

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of Monday, March 1, 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 led the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Proclamation of Publix Supermarkets, Inc., Palmetto Bay location: Publix Manager Troy Fauerbach, his wife Liz, daughter Kayla, and father Bill, were recognized and presented with a proclamation thanking them for their assistance during the recent fire in town.

3. APPROVAL OF MINUTES

A. Minutes of the Local Planning Agency Meeting of February 1, 2010
B. Regular Council Meeting of February 1, 2010
C. Minutes of the Special Council Meeting of February 10, 2010

Councilman Feller moved to approve the Minutes as submitted. Seconded by Councilman Tendrich. All voted in favor (5-0.)

4. CONSENT AGENDA

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO SIDEWALK IMPROVEMENTS; RESCINDING RESOLUTION 09-79 ADOPTED OCTOBER 6, 2009 PERTAINING TO SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING J A & M DEVELOPING CORPORATION TO PROVIDE SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER

AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT WITH THOR GUARD, INC. TO ENHANCE THE SAFETY AND WELFARE OF THE PARK PATRONS BY INSTALLING LIGHTNING PREDICTION SYSTEMS AND WARNING DEVICES AT TWO VILLAGE PARKS; FURTHER AUTHORIZING THE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$36,310; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE MANAGER TO EXECUTE AND ENTER INTO AGREEMENT WITH GROUNDKEEPERS, INC. FOR THE PURCHASE, DELIVERY AND INSTALLATION OF LIVE OAK TREES WITHIN PALMETTO BAY PARK; PURSUANT TO TERMS OBTAINED THROUGH COMPETITIVE SELECTION BY TOWN OF MIAMI LAKES PROJECT NO. 044533074; AND AUTHORIZING THE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$49,960.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FBM LAW OFFICES IN THE AMOUNT OF \$33,183.94; PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; EXPRESSING SUPPORT FOR INSTALLATION AND MAINTENANCE OF WIRELESS LOCAL AREA NETWORK ACCESS POINTS (WIFI) AT CORAL REEF PARK AND PALMETTO BAY PARK; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF EDWARD REESE HOLDINGS, INC. TO PROVIDE OPERATION OF CONCESSION FACILITIES AT VILLAGE PARKS PURSUANT TO BID NO. 2010-01; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO

CONTRACT NEGOTIATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Feller moved to approve the Consent Agenda. Seconded by Councilman Tendrich. All voted in favor. The Resolutions were passed unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; and Donna Latshaw, 8825 SW 154 Terrace, addressed the Council.

Councilwoman Stanczyk encouraged all to attend Relay for Life on March 13-14.

6. **VILLAGE MANAGER'S REPORT**

Manager Williams announced that the library will be holding their grand opening on March 19, 2010 at 10:30 a.m. and the Council will celebrate the dedication of the Edward and Arlene Feller Community Room and Amphitheater. He encouraged all to attend. He noted that the Council on this coming Saturday, March 6th, at 10 a.m., the Café Park View at Coral Reef Park will also be having a ribbon cutting ceremony.

Manager Williams noted that bids were received for the Comfort Elite II and staff will be preparing the necessary transfer documents.

Clerk Rader announced that the March 8th Zoning Hearing was canceled. Attorney Boutsis announced that the zoning matter on the agenda tonight will be tabled. Clerk Rader asked the Council to advise staff whether they would be available for a Community of the Whole Meeting this month; otherwise, the next Council meeting is scheduled for April 12.

7. **VILLAGE ATTORNEY'S REPORT**

- A. March Update: Attorney Boutsis provided a written report and also advised that the building moratorium is no longer in place.

8. **BOARD AND COMMITTEE REPORTS**

- A. Art-in-Public-Places Advisory Committee Update: Mary Liz Maggio, chair of AIPP, provided an update concerning the Committee's activities.

Mayor Flinn thanked the Board for their service. Councilwoman Stanczyk echoed his sentiment.

9. **RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ROADWAY

RESURFACING AND ROADWAY STRIPING; AUTHORIZING H & J ASPHALT, INC. TO PROVIDE RESURFACING AND STRIPING OF PUBLIC ROADWAYS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$250,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this matter forward. Seconded by Vice Mayor Pariser.

Manager Williams provided staff report.

Attorney Boutsis advised that the document had been reviewed and is appropriate in form and substance.

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; APPROVING THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM 2009 DISCRETIONARY INTEREST AND PRE-LAND ACQUISITION FUNDS GRANT AGREEMENT FOR CORAL REEF PARK AND THALATTA PARK IN THE AGGREGATE AMOUNT OF \$319,561; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved this item forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report. He noted that this item and the next two that follow allow the Village to expand on two important projects. He noted that the \$319,000 will be forthcoming with the signing of the agreement.

Vice Mayor Pariser thanked staff for their hard work. The Council noted that this was exceptional work on the park of staff.

Manager Williams recognized Parks and Recreation Director Fanny Carmona and Human Resources Manager Olga Cadaval for working so diligently on these grants.

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 PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED CHANGE REQUEST WITH PORTLAND

CONSTRUCTION; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE CHANGE ORDERS 10 AND 17 AT CORAL REEF PARK FOR THE AGGREGATE AMOUNT OF \$103,069.62; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams noted that this resolution would seek authorization to allocate \$103,069.92 of the grant dollars for a significant covering in the form of vinyl to provide shade from the elements at the concession facility and to make additional improvements.

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 PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED CHANGE REQUEST WITH PORTLAND CONSTRUCTION; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE CHANGE ORDER AND EXPENDITURE OF FUNDS AT THALATTA PARK IN AN AMOUNT NOT TO EXCEED \$218,392.70; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. Noting that this would allow grant dollars to be used to improve the walkway to the water and provide a covering from the preparation area to the entertainment area. He stated that the difference of \$3,000 would be funded from the parks budget.

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

Mayor Flinn recognized a special guest, Fidel Barreto of the City of Miami Fire Fighter Search and Rescue. Mr. Barreto provided the Council with information concerning his visit to Haiti to offer relief and assistance to those individuals who were impacted by the recent earthquake.

Mayor Flinn and the members of the Council thanked him for his service.

10. RESOLUTIONS REQUIRING PUBLIC HEARING

11. ORDINANCES FOR FIRST READING

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 CHAPTER 2, ADMINISTRATION; CREATING DIVISION 3 RELATING TO DOMESTIC PARTNERSHIPS; PROVIDING FOR EMPLOYEE BENEFITS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE (Sponsored by Mayor Eugene P. Flinn; co-sponsored by Councilman Tendrich and Councilwoman Stanczyk).

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

Attorney Boutsis provided staff report. Manager Williams added that from a fiscal standpoint, 10% is the established ceiling and it was important to insure that there was a level by which staff could make a recommendation.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: CJ Ortuna, Executive Director of Save Dade, 1614 Jefferson Ave, Miami Beach; Henry Clifford, 8875 SW 171 Street; Warren Lovely, 15323 SW 74 Place; and, Gary Pasterella, 7940 SW 142 Terrace. Mayor Flinn closed the public hearing.

Councilman Feller stated that he is proud of the Mayor for pursuing the concept; however, the Village consists of a small group and the health insurance companies have different policies for large groups and small groups. He stated that the availability for domestic partnership does not currently exist for small groups; however, he is hopeful that this will change. He suggested an amendment to page 5 of 6, line 3 – “shall” to “will attempt to”.

Vice Mayor Pariser remarked that he was surprised that the State has not mandated this coverage. He noted that the County and five cities have already offered this, although he was concerned with the cost. He stated that he is satisfied that Manager Williams will keep the cost down.

Councilwoman Stanczyk expressed that this ordinance is “the right thing to do.”

Councilman Tendrich concurred and expressed that he was in favor of the ordinance, noting that an individual who seeks this coverage will be obligated to meet several parameters.

Mayor Flinn remarked that this is an important step and it is not appropriate to leave some people out. He noted that this is a commonly provided benefit in many corporations. He remarked that the Village doesn't have many employees – the ratio to residents is low. Manager Williams added that the ratio is 341 residents to 1 employee. Mayor Flinn continued by noting that the “lid” was

placed as a matter of protection to keep costs low; however, the Village needs to act appropriately.

Councilman Feller moved to amend the ordinance at Page 5, line 3, to strike "shall" and include "will attempt to." Seconded by Councilman Tendrich.

Following brief discussion, Mayor Flinn expressing that "shall" does not hold the same weight, the amendment failed (4-1, Councilman Feller being the sole proponent.)

Mayor Flinn called the question on the entire Ordinance. The Ordinance passed unanimously (5-0.)

13. OTHER BUSINESS

Attorney Boutsis asked that the zoning item deferred from December 14th to date certain of March 8th be tabled. Councilwoman Stanczyk moved to table. Seconded by Councilman Tendrich. All voted in favor. The matter was tabled (zoning matter concerning Perrine Elementary.)

14. COUNCIL COMMENTS

Vice Mayor Pariser encouraged all to come out to the picnic on Saturday. Councilman Tendrich noted that he and John Pettit will be cooking hot dogs again and hoped that all will come and visit them.

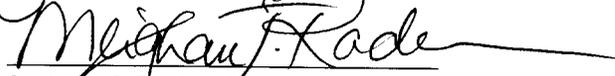
Councilwoman Stanczyk asked everyone to participate in Relay for Life.

Councilman Feller invited all to the ribbon cutting and grand opening of the library on March 19th at 10:30 a.m.

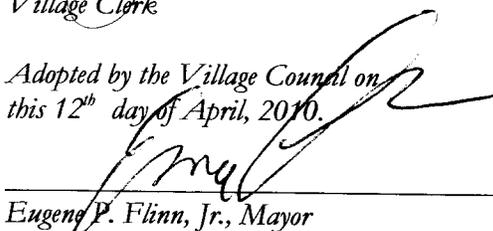
15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:45 pm.

Prepared and submitted by:


Meighan J. Rader, EMC
Village Clerk

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


Eugene P. Flinn, Jr., Mayor

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