

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of September 14, 2009
Deering Estate Visitor's Center
16701 SW 72 Avenue

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

Mayor Eugene P. Flinn, Jr.
Vice Mayor Brian W. Pariser
Council Member Ed Feller
Council Member Howard Tendrich
Council Member Shelley Stanczyk

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

Mayor Flinn called the meeting to order at 7:10 p.m. Mayor Flinn led the pledge of allegiance

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Award to Perrine Elementary and Howard Drive Elementary Schools – Village of Palmetto Bay Recycling Initiative Contest

Mayor Flinn, the Village Council and Director of Parks and Recreation Fanny Carmona came forward to make presentations to the Schools and their representatives.

Director Carmona thanked the representatives of the schools. Mayor Flinn remarked that he was proud of our younger generation for getting involved with the importance of recycling.

Mayor Flinn presented Perrine Elementary with a check in the amount of \$1,000 for their efforts to encourage recycling and other conservation efforts. Second place was award to Howard Drive Elementary.

Principal Ferrer thanked the Council and expressed how proud she was of the children for their diligence and conscientiousness.

Principal Dalby thanked the Village and briefly described their "Green and Dream" challenge, which was a five-step program to encourage all to reduce their carbon footprint.

Councilman Tendrich moved to hear the Resolution concerning the Bicycle and Pedestrian Master Plan. Seconded by Vice Mayor Pariser. All voted in favor.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE BICYCLE AND PEDESTRIAN MASTER PLAN REPORT, ACCEPTING THE FINAL REPORT DOCUMENTS AND RECOMMENDATIONS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO PROCEED WITH IMPLEMENTATION OF THE REPORT FINDINGS, FOLLOWING IDENTIFICATION AND AVAILABILITY OF APPROPRIATE FUNDING SOURCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Williams provided staff report. He thanked Councilwoman Stanczyk for her assistance and noted that staff received MPO grant to perform this study. This plan is a blue-print, a concept developed by a committee of residents to use as a tool for these ideas for consideration. He stated that an amendment to the comprehensive plan would be needed. He thanked the Committee for their service and the consultant.

Councilwoman Stanczyk thanked Eric Tullberg, Bill Best, and Bruce Barton (members of the Committee who are present this evening.) She noted that the quality of the Old Cutler Bike Path should be improved due to their significant work. She explained that this report is an initiative to encourage those to bike/walk and improve our health.

Mayor Flinn asked how many meetings were held. Manager Williams noted that the Committee met four times: 1/29/09, 6/12/09, 7/14/09, and 7/30/09. He remarked that the plan is a broad conceptual plan and that staff is open to any comments of Council

Mayor Flinn asked if any of the aspect of the plan were currently funded. Manager Williams replied that they were not. Mayor Flinn asked if this plan is accepted as is, it would give critical mass to go forward and seek funding. Manager Williams agreed that it would.

Mayor Flinn allowed public comment. The following individuals addressed the Council: James Woodard, 17001 SW 90 Avenue; Joanne Connally, 17505 SW 84 Avenue; Pablo Munoz, 7100 SW 146 Street; John Nanni, 17634 SW 82 Court; Dan Iglesias, former police officer; Frederic Duvall, 163 Street and 86 Court; Steve Turner, 16826 SW 88 Ave Road; Gail Galvan, 16225 SW 88 Avenue Road; Bryce Goodnature, 15740 SW 77 Avenue; Beth Kibbler, 7462 SW 166 Terrace; Jerry Templer, 8120 SW 182 Street; Kelly Fullerton, 17500 SW 86 Avenue; Eric Tullberg, 7884 SW 179 Terrace; Chris Dabio, 8601 SW 163 Terrace; Barbara Kirth, 77 Avenue and 174 Street; Noria Wray, 7620 SW 174 Street; Brian Fraind, 7640 SW 159 Terrace; Henry Clifford, 8875 SW 173 Street; Donna Latshaw, 8825 SW 154 Terrace; and, Brihana _____, 7720 SW 173 Street. Mayor Flinn closed public comment.

Councilman Tendrich noted that the funding from MPO is for the plan, not for the actual work on the study.

Discussion ensued. The Councilmembers and the Mayor each stated that the plan is a good plan; however, it is a guide.

Councilwoman Stanczyk stated that she appreciates the work of the committee and their desire to increase safety and accessibility. She moved to remove all references to pedestrian bridges and connectivity over canals. Councilman Feller seconded the motion. All voted in favor (5-0).

Councilman Feller moved to amend the resolution at line 13 and 14, page 2 - strike "authorize its implementation" and substitute "will use it as a guide." Seconded by Councilman Tendrich. Following discussion, all voted in favor (5-0).

The Council moved to approve the Resolution as amended. All voted in favor (5-0).

Councilman Feller moved to delay the Council meeting and return to the Budget. All voted in favor.

Councilman Feller moved to reconvene. Councilman Feller seconded. The meeting reconvened at 10 p.m.

3. APPROVAL OF MINUTES

- A. Minutes of the July 13, 2009 Regular Council Meeting
- B. Minutes of the July 20, 2009 Local Planning Agency Meeting
- C. Minutes of the July 20, 2009 Special Council Meeting
- D. Minutes of the August 6, 2009 Special Council Meeting
- E. Minutes of the August 10, 2009 Local Planning Agency Meeting
- F. Minutes of the August 10, 2009 Special Council Meeting

Councilman Feller moved to approve the Minutes as approved. Seconded by Councilman Tendrich. All voted in favor.

4. CONSENT AGENDA

- A. 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 FBM LAW OFFICES IN THE AMOUNT OF \$47,306.48; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CLEANING SERVICES AT THE VILLAGE OF PALMETTO BAY, VILLAGE HALL MUNICIPAL OFFICES; AUTHORIZING THE VILLAGE MANAGER TO RENEW THE CONTRACT WITH KELLY JANITORIAL SYSTEMS, INC. TO CONTINUE PROVIDING CLEANING SERVICES AT VILLAGE HALL

MUNICIPAL OFFICES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$22,654.32; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. 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 AUTO ELECTRIC SERVICE TO PROVIDE VEHICLE REPAIR AND MAINTENANCE SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$10,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LEGISLATIVE SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A LEGISLATIVE CONSULTING SERVICES AGREEMENT WITH CARDENAS PARTNERS, LLC FOR FEDERAL LOBBYING SERVICES AND ISSUE A PURCHASE ORDER FOR THE AMOUNT OF \$50,000 FOR A ONE YEAR PERIOD; AND PROVIDING EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE TWO 2009 FUNDING GRANT APPLICATION TO THE OFFICE OF SAFE NEIGHBORHOOD PARKS FOR CORAL REEF PARK AND THALATTA PARK RESPECTIVELY; PROVIDING A MATCHING COMMITMENT FOR EACH PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Clerk Rader reported that no one had asked for any items to be removed from the Consent Agenda.

Councilman Feller moved to approve the Consent Agenda. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion carried.

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council, encouraging all to walk, pedal, or roll to the park to reduce the number of spaces required.

6. VILLAGE MANAGER'S REPORT

Manager Williams reported that as of September 1st, the Village is now "live" with the Financial Management Program; staff is working well with the software.

Councilman Feller provided an explanation regarding a prescription drug discount card program through the National League of Cities. A discount prescription card is available to any Palmetto Bay resident through the Florida League of Cities and support from Caremark and CVS. The card would not be used if your insurance pays for your prescription; however, this card is accepted at most pharmacies for those prescriptions that may not be

covered. It is useful for those with insurance, too, as sometimes your insurance does not cover a drug that you need; however, in this case you can buy it and receive a 25% discount. Also, for Medicare patients with Part D, it may be useful, as you do have coverage up to \$2,500. Then, you may use this card for the 25% during the non-coverage from \$2,500 to \$4,000. All should get the card, examine your own situation, and use it as needed. We will be promoting this vigorously throughout the Village.

Manager Williams noted that staff will have sign-up information at Village Hall and at State of the Village.

Clerk Rader provided the calendar update.

7. VILLAGE ATTORNEY'S REPORT

A. August/September Update: Attorney Boutsis noted that staff will be seeking an extension of the moratorium to December and that she would describe it further at the next Committee of the Whole meeting to review the last land development code ordinance and telecommunication procedures.

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

9. RESOLUTIONS

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE POLICE SERVICES INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY; AUTHORIZING EXTENSION OF THE AGREEMENT, CHANGES TO OTHER SPECIFIC PROVISIONS AND TRANSMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY PROVIDING AN EFFECTIVE DATE

Councilman Tendrich brought this matter forward. Seconded by Councilman Feller.

Manager Williams provided staff report, noting that his office and the Village Attorney had been working on this matter for several months. He said that the agreement was modified to five years in order to dispense with a tremendous amount of administrative effort; however, it does not restrict our ability to work within the contract. He noted that emergency response time is 6.5 minutes and non-emergency to 15 minutes (was 30 minutes) in the contract. He explained that staff replacement is clearly defined. Manager Williams stated that with regard to units being located outside the Village, he will be given a full report on any outside the village duty.

Mayor Flinn thanked the police for their service. He noted that he wants to insure that the Commander is involved in the planning of the police department for the future village hall.

Councilman Tendrich suggested that the agreement should expire June 30th. Attorney Boutsis stated that she would check.

Major James O'Donnell, MDPD, thanked the Village for their hard work.

Following brief discussion, Councilman Feller moved to approve the Resolution. Seconded by Councilman Tendrich. All voted in favor. The Resolution was adopted (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGEWIDE LOCALIZED DRAINAGE IMPROVEMENTS PHASE III; APPROVING THE SELECTION OF TASCO ENGINEERING GROUP, INC., TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$140,845.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams noted that this Resolution continues the stormwater master plan, which is matched by the stormwater utility and funded through state grants.

Mayor Flinn called the question. The Resolution was adopted (5-0.)

10. **RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.

11. **ORDINANCES FOR FIRST READING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CHAPTER 30, DIVISION 100, ENVIRONMENTAL REGULATIONS, RELATING TO SECTION 6 ENTITLED "FLOOD PLAIN MANAGEMENT"; AMENDING SAME TO COMPLY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UPDATES REQUIRED OF ALL CITIES, COUNTIES ACROSS THE COUNTRY RELATING TO FLOOD PLAIN MANAGEMENT; SAID UPDATES WERE CREATED BY FEMA IN 2009 AND ARE MANDATED TO BE INCLUDED IN THE VILLAGE'S ORDINANCE 30-100.6, RELATING TO SAME; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Tendrich moved the matter forward. Vice Mayor Pariser seconded.

Mayor Flinn asked if the Council had any discretion over this matter. Attorney Boutsis advised that it is required by federal law.

Mayor Flinn called the question. All voted in favor. The Ordinance was adopted on first reading (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING CHAPTER 15 ENTITLED WATER CONSERVATION AND EMERGENCY WATER RESTRICTION ENFORCEMENT; AMENDING THE VIOLATION/CITATION FEE SCHEDULE FOR WATER VIOLATIONS, REDUCING THE VIOLATION FEE SCHEDULE FOR FIRST, SECOND AND THIRD OFFENSES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Vice-Mayor Brian W. Pariser and Council Person Howard Tendrich].

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

Attorney Boutsis explained that the Council previously discussed this matter at a Committee of the Whole meeting.

Vice Mayor Pariser asked Attorney Boutsis whether the repeat offenders would be on a one-year or five year basis.

Attorney Boutsis noted that the standard is five year for repeat offenders, which is currently in place.

Mayor Flinn called the question. All voted in favor. The Ordinance was adopted on first reading (5-0.)

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 30, DIVISION 60 ENTITLED "GENERAL REGULATIONS" BY ADOPTING SECTIONS 30-60.10 AND 30-60.11 RELATING TO DEMOLITION AND CONSTRUCTION FENCING REQUIREMENTS; REQUIRING FENCING OF CONSTRUCTION AND DEMOLITION SITES; REQUIRING SITE MANAGEMENT PLANS FOR CONSTRUCTION AND/OR DEMOLITION ACTIVITIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Staff requests deferral)

Attorney Boutsis asked for deferral until the November Council meeting and that staff would provide a report at the next Committee of the Whole meeting.

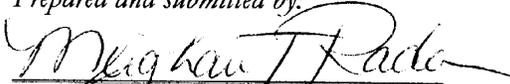
Councilwoman Stanczyk moved to defer the matter to the November Council Meeting and to place the matter on the Agenda for the next Committee of the

Whole meeting. Seconded by Councilman Tendrich. All voted in favor. The Motion carried (5-0).

13. **OTHER BUSINESS:** None.
14. **COUNCIL COMMENTS:** None.
15. **NEXT MEETING AND ADJOURNMENT**

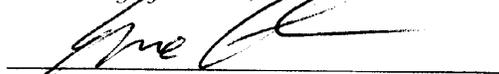
The Meeting was officially adjourned at 10:40 pm.

Prepared and submitted by:



Meighan J. Rader, CMC
Village Clerk

Adopted by the Village Council on
this 5th day of October, 2009.



Eugene P. Flinn, Jr., Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.