

VILLAGE OF PALMETTO BAY  
Minutes of the Regular Council Meeting of October 4, 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. Alexander

Mayor Flinn called the meeting to order at 7:10 p.m. Mayor Flinn asked Councilman Feller to lead the pledge of allegiance.

**2. PROCLAMATIONS, AWARDS, PRESENTATIONS**

A. Recognition of Counselors-in-Training – Parks and Recreation Director Fanny Carmona-Gonzalez and Mayor Flinn recognized all the Counselors-in-Training who volunteered during the Village's recent summer camp program. Director Carmona-Gonzalez thanked the young ladies and gentlemen for their outstanding service. Mayor Flinn noted that these children made the program a success. Director Carmona-Gonzalez thanked Community News for their donation of game cards that were presented to the children.

**3. APPROVAL OF MINUTES**

- A. Minutes of the September 13, 2010 Regular Council Meeting
- B. Minutes of the September 14, 2010 Budget Hearing
- C. Minutes of the September 27, 2010 Final Budget Hearing

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

**4. CONSENT AGENDA**

A. A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, OPPOSING UNILATERAL ACTION OF MIAMI-DADE COUNTY, FLORIDA IN CONNECTION WITH THE EXISTING CITIES' 20% SHARE OF THE TRANSIT SURTAX; SUPPORTING THE POSITIONS OF THE CITY OF HIALEAH, CORAL

GABLES AND OTHERS IN THEIR EFFORTS TO OPPOSE MIAMI-DADE COUNTY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Vice-Mayor Pariser and Mayor Flinn]

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; AMENDING RESOLUTION 2010-62, CONCERNING THE MEETING SCHEDULE FOR THE YEAR 2010; PROVIDING AN EFFECTIVE DATE.
- C. 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 \$18,161.61; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PERMANENT TRAFFIC CALMING DEVICES IN THE AREA OF SW 94TH AVENUE FROM SW 184TH STREET TO SW 176TH STREET IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH THE CORRADINO GROUP, INC. TO PROVIDE TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING FOR THE PREPARATION OF A TRAFFIC CALMING PLAN FOR THE ABOVE AREA AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$9,112.00 ON A PROJECT THAT WILL IMPROVE THE TRAFFIC FLOW ALONG A ONE DIRECTIONAL STREET THAT ABUTS A PUBLIC PARK; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING ON SW 144<sup>TH</sup> STREET IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO PROCEED WITH IMPLEMENTING PERMANENT TRAFFIC CALMING DEVICES AT THE INTERSECTION OF SW 84<sup>TH</sup> AVENUE AND SW 74<sup>TH</sup> AVENUE ON SW 144<sup>TH</sup> ST.; FURTHER AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE CONSTRUCTION AND CONSTRUCTION SUPPORT MANAGEMENT SERVICES FOR PERMANENT TRAFFIC CALMING DEVICES THAT WILL SUBSTANTIALLY IMPROVE THE FLOW OF TRAFFIC; 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 approved unanimously (5-0.)

## 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

- A. Mr. Eric Tullberg, 7884 SW 179 Terrace, commented with regard to the campaign signs at the intersection of SW 168 St and Old Cutler. He offered a suggestion to allow the signage at the location to be larger in order to allow for leasing signage, rather than installing a separate sign.
- B. Mr. Michael Kesti, 8161 SW 181 Terrace, thanked the police for providing excellent service during a recent incident.
- C. The following individuals expressed their opinions with regard to the recent construction of the traffic circle at the intersection of SW 87 Avenue and SW 168 Street: Beatriz Herman, 17251 SW 86 Avenue; Carlos Perez, 16843 SW 87 Avenue; Stevie Silverman, 8430 SW 170 Terrace; Merci Alba, 8555 SW 168 Terrace; Andrew Alba, 8555 SW 168 Terrace; Henrietta Martinez, 16923 SW 87 Avenue; Carol Exposito, 7700 SW 178 Street; Dottie Barton, 15290 SW 82 Avenue; Carol Vega, 8845 SW 178 Terrace; Cyndi Medina, 17385 SW 85 Avenue; Beth Kibler, 7462 SW 166 Terrace; Michael Sange, 8515 SW 168 Terrace; Mille Maldonado, 8355 SW 183 Terrace; Arlene Feller, 7960 SW 144 Street; Michael Sang, 8515 SW 168 Terrace; Dr. Peter James, 17083 SW 92 Avenue; Gary Sergeant, 16843 SW 87 Avenue; Edward Villabow, 17070 SW 85 Avenue; Randy Molt, 17130 SW 84 Court; and Eileen Beller, 17020 SW 83 Court.
- D. Jeannie Rothfield, 14601 SW 79 Avenue, suggested that the concession stand at Coral Reef Park only utilize security lights and turn the rest off in the evening.

## 6. VILLAGE MANAGER'S REPORT

Manager Williams announced the Mayor's State of the Village address to be held on October 27 at the Palmetto Bay Village Center at 6:30 p.m. He noted that the Village's website will be improved in the near future in four major components: 1. redesign, 2. implementation, 3. launching, and 4. cloud hosting and search engine capacity.

Clerk Alexander provided an update with regard to the calendar: October 18-Zoning; October 27 – State of the Village Address; October 29-Movie Night at Coral Reef Park; and November 18 – Regular Council Meeting.

Manager Williams provided the timeline of the traffic calming project. He reviewed the significant steps.

Vice Mayor Pariser thanked those who came out this evening to express their concerns or their appreciation regarding the traffic circle. He stated that traffic concerns at that intersection brought this subject to light. He noted that many of the supporters of the traffic circle that spoke this evening are those residents that are most closely affected by the project. Vice Mayor Pariser remarked that he lives in close proximity to the circle on SW 82 Avenue and finds that it does alleviate the traffic congestion. He stated that

pedestrian safety is key and believes that installation of a pedestrian crossing device should be considered. He concluded by noting that the Public Works Department does their best to provide notice to the public.

Manager Williams stated that staff will provide information with regard to the pedestrian crossing matter.

Councilwoman Stanczyk welcomed the public and encouraged all to participate. She stated that she has advocated for the safety of school children for 30 years; in fact, she worked hard to get the bus lane installed at Perrine Elementary. She asserted that the Village will make the circle safe to the pedestrians. She remarked that the Village incorporated to improve the quality of life, safety of the children, and our families.

Councilwoman Stanczyk concurred, adding that the Village has always done everything to insure children's safety. He remarked that the Village was planning to begin this project in the Summer; however, with the recent project on Old Cutler Road, closing two major roadways seemed too disruptive.

Councilman Feller remarked that the Village is diligent about informing the public. He stated that traffic circles work well throughout the world, with hundreds of them in Europe. He remarked that the physician who spoke during public comment was absolutely correct, accidents that occur at high rates of speed are extremely dangerous; there will be less severity in an accident due to the decrease speed in a circle. Councilman Feller remarked that the Village will vigorously address pedestrian safety.

Mayor Flinn thanked all for coming. He remarked that safety is the number one concern for the Village. He stated that the traffic circle will alleviate traffic. Mayor Flinn noted that he lives near the traffic circle on 82 Avenue and finds that it helped significantly with traffic and the children cross without difficulty to attend Southwood Middle School. He thanked those who have been cooperative with this "short term inconvenience for the long term benefit."

Councilwoman Stanczyk asked staff to consider providing an additional crossing guard until the traffic circle is complete.

Manager Williams stated that he would speak to the police department. He stated that the Village had accepted a \$40,000 grant related to the bicycle pedestrian master plan and will be meeting with the local schools in the near future.

Village Policing Unit Commander Greg Truitt stated that the Village could add or re-direct crossing guards; he stated that there should be funding available for that purpose.

Vice Mayor Pariser remarked that the Village does fund and provide two crossing guards at each school, which is over and above what is required by the County.

Councilwoman Stanczyk moved to direct the manager to investigate the provision of one or two crossing guards at the intersection of 87 Avenue and 168 Street during construction. Seconded by Councilman Tendrich. Councilman Feller clarified that this would be an interim measure. Councilwoman Stanczyk agreed. The Motion carried (5-0.)

7. **VILLAGE ATTORNEY'S REPORT:** Attorney Boutsis advised that her October update was included in the Council's agenda package. She stated that she would be seeking an Attorney-Client session at a later date.
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 ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION OF THE AIPP ADVISORY BOARD TO APPROVE THE TEMPORARY SCULPTURAL INSTALLATION OF ARTWORKS ENTITLED: "OVER AND UP" BY ROBERT WINKLER; "CHAISE GABIONE" BY CELESTE ROBERGE; AND "PRIVATE – PUBLIC SWIMMING POOL FOR PALMETTO BAY" BY PETRA LIEBL-OSBORN TO ENHANCE THE PALMETTO BAY MUNICIPAL CENTER SCULPTURAL GARDEN, LOCATED AT 9705 EAST HIBISCUS STREET; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO LEASE AGREEMENTS AND APPROVING THE EXPENDITURE OF FUNDS FROM THE AIPP PROGRAM IN AN AMOUNT NOT TO EXCEED \$10,500.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He stated that the recommended concept is to allow the Village to contract for three pieces of public art on a rotating basis – 18 months for \$3,500 each or \$10,500 for all three pieces over the 18 months and then the Council could select different art or keep the same pieces. He noted that Councilman Tendrich had spoken to him concerning the cost; however, liability insurance is included in this agreement.

Councilman Tendrich explained that he was concerned that the insurance valuation for each piece was \$3,500 and if this were the value, why would the Village lease rather than purchase.

Manager Williams advised that the valuation is not what the artist would be able to sell on the market, the lower price allows the artist the ability to have the piece be recognized and then the artist can sell it at a much higher price. He asserted that this concept allows the Village the opportunity to rotate the art and refresh

the area with new pieces periodically. He stated that the funds are included in the Art-in-Public Places Program.

Councilman Feller added that the Village's liability is limited to \$3,500, the piece is not necessarily valued or worth only \$3,500.

Mayor Flinn expressed his opposition and his displeasure at the concept.

Councilman Feller stated that he had been displeased at the Board's misinterpretation of the Art-in-Public-Places Ordinance, which was his reason for re-reading the portion of the ordinance for clarification. He opined that this concept of leasing art should have been discussed with the Council, as this direction was not given to the Board.

Planning & Zoning Director Julian Perez advised that leasing would allow for a revolving exhibit.

Vice Mayor Pariser remarked that he was concerned with the placement of the artwork, as he believed the area suggested was to be reserved as a "green space." He suggested that the artwork should be permanent pieces of art. He remarked that the Village depends upon the expertise of the Advisory Board, but believes this concept should have been presented to the Village at a Committee of the Whole meeting.

Manager Williams stated that the Council could direct the Board to consider a permanent display, and staff will endeavor to assist within a reasonable time frame.

Councilman Tendrich moved to deny the Resolution. Seconded by Vice Mayor Pariser. All voted in favor.

Manager Williams stated that the Art-in-Public Places Ordinance will be presented to the next Council for revision. Mayor Flinn concurred.

**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 THE VILLAGE COUNCIL; AMENDING CODE 2-47, AGENDA PROCEDURES, AMENDING SUBSECTION (b) "AUTHORITY TO PLACE ITEMS ON THE AGENDA", SPECIFICALLY MODIFYING THE FOUR-DAY RULE TO ~~FIVE~~ SEVEN DAYS, ~~AND~~ AMENDING THE AGENDA CLOSING DATE TO BE CLOSED ON THE ~~SIXTH~~ EIGHTH DAY IN ORDER TO FACILITATE COUNCIL AGENDA REVIEW, AND

CREATING SUBSECTION (j) "AGENDA AVAILABILITY ON LINE"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Vice Mayor Brian W. Pariser.)

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

Manager Williams advised that the item has been revised as directed following first reading.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace, thanked the Council for the Ordinance. The public hearing was closed.

All voted in favor of the Ordinance. The Ordinance was adopted unanimously (5-0.)

**13. OTHER BUSINESS**

**14. COUNCIL COMMENTS**

Councilman Feller thanked everyone for giving him the opportunity to be part of the development of the best city in Miami-Dade County. He stated that it was a pleasure to work with former manager Scurr and now with Manager Williams, as they showed him how effective government can operate when managed properly. He saluted the employees for their dedication to the Village. He thanked the Mayor and Council for working together so well. He expressed his appreciation and admiration of his wife, Arlene, for her support and for taking an active role with the Village, in addition to reviewing the agenda with him. He concluded by thanking the residents for being so active and helping set the direction of what they want Palmetto Bay to become.

Mayor Flinn remarked that he wished he could fully thank those individuals who assisted over the past eight years, acting as mentors. He noted that the Council often agreed, but when they disagreed, they were not disagreeable. He thanked the public for their support. He expressed his appreciation to Manager Williams and to the staff for their hard work. Mayor Flinn stated that he truly enjoyed being a public servant and he hopes to continue to do so. He invited all to the State of the Village Address.

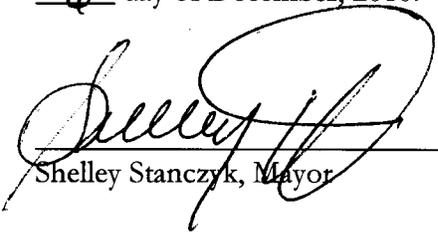
**15. NEXT MEETING AND ADJOURNMENT**

The meeting was officially adjourned at 9:05 p.m.

Prepared and submitted by:

  
Meghan J. Alexander, CMC  
Village Clerk

Adopted by the Village Council this  
6 day of December, 2010.



Shelley Stanczyk, Mayor

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