

VILLAGE OF PALMETTO BAY
MINUTES OF THE MONDAY, DECEMBER 4, 2006
MEETING OF THE VILLAGE COUNCIL

DEERING ESTATE VISITOR'S CENTER
16701 SOUTHWEST 72 AVENUE
PALMETTO BAY, FLORIDA

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

Mayor Flinn called the meeting to order at 7:00 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Councilman Ed Feller, MD
Councilman Paul Neidhart
Councilwoman Shelley Stanczyk

The following staff members were present:

Village Manager Charles D. Scurr
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

II. PROCLAMATIONS, AWARDS, PRESENTATIONS: Deferred to later in the meeting, upon the arrival of School Board Member Evelyn Greer.

III. APPROVAL OF MINUTES

A. Minutes of the Regular Council Meeting of November 6, 2006: Councilman Neidhart moved to approve the Minutes. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion carried.

IV. VILLAGE MANAGER'S REPORT

A. Fourth Quarter Budget to Actuals – Fiscal 2005-06: Finance Director Desmond Chin reported, advising that all Departments are under budget with expenditures and currently there are \$1.32M in surplus funds above the emergency and Village Hall contingency.

Mr. Scurr offered thanks to all the Department Heads for remaining fiscally responsible.

Mr. Scurr provided a report, announcing the State of the Village event to be held on December 6, 2006 at the Palmetto Bay Village Center. He thanked Director of Community Services Ana Garcia, Chief of Staff Olga Cadaval, Administrative Assistant Josie Bober, and Community Services Specialist

Monica Inguanzo for their assistance of the recent newsletter. Mr. Scurr advised that he had attended the recent County Manager's Roundtable and the County indicated that it will begin a comprehensive planning effort to address the watershed future growth issues. He noted that potential Village Hall sites are still being investigated. He announced that the demand traffic signal is being installed at SW 82 Avenue. He announced the December 11th Zoning hearing and the January 8, 2007 Council meeting.

V. VILLAGE ATTORNEY'S REPORT

VI. BOARD AND COMMITTEE REPORTS

VII. 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 NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$14,615.29; PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the Consent Agenda. Seconded by Vice Mayor Robinson. All voted in favor. Resolution 06-124 was adopted (5-0).

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN; EXPRESSING STRONG CONCERNS WITH THE CONCLUSIONS OF THE WATERSHED PLAN AND SPECIFICALLY THE PORTION OF THE PLAN THAT APPEARS TO IMPOSE HIGH DENSITY MULTI-FAMILY ZONING WITHIN A LINE DRAWN FOR 'ZONE A AND ZONE B'

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

Mayor Flinn provided a report, explaining the item. He explained that this matter has united the communities of Pinecrest, Cutler Bay and Palmetto Bay. He provided a brief history of the watershed study and noted how the committee was oddly placed in the role of urban planning when the original purpose was to protect Biscayne National Park. He provided statistics explaining the large population increase that would result in the municipalities should the plan be implemented.

Councilman Neidhart stated that there would be a future meeting and he is glad that the Mayor brought this matter to the Council, as it is important to be proactive.

Councilwoman Stanczyk stated that she remains interested in the process and was curious that none of the Committee members were representatives of a community group. She stated that the Committee put in a substantial amount of work, but the process was unstructured and more difficult to embrace than the concept.

Councilman Feller concurred, adding that the watershed project began on a positive purpose, but then seemed to be done in a stealth manner. He noted that the future planning needs to what type of growth the land can support and determine exactly what the capacity is. He stated that the current proposed population growth is not high enough to apply federal transportation funds to expand metro rail; however, the County plans to increase the density without considering adequate transportation and schools to address the population growth. Councilman Feller added that water conservation is a serious concern.

Vice Mayor Robinson concurred, stating that the expression of the Village's concern is important.

Mayor Flinn thanked Director of Community Development Arleen Weintraub for her assistance.

Councilman Feller called the question. All voted in favor. Resolution 06-125 was adopted unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO WINDSTORM INSURANCE; URGING CITIZENS INSURANCE AND THE STATE LEGISLATURE TO CANCEL THE SCHEDULED 2007 RATE INCREASE; FURTHER URGING THE STATE LEGISLATURE TO DEVELOP CREATIVE SOLUTIONS AND PROVIDE MEANINGFUL RATE REDUCTIONS

Vice Mayor Robinson moved the item. Seconded by Councilman Feller.

Councilman Feller provided history concerning this item. He noted that he intends to continue the momentum to promote the incorrect and unsustainable increases in windstorm insurance coverage. He stated that he intends to promote this issue in Tallahassee. Councilman Feller asserted that there should be significant changes to the structure of the coverage and until the changes are implemented, a moratorium should be placed on rate increases. He noted that Representative Julio Robaina who advised that the first order of business will be to address this issue.

Councilman Neidhart remarked that he concurs and supports Councilman Feller, as residents are leaving due to the astronomical cost of insurance.

Following discussion, all voted in favor. Resolution 06-126 was adopted unanimously.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE MEETING SCHEDULE OF THE VILLAGE COUNCIL AND OF LAND DEVELOPMENT PERMIT HEARINGS FOR THE YEAR 2007; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved the item forward. Seconded by Councilwoman Stanczyk.

Following discussion, Councilman Neidhart reminded the Mayor that he had mentioned eliminating zoning hearings during the summer months in the past.

Mayor Flinn thanked him and suggested that July 9th and August 13th be removed, as he believes it is sound policy to insure that people are in town for zoning hearings.

Councilman Neidhart moved to delete July 9th and August 13th from the Land Development Permit Hearings schedule. Seconded by Vice Mayor Robinson. All voted in favor.

Vice Mayor Robinson called the question. All voted in favor of the proposed Resolution. Resolution 06-127 was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENT PROJECTS IN VARIOUS AREAS WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH CORZO CASTELLA CARBALLO THOMPSON SALMAN (C3TS) TO PROVIDE DRAIN SYSTEM DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR LOCALIZED AREAS AFFECTED BY FLOODING DURING SEVERE STORM EVENTS AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$157,500.00 ON THESE PROJECTS THAT WILL SUBSTANTIALLY IMPROVE THE DRAINAGE CONDITIONS WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Public Works Director Ron Williams provided a report. He stated that this project focuses on localized projects with a series of smaller areas. He advised that the engineering firm was selected through the Village's previous selection process.

Manager Scurr recognized Evan Skornick from South Florida Water Management District and the Council thanked him for his organization's continuing support. Mr. Scurr noted that the Village will have to work hard in Tallahassee to receive storm water funds.

Mayor Flinn thanked Mr. Williams and asked if his office has met with the residents adjacent to the project.

Mr. Williams said he had not, but he and his staff will be doing so in the near future, far in advance of the projects.

Attorney Boutsis advised that she had reviewed the item for legal sufficiency.

All voted in favor. Resolution 06-128 was adopted unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE 2007 STATE LEGISLATIVE AGENDA WHICH SUPPORTS THE PRIORITIES OF THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report.

All voted in favor of the proposed Resolution. All voted in favor. Resolution 06-129 was adopted unanimously (5-0).

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO RATIFYING THE REMAINING MEMBERS OF THE OLD CUTLER BIKE PATH ADVISORY COMMITTEE FOR THE PURPOSE OF RENDERING AN ADVISORY REPORT TO THE VILLAGE COUNCIL REGARDING POSSIBLE IMPROVEMENTS TO THE BIKE PATH; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved the item forward. Seconded by Councilwoman Stanczyk.

Clerk Rader read the names individually provided to her by Council:
Robert Pozo (Vice Mayor Robinson appointed)

Maria Rovira Lopez (Councilman Ed Feller appointed)
Henry Clifford (Councilwoman Stanczyk appointed)

She provided the names of the previous members:
Julie LaVoie (Mayor Flinn appointed)
Eric Tullberg (Mayor Flinn appointed)
Bruce Barton (former Councilman Breder appointed)
Bill Best (Councilman Neidhart appointed)

All voted in favor of the previous motion. Resolution 06-130 was adopted unanimously (5-0).

IX. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 33G "SERVICE CONCURRENCY MANAGEMENT PROGRAM" TO PROVIDE FOR PROVISIONS RELATING TO PROPORTIONATE FAIR-SHARE MITIGATION FOR TRANSPORTATION; CREATING SECTION 33G-5.1 "PROPORTIONATE FAIR SHARE MITIGATION FOR TRANSPORTATION;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **(NOTE: THIS ITEM REPLACES THE ORDINANCE THAT WAS ADVERTISED FOR SECOND READING/PUBLIC HEARING)**

Councilman Feller moved this item forward. Seconded by Vice Mayor Robinson.

Clerk Rader noted that the matter was advertised for second hearing; however, due to revisions, the matter must be heard on first reading again.

Attorney Boutsis provided explanation. She advised that her office had created the first draft for the code of the Village as it is envisioned. She noted that since the Village currently operates under County Code, the same formula and criteria modeled after the Florida Department of Transportation will be used.

Director Williams concurred. He stated that the Village was trying to be ambitious; however, the Village must comply with State Law and amend the County Code that we are currently operating under.

Mayor Flinn asked if the Village has any discretion to revise the ordinance.

Attorney Boutsis advised that we are compelled to adopt the standards and then incorporate into our own Code.

A roll call vote was taken to pass the proposed Ordinance on first reading, as follows: Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The motion carried (5-0).

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; AMENDING ORDINANCE 03-09 (PALMETTO BAY CODE 2-175(f)). **{SPONSORED BY COUNCILMEN ED FELLER AND PAUL NEIDHART}**

Councilman Feller moved this item forward. Seconded by Vice Mayor Robinson.

Mr. Scurr reported that the proposed Ordinance addresses the threshold that the Manager has with regard to spending limits. He noted that safeguards remain that procurements will only be done in accordance with the budget.

Councilman Feller advised that this was not the request of staff; rather, Councilman Neidhart and he had independently approached Mr. Scurr to relieve some of the cumbersome process of procurement.

Following discussion, Councilman Feller moved the question that there be no change to the process under subsection f (2). All voted in favor. Councilman Feller then moved that the threshold for three bid solicitation be \$25,000. Seconded by Vice Mayor Robinson. All voted in favor.

Discussion ensued. Councilman Feller moved that the threshold wherein the item would return to Council be \$12,500. Seconded by Councilman Neidhart. All voted in favor.

Attorney Boutsis advised that she would revise the proposed Ordinance to reflect the Council's directives and return on second reading.

Return to Agenda Item II. **PROCLAMATIONS, AWARDS, PRESENTATIONS:** Update from School Board Member Evelyn Greer

School Board Member Greer thanked the Council for allowing her to report on the status of schools. She provided a report regarding modulars and new school construction. She stated that another challenge being faced is the standards of academics. School Member Greer noted that with regard to local schools, a new school at SW 86 Street and 107 Avenue is proposed to relieve Palmetto High, they are still worked on a solution to relieve Palmetto Middle School and there is a strong feeling that Southwood's magnet should remain. She

advised that Council that school enrollment is declining County-wide, with over 12,000 students lost in the past year.

Councilman Feller asked Ms. Greer to provide information with regard to the traffic studies.

She replied that the studies were received from the Village in 2004 and the County engineers have stated that inefficiencies have been addressed. She noted that Coral Reef Elementary may be getting another physical modification.

Councilman Feller asked if the School Board had been contacted with regard to the Watershed.

Ms. Greer replied that they had not.

XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None at this time.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Stanley Kowlessar, 8360 SW 140 Drive; Erick Tulberg, 7884 SW 179 Terrace; Joseph Miorelli, 8481 SW 142 Street; Ryan Wong, 17170 SW 94 Avenue, Unit 807; and John Pettit, 15395 SW 89 Court.

XIII. MAYOR AND COUNCIL COMMENTS

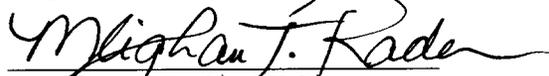
- A. Councilman Neidhart stated that he remains interested in pursuing the parks at the end of 87th Avenue and 164 Street and 89th Avenue and 160 Street.
- B. Councilwoman Stanczyk stated that with regard to the watershed issue, "if you build the density, they will come." She expressed her displeasure with the County consultants of the Watershed project and their lack of organization.
- C. Councilman Feller and Vice Mayor Robinson wished all a happy holiday.
- D. Vice Mayor Robinson congratulated Donna Coughlin for becoming the new chair of Special Events Committee.
- E. Mayor Flinn expressed his disappointed regarding the lack of public input on the Watershed project.

XIV. OTHER BUSINESS

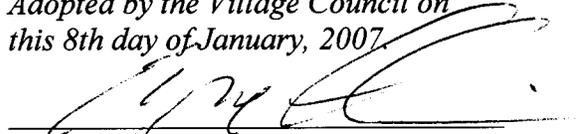
XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:35 pm.

Prepared and submitted by:


Meighan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 8th day of January, 2007.*


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.