

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of Monday, July 12, 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 Howard Tendrich
Council Member Shelley Stanczyk

Staff present:
Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Administrative Assistant to the Village Clerk Ana Gomez

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 for Tyler Kalbac, Silver Knight Award Winner: Mayor Flinn recognized Mr. Kalbac and noted that he is Palmer Trinity's first winner of the Silver Knight Award. Mr. Kalbac provided his history and explained his motivation. Mayor Flinn and the Council congratulated Mr. Kalbac and his parents for their hard work.
- B. Presentation by David Sikkema of the South Florida Natural Resources Center, SFEO Everglades National Park concerning the Tamiami Trail

Mr. Sikkema provided the location of the project and a detail explanation of the project. Mayor Flinn thanked Mr. Sikkema for his efforts. He further noted that he has an item to be discussed under "Other Business" regarding including consideration of working with other municipalities to hire a consultant to investigate an alternate route study for FPL. He asked the Council to pass a motion to add this item to the Agenda. Councilwoman Stanczyk moved. Seconded by Councilman Tendrich. All voted in favor (4-0.) The item was added as Item 9C.

Mayor Flinn asked the Council to consider taking Item 9C up for consideration at this time. Councilwoman Stanczyk moved to take the item out of order. Seconded by Councilman Tendrich. All voted in favor.

Mayor Flinn recognized Mayor Cindy Lerner of Pinecrest. Councilwoman Stanczyk indicated that she would co-sponsor the matter.

Ms. Gomez read the caption:

A RESOLUTION OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO JOINTLY WORK WITH OTHER MANAGERS FROM NEIGHBORING MUNICIPALITIES TO RETAIN A CONSULTANT TO PREPARE AN ALTERNATE FPL TRANSMISSION LINE CORRIDOR; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Lerner was recognized and explained the initiative. She provided a history of the matter wherein for the past year the cities of Pinecrest, South Miami, Cutler Bay, and Palmetto Bay have expressed their concern with FPL's plan to install transmission lines.

Mayor Flinn remarked that the Village is trying to assist the other cities to consider an alternative solution to the plan. He noted that joining with other cities will allow the cities to share in the cost to consider possible alternate sites.

Councilman Tendrich stated that he would hope this would not result in the cities passing on a problem to another neighborhood. Mayor Flinn stated that this was being suggested to find the best plan, not to pass on a problem to someone else.

Councilman Tendrich remarked that the cities should urge FPL to underground the lines, rather than moving the lines to another community. Mayor Lerner replied that FPL never undergrounds these types of transmission lines due to the high volume of use – it is not an option. Mayor Flinn stated that the cost to share a consultant is “money well-spent.”

Vice Mayor Pariser thanked Mayor Lerner for her leadership in this matter. He stated that at the recent Transportation Coalition meeting, it was noted that there are two alternative routes currently being suggested. He asked if there are other routes being suggested. Mayor Lerner stated that they have suggested FPL use the existing line; however, FPL wants to have the lines on different routes to avoid a complete outage in the event of a disaster.

Councilwoman Stanczyk opined that it is important for the cities to state their intent. She stated that she is supportive of the consultant; however, the Village should know what the Village's impact is and whether the other cities will actually be participating, as the Village should pay its proportionate share. She called the question.

Vice Mayor Pariser stated that he, too, was concerned with the expense, wondering if other municipalities would be participating, also, as they may be affected more than Palmetto Bay. He added that the proposed Resolution states that Palmetto Bay is obligated to “retain” a consultant. Mayor Lerner stated that she was waiting for responses from Coral Gables, South Miami, and Cutler Bay.

She asserted that, if need be, she will ask the rest of her Council to retain the consultant on their own, without help from other municipalities.

The Motion carried unanimously (4-0.)

- C. Legislative Update from Robert Levy's office: Mr. Robert Levy was recognized and provided a legislative update, noting that only 12% of all bills passed; however, the clean energy bill did pass, which was positive for the Village.

3. APPROVAL OF MINUTES

- A. Minutes of the June 7, 2010 Regular Council Meeting: Councilman Tendrich moved to approve the Minutes as submitted. Seconded by Councilwoman Stanczyk. All voted in favor (4-0.)

4. CONSENT AGENDA

Ms. Gomez reported that items B and C had been pulled.

- 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 \$23,132.85; PROVIDING 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 ENTER INTO AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES TO PROVIDE LANDSCAPE DESIGN SERVICES FOR THALATTA PARK IN AN AMOUNT NOT TO EXCEED \$20,000 IN ACCORDANCE WITH THE PROJECT BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE. **(pulled for discussion)**
- C. 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 2010 (PROJECT NUMBER 2010-SB-B9-0056) IN THE AMOUNT OF \$44,670.00 FOR THE PURPOSE OF SUPPORTING ENHANCED CRIME INVESTIGATIONS, CRIME PREVENTION, AND COMMUNITY OUTREACH PROGRAMS FOR THE VILLAGE OF PALMETTO BAY'S POLICING UNIT; AND PROVIDING AN EFFECTIVE DATE. **(pulled for discussion)**

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, FULLY SUPPORTING THE CONTINUED RESTORATION OF AMERICA'S EVERGLADES AND ENDORSING THE NATIONAL PARK SERVICE'S RECOMMENDATION TO BRIDGE AN ADDITIONAL 5.5 MILES OF THE TAMIAMI TRAIL; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr., co-sponsored by the remainder of the Council)

Vice Mayor Pariser moved to approve the remaining items of the Consent Agenda (Items A and D). Seconded by Councilman Tendrich. All voted in favor. The Resolutions were passed unanimously (4-0.)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council, suggesting the Council adopt a Resolution to include installation of bike paths along the Everglades skyways – 75 mile route from Naples to Krome Avenue. The Council decided to address this request in “Other Business.” Continuing to address the Council: Gary Pastorella, 6940 SW 142 Terrace, spoke against using houses of worship for public meetings; John DuBois, 17575 Old Cutler Road, concerning sheds; and Peter England, 7620 SW 173 Street, announcing Palmetto Bay Day at Deering on July 17th; Charles Lauder, 8280 SW 164 Terrace, concerning sheds, opposing adopting restrictive laws.

6. VILLAGE MANAGER’S REPORT

Manager Williams reported that the Village had allowed a third garage sale (he provided the address) to assist a resident. He stated that the Village has received Commissioner Sorenson’s \$60,000 transfer to assist with greening elements at the new Village Hall.

Ms. Gomez reported that the next Council Meeting is a Special Council Meeting scheduled for July 28, 2010, at 7:00 p.m. at the Deering Estate Visitor’s Center. A Committee of the Whole Meeting will follow.

7. VILLAGE ATTORNEY’S REPORT

Attorney Boutsis reported that the Somerset Academy application before the School Board had been withdrawn by the school. Vice Mayor Pariser asked if the School could reapply. Attorney Boutsis stated that the school may request an extension for next year’s classes – July of 2011 would be the deadline. Councilwoman Stanczyk thanked the staff for their hard work. She also thanked the public for their involvement and interest.

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; CONTRACT AWARDED TO PROPERTY MAINTENANCE & PRESERVATION, TO EXECUTE THE VILLAGE OF PALMETTO BAY LAWN MAINTENANCE AND OTHER SERVICES CONTRACT FOR A PERIOD OF TWO (2) YEARS WITH TWO (2) ADDITIONAL ONE (1) YEAR TERMS NOT TO EXCEED A TOTAL CONTRACT TERM OF FOUR (4) YEARS; ESTABLISHING THE RATE OF PAY FOR SERVICES TO BE PROVIDED; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report, expressing that this program has been highly successful in preventing abandoned, foreclosed properties from being further deteriorated. He stated that staff has been diligent and successful in recouping funds from liens placed on the homes. The Council thanked the staff for their efforts.

Following brief discussion, Councilman Tendrich called the question. All voted in favor (4-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE ATTACHED CHANGE ORDER REQUEST WITH PORTLAND CONSTRUCTION FOR THE THALATTA PARK PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CHANGE ORDER IN THE AMOUNT OF \$84,231.20; APPROVING THE PROJECT BUDGET AND RELATIVE EXPENSES FOR SITE WORK; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report, explaining that this requested Change Order for roof line connectivity also includes an attached Exhibit delineated the entire project budget, which is actually lower than originally planned due to grant funding.

Following brief discussion, the resolution was approved unanimously (4-0.)

- 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 ENTER INTO AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES TO PROVIDE LANDSCAPE DESIGN SERVICES FOR THALATTA PARK IN AN AMOUNT NOT TO EXCEED \$20,000 IN ACCORDANCE WITH THE PROJECT BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE. (brought forward from Consent Agenda)

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

Vice Mayor Pariser stated that he wished to insure that the contractor would be willing to acknowledge the amount would not exceed \$20,000. He stated that this matter is line-itemed and he believes it appropriate and is hopeful that the facility will open soon. Mayor Flinn stated that staff must consider appropriate foliage, use of natives, etc., in this landscaping effort. Manager Williams stated that the contractor has included same.

Councilwoman Stanczyk called the question. The resolution passed unanimously (4-0.)

- D. 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 2010 (PROJECT NUMBER 2010-SB-B9-0056) IN THE AMOUNT OF \$44,670.00 FOR THE PURPOSE OF SUPPORTING ENHANCED CRIME INVESTIGATIONS, CRIME PREVENTION, AND COMMUNITY OUTREACH PROGRAMS FOR THE VILLAGE OF PALMETTO BAY'S POLICING UNIT; AND PROVIDING AN EFFECTIVE DATE. (brought forward from Consent Agenda)

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

Manager Williams asked Commander Gregory Truitt to come forward. Commander Truitt provided an explanation of the grant being sought. The Council thanked him for his efforts.

Following brief discussion, Councilwoman Stanczyk called the question. The resolution passed unanimously (4-0.)

10. **RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.
11. **ORDINANCES FOR FIRST READING:** None at this time.

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 CODE COMPLIANCE; UPDATING CODE COMPLIANCE PROCEDURES; UPDATING APPELLATE LANGUAGE; CONFORMING ORDINANCE LANGUAGE WITH IMPLEMENTATION TO CALL THE DEPARTMENT "CODE COMPLIANCE" AND NOT "CODE ENFORCEMENT"; AND PROVIDING FOR THE VILLAGE'S CIVIL INFRACTION FEE SCHEDULE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Perez provided staff report, asking Council to review the matrix provided.

Mayor Flinn opened the public hearing. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council.

Vice Mayor Pariser moved to reduce the first offense to \$150. The Motion failed for lack of second.

Following brief discussion, the Ordinance was adopted unanimously (4-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING CHAPTER 27 RELATING TO LOT MAINTENANCE AND ABANDONED PROPERTY; PROVIDING FOR MISCELLANEOUS OFFENSES RELATING TO LOT RIGHT-OF-WAY, PARKING LOT, FENCE, WALL AND ENTRANCE FEATURE MAINTENANCE, RENUMBERING THE VILLAGE'S EMERGENCY LOT MAINTENANCE FOR ABANDONED/FORECLOSED PROCEDURES PROVISIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Mayor Flinn opened the public hearing. Eric Tullberg, 7884 SW 179 Terrace; Henry Clifford, 8875 SW 171 Street; Beatrice Herman, 17251 SW 86 Avenue;

John DuBois, 17575 Old Cutler Road; Benjamin Oppenheim (no address provided); James Woodard, 17001 SW 90 Avenue.

Attorney Boutsis reminded the Council that this Ordinance concerns abandoned/foreclosed properties. Mayor Flinn stated that this Ordinance completes the Village's Code – this Code does not prevent any planting nor does it mandate any tree removal. Councilman Tendrich concurred, stating that there is nothing in the Ordinance that would not encourage trees and other plantings.

Attorney Boutsis noted that non-native, invasive species are addressed in this ordinance, not a resident planting an appropriate tree.

Following brief discussion, the Ordinance was adopted unanimously (4-0.)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING," CREATING DIVISION 50, ENTITLED "ZONING DISTRICTS"; TO LIMIT RESIDENTIAL PROPERTIES TO ONE UTILITY SHED OF ~~400~~ 144 SQUARE FEET ON PROPERTIES ZONED LESS THAN AN ACRE; AND TWO SHEDS OF 144 SQUARE FEET EACH ON PROPERTIES ZONED MORE THAN AN ACRE CONSISTENT WITH ADOPTED SHED SETBACKS REQUIREMENT (NOT ANCILLARY STRUCTURES SETBACKS); PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Howard Tendrich]

Councilman Tendrich moved this item forward. The matter was not second; therefore, the matter was not heard by the Council.

13. OTHER BUSINESS

- A. Mayor Flinn asked the Council to consider Mr. Tullberg's earlier discussion regarding encouraging installation of a bike path in the Everglades Resolution. Following discussion, the Council concurred. The Council modified the Resolution to include appropriate Whereas clauses to incorporate the intention to encourage installation of a bike path in the previously adopted Resolution concerning the Everglades.

14. COUNCIL COMMENTS

Councilwoman Stanczyk reiterated that she was pleased that the public became involved and interested in the recent Charter school application to the Miami-Dade County School Board.

Councilman Tendrich reminded the public that the Old Cutler rehydration project will begin on July 24th and will require a detour.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:15 pm.

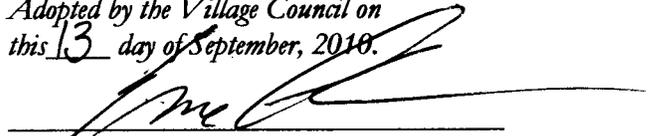
Prepared and submitted by:



Meighan J. Alexander, CMC

Village Clerk

*Adopted by the Village Council on
this 13 day of September, 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.