDA, SAID AMENDMENTS TO INCLUDE A NEW EDUCATIONAL FACILITIES ELEMENT,

AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT AND AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, TO OTHER UNITS OF GOVERNMENT AND TO OTHER REVIEW AGENCIES AS REQUIRED BY LAW; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Staff requests deferral)

Attorney Boutsis requested deferral, noting that several agencies have to finish review prior to final adoption.

Councilman Feller moved to defer. Seconded by Councilwoman Stanczyk. All voted in favor.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; ESTABLISHING THE REGISTRATION FEE SCHEDULE FOR THE 2008 SUMMER CAMP PROGRAM; PROVIDING EXCEPTIONS; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this matter forward. Seconded by Councilman Feller.

Manager Williams provided staff report, noting that the fee is appropriate and fair amount to charge.

Parks and Recreation Director Ana Garcia provided information concerning the camp.

Vice Mayor Robinson asked if the Village gives scholarships.

Director Garcia noted that Eastern Financial Credit Union is providing a donation again this year and the Village can use it as it sees fit.

Mayor Flinn asked staff to consider Fall or holiday camps and spring break camp.

Mayor Flinn opened the public hearing. No one wished to be heard. He closed the public hearing.

Councilwoman Stanczyk asked if the Village considered a discount for families with more than one child.

Director Garcia stated that staff feels the price is reasonable at \$110 per week with a field trip and swimming, as the average camp in the surrounding area is \$125 and \$150.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously (5-0).

- C. AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AMENDING ORDINANCE NUMBER 03-06 RELATING TO "PLANNING AND ZONING POWERS;" PROVIDING FOR AN UPDATE OF BU-2, "SPECIAL BUSINESS" ZONING DISTRICT TO BE CONSISTENT WITH THE 2006 UPDATES IN THE MIAMI-DADE COUNTY CODE, PROVIDING FOR HOTEL USE WITHIN THE BU-2, BUSINESS ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. [Sponsored by Councilperson Neidhart].

Councilman Neidhart moved this matter forward. Seconded by Vice Mayor Robinson.

Planning and Zoning Director Arleen Weintraub provided staff report.

Mayor Flinn asked if condominiums or apartments would be part of this use.

Director Weintraub noted that only hotel use would be permitted by adopting this ordinance.

Vice Mayor Robinson asked for clarification regarding the height of nine stories.

Director Weintraub stated that as height increases, the setbacks become larger and square footage would be an issue for the developer at significant heights. She noted that this ordinance adds a "permitted use" of hotels.

Mayor Flinn opened the public hearing. The following individuals spoke: Eric Tullberg, 7884 SW 179 Terrace, in opposition. Brian Pariser, 15300 SW 78 Court, asked if a bed and breakfast is the same as hotel use. Director Weintraub stated that she would have to research the question.

Mayor Flinn asked Mr. Pariser if believed that the BU areas along US-1 should also have hotel use.

Mr. Pariser concurred, stating that he is not in favor of a hotel in the area across from the Deering Estate Visitor's Center. Mayor Flinn closed the public hearing.

Councilman Feller stated that the Village inherited the zoning of one small area and he does not believe that anyone would build a large hotel there.

Following brief discussion, Councilwoman Stanczyk asked if this is a general zoning change, not a request for zoning change by an individual.

Mayor Flinn replied that the zoning change is general; however, many are focusing on the property nearby. He opined that a hotel use is a viable use on US-1, and does not believe that you can treat BU differently on US-1 than you can on Old Cutler.

Councilman Neidhart expressed his support.

Following discussion concerning site specific zoning, a roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: no. The Ordinance was adopted (4-1), Councilwoman Stanczyk being the sole opposition.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS: No one wished to be heard.

XIII. MAYOR AND COUNCIL COMMENTS

Councilman Neidhart complimented Mayor Flinn and Bill Kress for the earth week events. Vice Mayor Robinson concurred.

XIV. OTHER BUSINESS

Vice Mayor Robinson expressed that she was proud of the Palmetto Bay team in the legislature.

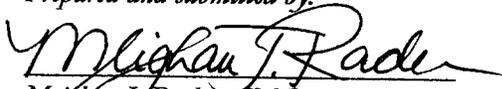
Mayor Flinn suggested that staff contact Cutler Bay regarding sharing the cost of ownership of the materials for future movie nights.

Councilman Neidhart concurred, adding that speakers and amplifiers should be purchased for the bandshell/gazebo.

Mayor Flinn thanked Mr. Kress, Manager Williams and Clerk Rader for their assistance with Earth Week, stating that it was fun and we achieved our goal of raising awareness.

XV. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 9:45 p.m.

Prepared and submitted by:


Meghan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 2nd day of June, 2008.*



Eugene P. Flinn, Jr., Mayor

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