

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of Monday, January 11, 2010
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 7:00 p.m. Mayor Flinn asked Phillis Oeters to lead the pledge of allegiance. She asked Mayor Flinn to allow her to give an invocation, to which he agreed. Ms. Oeters offered an invocation.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of Phillis Oeters, President and Chairman of the Orange Bowl Committee: Mayor Flinn recognized Phillis Oeters and thanked her for her leadership. He noted that Baptist is one of the premier organizations for community service and activism.

Councilman Feller thanked Ms. Oeters for her many years of service. He noted that the amount of charitable contributions that Baptist gives to the community is well in excess of what it is required to do so under its non-profit status.

Ms. Oeters thanked the council and expressed her gratitude to the employees of Baptist who work so hard to assist the community. She feels fortunate to be of service.

Vice Mayor Pariser thanked Baptist for sponsoring past State of the Village events for many years. He also thanked Baptist for recently beginning the seniors programs.

3. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of December 7, 2009
- B. Minutes of the Local Planning Agency Meeting of December 7, 2009
- C. Minutes of the Local Planning Agency Meeting of December 21, 2009
- D. Minutes of the Special Council Meeting of December 21, 2009

Councilman Tendrich moved to approve the Minutes as submitted. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion passed unanimously (5-0.)

4. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE ANNUAL WEST PERRINE DR. MARTIN LUTHER KING, JR., ANNUAL CELEBRATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE ANNUAL EDC GOLF TOURNAMENT; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING MIAMI-DADE COUNTY DADE DAYS FOR 2010 AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$3,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)
- D. 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 \$42,730.77; PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO SURPLUS EQUIPMENT; DECLARING THE COMFORT ELITE II ADA PORTABLE RESTROOM TO BE SURPLUS; AUTHORIZING THE VILLAGE MANAGER TO DISPOSE OF THE EQUIPMENT IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTES CHAPTER 274.06; AND PROVIDING FOR AN EFFECTIVE DATE
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO STATE LEGISLATIVE SERVICES; RATIFYING AND APPROVING AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$6,000.00 PER MONTH THROUGH FY 2009-10; PROVIDING EFFECTIVE DATE.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2009 IN THE AMOUNT OF \$10,856.00 FOR THE PURPOSE OF SUPPORTING ENHANCED TECHNOLOGIES FOR THE VILLAGE OF PALMETTO BAY'S POLICING UNIT; AND PROVIDING AN EFFECTIVE DATE.

Clerk Rader reported to the Mayor that no Council members had requested any item be removed from Consent Agenda.

Councilwoman Stanczyk asked to be included as a sponsor for Item B.

Councilwoman Stanczyk moved to approve the Consent Agenda. Seconded by Councilman Tendrich. All voted in favor. The items passed unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** No members of the audience wished to be heard.

Mayor Flinn stated that he had an item to add to the Agenda. He read the following caption:

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE PROPOSED GREEN CORRIDOR LEGISLATION; TRANSMITTING THIS RESOLUTION TO CERTAIN PUBLIC OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Add-on item)

Councilwoman Stanczyk moved this matter forward. Councilman Feller seconded.

Mayor Paul Vrooman of Cutler Bay was recognized and explained the item. He thanked Mayor Flinn for joining with Cutler Bay and other cities to encourage solar power. He explained that a program could be implemented to have a voluntary special tax assessment that would allow a city vendor to install solar power at a reduced rate and the solar power would reduce the amount of electricity being used. He explained that a lien would be placed on the home for 20 years and the lien would run with the house. Mayor Vrooman asserted that not only would the homeowner not have an electric bill, but another benefit would be selling back the power to FPL. He stated that local governments do not have the ability to issue the bonds to begin this program up front and the cities are seeking assistance to create a "green corridor" whereby the critical mass can issue bonds more efficiently, as multiple cities share the bond.

Mayor Flinn thanked Mayor Vrooman, and asked the Council to support this effort.

Mayor Vrooman stated that his Council will be considering the matter next week and Pinecrest has it on its Council agenda for tomorrow.

Pinecrest Councilman Joe Corradino remarked that this is a “great issue” wherein the cities can work together in a regional manner. He stated that he is hopeful that it will pass in Pinecrest.

Vice Mayor Pariser concurred, adding that he hopes this program would create a lien that would not be subordinate to any mortgage foreclosures.

Mayor Flinn called the question. All voted in favor. The resolution passed unanimously (5-0.)

6. VILLAGE MANAGER’S REPORT

Manager Williams reported the Village now has a firm date for our annual celebration: March 6. He advised that staff will be working on the picnic activities, including the annual Mayor’s Cup baseball game. He further reported that the Village will be participating in the West Perrine’s Martin Luther King, Jr., parade this coming Saturday. He also noted that the permit for the bridge at Coral Reef Park has been transferred to the Village from SFWMD and we will be taking care of activity on the bridge in the near future.

Mr. Bill Kress, Public Information Officer, provided information concerning the upcoming Arbor Day celebration. He noted that the 3rd Friday in January is Arbor Day and he asked all to join the Village as it dedicates a community butterfly garden at the library, planted by the Palmetto Bay Garden Club. He stated that we will be planting a Golden Cassius tree, donated by Valleycrest, and we will be planting a native tree, live oak, at the park as part of Xavier Cortada’s Reclamation Project. Mr. Kress thanked the preschoolers of Alexander Montessori will be helping.

Clerk Rader provided the calendar update.

7. VILLAGE ATTORNEY’S REPORT

A. January Update: Attorney Boutsis provided her written report.

8. BOARD AND COMMITTEE REPORTS

Manager Williams noted that staff has advised our boards that we are seeking a report. The next coming meeting will have a report.

9. RESOLUTIONS

A. A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN PROJECT COSTS INCURRED WITH PROCEEDS OF FUTURE TAX-EXEMPT FINANCING OR OTHER OBLIGATIONS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Councilwoman Stanczyk provided staff report. Seconded by Councilman Tendrich.

Manager Williams advised that staff is proceeding with the long term support for our village hall project. He noted that after consultation with the Village's bond counsel, this resolution is required in order to repair any expenses from the tax exempt measure when passed, without any tax consequences.

Mayor Flinn called the question. All voted in favor. The resolution passed unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC-PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION OF THE AIPP ADVISORY BOARD TO APPROVE THE ART SCULPTURAL FOUNTAIN AS DESIGNED BY OCTAVIO CUELLAR TO MEET THE AIPP ORDINANCE REQUIREMENTS FOR THE PALMETTO BAY POINT BUILDING LOCATED AT 17255 SOUTH DIXIE HWY; PROVIDING FOR SEVERABILITY; AND, AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Councilwoman Stanczyk.

Planning and Zoning Director Julian Perez provided staff report. He noted that the sculptural fountain meets the requirements of the arts in public places ordinance. He stated that the construction of the property is \$1.5 million, and the AIPP requirement is \$18,750; however, the proposed artwork is \$25K.

Following brief discussion, Mayor Flinn asked the developer if the conditions were acceptable. He stated they were.

Mayor Flinn called the question. All voted in favor. The resolution passed unanimously (5-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MIAMI-DADE TRANSIT AGENCY (MTA) FOR FEDERAL FUNDING PASS-THROUGH ARRANGEMENTS WITH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009 FEDERAL TRANSIT (FTA 5307); AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDED INTERLOCAL AGREEMENT WITH MTA TO PROVIDE TRANSIT ENHANCEMENTS WITHIN VILLAGE BOUNDARIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report. Attorney Boutsis added that this resolution includes the requirements under the federal stimulus.

Mayor Flinn called the question. All voted in favor. The resolution passed unanimously (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRANSIT CIRCULATOR SERVICES; AUTHORIZING LIMOUSINES OF SOUTH FLORIDA, INC. TO CONTINUE PROVIDING TRANSIT CIRCULATOR SERVICES; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Mayor Flinn thanked Manager Williams for his diligence and stated that the Village should consider the possibility of providing advanced amenities, such as an intra-park shuttle – from one park to another. He congratulated staff for being flexible with the routes.

Manager Williams stated that staff has contacted Pinecrest about the possibility of working together.

Councilman Tendrich suggested the proper date should be June 30th. Attorney Boutsis noted that she would correct the resolution.

Councilwoman Stanczyk called the question. All voted in favor. The resolution passed unanimously (5-0.)

10. RESOLUTIONS REQUIRING PUBLIC HEARING: None.

11. ORDINANCES FOR FIRST READING

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; AMENDING THE VILLAGE'S PERMIT FEE SCHEDULE FOR BUILDING, ZONING AND PUBLIC WORKS PERMITS; PROVIDING FOR A FEE EXEMPTION FOR ALCOHOL LICENSES AND SPECIAL EVENT PERMIT FEE EXEMPTIONS FOR NONPROFIT SPECIAL EVENTS, INCLUDING SPECIAL EVENTS BY HOMEOWNER'S ASSOCIATIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

Councilman Tendrich moved this item forward. Seconded by Councilwoman Stanczyk.

Attorney Boutsis provided staff report.

Councilwoman Stanczyk suggested the matter be further discussed at a Committee of the Whole Workshop.

Councilman Feller asked staff to provide the number of permits sought by non profits and homeowners' associations in the last year.

Mayor Flinn remarked that a homeowners' association is an internal event, a neighborhood party, wherein the group is not inviting members of the general public for profit.

Councilwoman Stanczyk moved to approve on first reading and schedule for discussion at the next Committee of the Whole Meeting. Seconded by Councilman Tendrich. All voted in favor (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, RELATING TO THE ESTABLISHMENT OF A LINE-OF-CREDIT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A FINANCE AGREEMENT WITH SUNSTATE BANK; PROVIDING FOR A THREE MILLION DOLLAR TAXABLE LINE-OF-CREDIT, PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Manager Williams advised that the Ordinance was not revised after the amendment at first reading.

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

Councilman Tendrich moved to include language to state that the line of credit would be used for the village hall only. Seconded by Vice Mayor Pariser. All voted in favor. Mayor Flinn called the question on the entire ordinance, as amended. All voted in favor. The Ordinance was adopted unanimously (5-0.)

13. OTHER BUSINESS

Councilwoman Stanczyk asked the Council to consider appointing her to be the Village's official member on the board of the Economic Development Council. Councilman Feller so moved. Seconded by Councilman Tendrich. All voted in favor (5-0.)

Mayor Flinn asked the Council to consider what items are important to them to include in the legislative agenda and be prepared to discuss at the next Committee of the Whole meeting.

Mayor Flinn advised that a hearing will be held on the 14th regarding the SFWMD lawsuit concerning purchasing the property for protecting Biscayne Bay. He asked the Council to authorize him to represent the Village. Councilman Feller stated that it is appropriate to have the Mayor represent the Village. The Council concurred.

14. COUNCIL COMMENTS

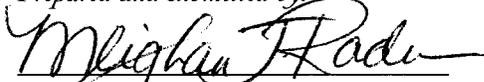
Vice Mayor Pariser thanked Commander Truitt for his success in reducing crimes and for being one of the number one agencies with regard to the speed within which we respond to emergencies.

Mayor Flinn noted that the Village will be participating with Artist Xavier Cortada and his “endangered world” project. He thanked the Council for their work in becoming a green community and thinking of the future.

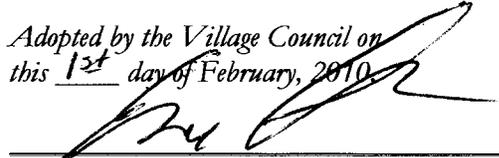
15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:25 pm.

Prepared and submitted by:


Meighan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 12th day of February, 2010.*


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.