

MINUTES OF THE MONDAY, FEBRUARY 23, 2004
SPECIAL MEETING OF THE VILLAGE COUNCIL
SOUTHWOOD MIDDLE SCHOOL
16301 SW 80 AVENUE
PALMETTO BAY, FL

- I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 6:00 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Councilmember Ed Feller
Councilmember Paul Neidhart
Councilmember John Breder

The following staff members were present:
Village Manager Charles D. Scurr
Village Attorney Earl Gallop
Village Clerk Meighan Pier

Mayor Flinn lead the pledge of allegiance.

- II. VILLAGE MANAGER'S REPORT:** None at this time.

- III. VILLAGE ATTORNEY'S REPORT:** None at this time.

Councilman Feller moved to hear the proposed Ordinance as the next matter on the Agenda.

Alan Kirshner, counsel for Reardon Estates, stated that he did not object to the motion, as long as his matter is not negatively affected.

Attorney Gallop advised that the matter would not be affected.

The previous motion was seconded by Councilman Breder. All voted in favor.

- IV. 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 ZONING; REPEALING SECTIONS 33B-41 THROUGH 33B-47 OF THE CODE OF METROPOLITAN DADE COUNTY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Gallop provided staff report.

Mayor Flinn opened the public hearing at 6:05 p.m. No one desired audience. The public hearing was immediately closed.

Following brief comment, Vice Mayor Robinson moved to approve the Ordinance on second and final reading.

Councilman Breder asked if staff had knowledge of any other pending applications for SUR, with the exception of the one matter to be heard this evening.

Mr. Scurr advised that staff is not aware of any.

Mayor Flinn asked Attorney Gallop to verify that adoption of this Ordinance would not retroactively remove any individual's property rights.

Attorney Gallop confirmed the Mayor's statement. He added that there would be a question if transfer of a property is pending; in that case, each matter would be considered on case by case basis.

The foregoing motion was seconded by Councilman Breder. All voted in favor; the vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Ordinance 04-01 was adopted.

V. RECONSIDERATION OF PREVIOUS VOTE CONCERNING REARDON ESTATES PLAT APPROVAL (Sponsored by Councilman Neidhart)

Attorney Gallop provided staff report. He advised that Councilman Neidhart requested the move to reconsider as he was on the prevailing side and has privilege to do so.

Councilman Neidhart moved to reconsider. Seconded by Councilman Feller. All voted in favor (5-0). The Motion passed unanimously.

VI. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE REARDON ESTATES PLAT AS FINAL FOR PROPERTY LOCATED AT THE CORNER OF S.W. 142 STREET AND S.W. 82 COURT, MORE SPECIFICALLY THE WEST ½ OF THE NE ¼ OF THE SE ¼ OF THE SE ¼ OF THE NW ¼ OF SECTION 22, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING IN VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA; SETTING AN EFFECTIVE DATE.

Attorney Alan Krischer, representing the applicant – address: One SE 3rd Avenue, and Mr. Mark Reardon were present. Attorney Krischer advised that his client is the owner of a 50,000 square foot parcel. He stated that the applicant had submitted a plat dividing the parcel into 3 zones, which were consistent with the SUR associated with the property. He advised that with Attorney Gallop's assistance, he has prepared a Declaration of Restrictions.

Mayor Flinn asked for Attorney Krischer to identify the Village staff members with whom he spoke.

Attorney Krischer replied that he spoke with Attorney Earl Gallop, Attorney Eve Boutsis, Community Development Director Arleen Weintraub and Village Manager Charles Scurr.

Mayor Flinn opened the matter for public hearing on 6:16 p.m.

Ms. Jan Gardner, 14920 SW 74 Avenue, remarked that she believed the property was 45,000 square feet, as stated at a previous meeting.

Attorney Krischer stated that the gross square footage is 55,500 square feet. He provided a site plan of the houses proposed.

Mayor Flinn closed the public hearing at 6:19 p.m.

Following Council comment, Attorney Gallop advised that should the plat be approved, staff would have the Declaration of Restrictions recorded.

Councilman Neidhart moved to approve the Resolution. Seconded by Councilman Feller. All voted in favor; the vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Resolution 04-23 was adopted.

VII. REQUESTS, PETITIONS AND PUBLIC COMMENTS: None at this time.

VIII. MAYOR AND COUNCIL COMMENTS: None at this time.

IX. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 6:27 p.m.

Prepared and submitted by:

*Meighan J. Pier
Village Clerk*

*Adopted by the Village Council on
this ___ day of April, 2004.*

Eugene P. Flinn, Jr., Mayor