

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, SEPTEMBER 8, 2003
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR 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 Paul Neidhart
Councilman John Breder

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

Mayor Flinn asked Howard Kleinberg to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation by First Baptist Church of Perrine regarding 5K Run/Walk for the Cure

Mr. Scurr introduced Mr. Sam Flores. Mr. Flores of the First Baptist Church of Perrine and his coordinating team came forward. He provided information regarding the 5K Run/Walk for the Cure, an event to be held on Saturday, January 17, 2004 at 8:00 a.m. He advised that a portion of the proceeds shall be donated to fight breast cancer. He asked that those interested contact him at 305-238-1818 or John Moore 238-2326 or via email: sflores@firstword.org

III. APPROVAL OF MINUTES

- A. Minutes of the Council Meeting of August 4, 2003

A Motion to approve the Minutes of the Council Meeting of August 4, 2003 was made by Vice Mayor Robinson. Seconded by Councilman Neidhart. All in favor (4-0).

IV. VILLAGE MANAGER'S REPORT

Mr. Charles Scurr reported that there would be a public meeting to discuss the FRDAP Grants for which the Village is applying on September 10 beginning at 5:30

p.m. in Village Hall. He further announced that the first budget hearing is scheduled for Thursday, September 11th at 7:00 p.m. He also announced that a workshop shall be held on September 17th at 7:00 p.m. regarding the request by Palmetto Senior High baseball to use Coral Reef Park as their home field.

Commander Mouring thanked the Council for its recent recognition of Officer Omar Diaz. He reported that the police department is continuing its efforts to provide increased presence, particularly concerning traffic issues surrounding the area schools. He noted that the average response time in Palmetto Bay is 2 minutes and 57 seconds. Commander Mouring concluded that Palmetto Bay residents and business owners should be cautious when providing assistance to indigents, as the Village does not wish to earn the reputation of being overly friendly to the homeless.

Mr. Ron Williams, Director of Public Works, reported that funding for transportation concerns will be received in the near future.

Ms. Ana Garcia, Director of Community Services, reported that citizens will see a great deal of improvements in the community parks in the future. She expressed her excitement with the changes forthcoming.

Mr. Scurr announced that the Art in the Park Festival will be held at Coral Reef Park on Saturday, October 4th and Sunday, October 5th. He invited all to come and enjoy this community event sponsored by the Cultural Council.

V. VILLAGE ATTORNEY'S REPORT

Attorney Earl Gallop reported that the results of the Phase I environmental assessment of Perrine Park has been received. He advised that a limited sub-service investigation toward the northwest corner of the park had been reported due to a jet fuel spill that occurred in the 1970's. He opined that as the ground flow is to the northeast and the spill occurred to the northwest and as fuel dissipates into the atmosphere quickly, if any contamination exists, it would be minimal. Attorney Gallop concluded that staff would ask DERM for a "comfort letter"; however, he would not recommend the Village delay transfer of the property until the letter is received.

Councilman Breder asked if the study was performed on Perrine Park and Perrine Wayside.

Attorney Gallop replied that the study was for Perrine Park only.

VI. BOARD AND COMMITTEE REPORTS: None at this time.

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 \$10,726.10; PROVIDING AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO EMPLOYEE INSURANCE, SELECTING UNITED HEALTHCARE AS THE EMPLOYEE INSURANCE PROVIDER; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRANSITIONAL START-UP EXPENSES, AUTHORIZING THE EXPENDITURE OF UP TO \$7,500.00 FOR INFORMATION TECHNOLOGY SERVICES THROUGH ASTEC CONSULTING; WAIVING COMPETITIVE BIDDING; PROVIDING AN EFFECTIVE DATE.

A Motion to adopt the foregoing Resolutions was made by Councilman Neidhart. Seconded by Vice Mayor Robinson. All voted in favor. Resolutions 03-75, 03-76 and 03-77 were adopted unanimously (4-0)

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; RE-SCHEDULING THE OCTOBER, 2003 MEETING DATE OF THE VILLAGE COUNCIL; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr announced that due to the Jewish holiday of Yom Kippur, staff recommended re-scheduling the October Village Council meeting to Tuesday, October 7, 2003.

A Motion to adopt the Resolution was made by Vice Mayor Robinson. Seconded by Councilman Neidhart. All voted in favor. Resolution 03-78 was adopted unanimously.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RENAMING CORAL REEF PARK, LOCATED AT 7895 SW 152 STREET, MIAMI, FLORIDA, TO PALMETTO BAY PARK; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved that the item be deferred as Councilman Feller had suggested the renaming. The Motion failed for lack of second.

Mr. Scurr explained that Councilman Feller's intent with this Resolution was to provide a positive contribution toward establishing sense of place.

Mayor Flinn noted that Mr. Howard Kleinberg and Howard Tendrich, representing the Parks Advisory Committee, had specifically requested to be heard. He opened the public hearing at 7:20 p.m.

Mr. Howard Kleinberg, 14520 SW 79 Court, spoke in opposition of renaming the park, providing copies of maps that evidenced the name Coral Reef was in place as early as 1916.

Mr. Howard Tendrich, Chair of the Parks Advisory Committee, stated that the Committee had discussed renaming Perrine Park, not Coral Reef Park, rather, the majority of the Committee wanted to keep the name Coral Reef Park.

The following individuals spoke in opposition to renaming Coral Reef Park: Dottie Barnes, 15290 SW 82 Avenue, Barbara Krantz, resident on 80 Avenue, Donna Coughlin, 16501 SW 78 Avenue, Ginger Cates, 7840 SW 146 Street, Donna Latshaw, 8825 SW 154 Terrace, Kelly Schonen, 8200 SW 179 Street, and Kevin Ryan, 15505 S.W. 77 Court.

The following individuals spoke in favor of renaming the Park: Paula Palm, 8895 Coral Reef Drive, Gabriel Bifano, 7371 SW 156 Street, Marti Greenberg, 7761 SW 176 Street.

Mayor Flinn closed the public hearing at 7:43 p.m.

Following Council discussion, a Motion to adopt the Resolution was made by Councilman Breder. Seconded by Vice Mayor Robinson. All voted in opposition (4-0). The Motion failed.

Mr. Scurr introduced Captain Brown from the Metro-Dade Fire Department.

Captain Brown, Commander of Station 62, advised that he came this evening to introduce his crew and to ask all to view the newest engine to be serving the Palmetto Bay area.

The meeting recessed at 7:54 p.m. The meeting was called to order at 8:10 p.m.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE INCORPORATION EFFORTS OF THE FALLS STEERING COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Scurr announced the add-on item concerning the Falls incorporation efforts.

A Motion to bring the item to the floor was made by Vice Mayor Robinson. Seconded by Councilman Neidhart. All voted in favor (4-0).

Mr. Tom Griffin, Dr. John Gentile, Mr. David Leahy and Mr. Lonnie Hutton came forward. Mr. Griffin thanked the Village for being so successful in its efforts.

Mayor Flinn thanked the Steering Committee for its efforts.

A Motion to adopt the Resolution was made by Vice Mayor Robinson. Seconded by Councilman Neidhart. All voted in favor. Resolution 03-79 was adopted unanimously (4-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PALMETTO BAY VILLAGE CENTER, APPOINTING A CHARETTE ADVISORY COMMITTEE FOR THE PALMETTO BAY VILLAGE CENTER CHARETTE; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr introduced the item. He explained that Mr. Scott Silver of Grouper Financial had contracted with Dover, Cole & Associates, an Urban Planning firm, to begin the Charette process for the former Burger King site. He advised that the Village had been asked to establish an advisory/steering committee to provide input regarding the design.

Mayor Flinn suggested that the following individuals be appointed: Brian Pariser, Howard Tendrich, Laura Traeger, Bill Collum and Frank Rollason.

A Motion to adopt the Resolution was made by Vice Mayor Robinson. Seconded by Councilman Breder. All voted in favor. Resolution 03-80 was adopted unanimously (4-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARK EQUIPMENT AT CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO PROCURE PARK EQUIPMENT FROM CONTRACT CONNECTION, INC. THROUGH MIAMI-DADE COUNTY CONTRACT IN THE AMOUNT OF \$19,954.73; AND PROVIDING AN EFFECTIVE DATE.

Ms. Ana Garcia, Director of Community Services, explained the item.

Mayor Flinn asked that public input be received prior to moving forward with this matter.

Ms. Garcia advised that the intention of staff was to insure sufficient furnishings upon assuming the responsibility of the park on October 1st; however, she concurred with Mayor Flinn and withdrew the item.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

XI. 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; ESTABLISHING COUNCIL MEETING AND AGENDA PROCEDURES; RULES OF ORDER, ORDER OF BUSINESS, MINUTES OF MEETINGS; AND PROCESS FOR CREATION OF COMMITTEES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Gallop explained the proposed Ordinance. He asked Council to note that (page 10) while the Village Attorney would be parliamentarian, his opinion can be overridden by majority vote of the Council. He also noted that the provision for public participation (page 16) had been named “Requests, petitions and public comments” in order to comply with the Citizens Bill of Rights.

Mayor Flinn asked for clarification regarding the “four-day rule”.

Attorney Gallop noted that it would be based upon the calendar, not work days. For example, a Tuesday meeting would have a Saturday deadline.

Mayor Flinn asked for clarification regarding the number of meetings the Council would have on an annual basis.

Attorney Gallop suggested inserting: “The Village Council shall hold at least 11 regular meetings per year as required by the Charter”.

The public hearing was opened at 8:34 p.m.

Tony Recio, 2665 S. Bayshore Drive, on behalf of S. Dade Development Corp., asked for clarification regarding “Tie votes” (Page 9 of 18 – line 24-26). He advised that his client, S. Dade Development, has a new proposal for Council in order to address past concerns. He noted that he specifically states his objection as the passage of this Ordinance could prejudice his client’s application.

Mr. John McCord, 9300 SW 181 Street, asked if the advisory committees had reviewed this ordinance. He asked the Council to compare these procedures to other communities and also get input and direction from the Florida League of Cities.

The public hearing closed at 8:38 p.m.

Councilman Breder remarked that in the case of a tie vote, when a member recuses himself, a tie could be realized again.

Attorney Gallop explained that if a tie vote is the result when there is a recusal, the Ordinance allows for the applicant to return “without prejudice” allowing the developer to come back with a modified plan. He further noted that the proposed Ordinance was modeled following review of similar ordinances in several cities, including the South Florida Planning Council and the League of Cities.

Mayor Flinn directed staff to provide a procedural manual to Council.

A Motion to amend the Ordinance as noted was made by Councilman Neidhart. Seconded by Councilman Breder. All voted in favor (4-0).

A Motion to adopt the Ordinance as amended was made by Councilman Breder. Seconded by Councilman Neidhart. All voted in favor. The vote was as follows: Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. Motion carried (4-0).

XII. PUBLIC COMMENTS

- A. John R. McCord, 9300 SW 181 Street, addressed the Council with regard to fiscal accountability. He suggested that the lobbyists provide a report regarding their service to the Village. Mr. McCord suggested that all Purchase Orders include a certification regarding the availability of encumbered funds. He expressed his displeasure with vehicle allowances.
- B. Mr. Scott Silver of Grouper Financial thanked the Council and staff for their diligence and invited all to attend the Charette meetings.
- C. Mr. Paul Blake, 16500 SW 77 Avenue, thanked Council for their diligence in preparing the budget and expressed his pleasure with the Village Police Dept.
- D. Mr. Brian Pariser, 15300 SW 78 Court, concurred with Paul Blake. He added that if his property taxes are rising, and he receives better services, then he is happy and proud of the community. He asked the Council to keep the Citizen’s Advisory Committees active.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Mayor Flinn expressed his gratitude with the amount of public participation and hopes that individuals continued to be involved. He asked the Police Department to provide him information with regard to Crime Watch meetings that are scheduled. He directed Public Works to begin a survey with regard to Unsafe Structures. Mayor Flinn concluded that he would like to establish a

policy with regard to bidding and closing bids following receiving a certain number of bids, as he wishes to encourage competition among vendors.

- B. Vice Mayor Robinson remarked that the Village had a very successful meeting with the School principals. She suggested that staff schedule a meeting with the local clergy, also. She stated that she would like staff to schedule another open house for Village Hall, preferably in the evening when more citizens can attend.
- C. Councilman Neidhart thanked the public for their participation and wished success to the Falls incorporation committee.
- D. Mayor Flinn added that the annual State of the Village address would be scheduled in November. He stated that the open house could be concurrent with the State of the Village address.

XIV. OTHER BUSINESS

- A. Environmental Assessment for Perrine Park: Attorney Gallop reiterated his earlier report concerning the fuel spill of the 1970's.

Vice Mayor Robinson asked the cost to perform additional testing.

Attorney Gallop noted that the cost would be approximately \$800 to \$1,200, with the results in two weeks.

Following discussion, A Motion to proceed with the transfer/acquisition of the land and not further test the property was made by Vice Mayor Robinson. Seconded by Councilman Neidhart. The Motion carried (3-1), with Councilman Breder being opposed.

XV. NEXT MEETING AND ADJOURNMENT

Councilman Breder moved to adjourn. Seconded by Councilman Neidhart. All voted in favor. The meeting was adjourned at 9:30 p.m.

Prepared and submitted by:

Meighan J. Pier
Village Clerk

Adopted by the Village Council on
this ___ day of November, 2003.

Eugene P. Flinn, Jr., Mayor