

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, JANUARY 7, 2008
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 Ed Feller, MD
Councilman Paul Neidhart
Councilwoman Shelley Stanczyk

The following staff members were present:
Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan Rader

Mayor Flinn asked all to join him in a moment of silence in honor of Officer Randy DeStefano. He then led the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation by Robert Pozo to Mayor and Council re: Holiday Run
Robert Pozo thanked the Council and provided a plaque to the Council. Mayor Flinn and the Council thanked Mr. Pozo for his efforts.

III. APPROVAL OF MINUTES

- A. Minutes of the December 3, 2007 Regular Council Meeting
B. Minutes of the December 12, 2007 Special Council Meeting

Vice Mayor Robinson moved to approve the Minutes. Seconded by Councilman Feller. All voted in favor. The motion passed.

IV. VILLAGE MANAGER'S REPORT

Manager Williams asked the Clerk to report on the calendar. Clerk Rader reported the following meeting dates:

January 14, 2008 – Zoning Hearing at Southwood Middle School– 7:00 p.m.
January 23 – Committee of the Whole Meeting at 900 Perrine Avenue – 6:00 p.m.
February 4 – Council Meeting at Deering Estate Visitor's Center – 7:00 p.m.

February 20 – Committee of the Whole Meeting at 900 Perrine Avenue – 6:00 p.m.
February 25 – staff will ask the Council to move the February 11th Zoning Hearing to February 25th due to scheduling conflicts

Clerk Rader reported that staff is withdrawing Item 8 B.

Manager Williams provided his report.

V. VILLAGE ATTORNEY'S REPORT: None at this time.

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

VII. CONSENT AGENDA

Councilman Feller noted that he wished to be listed as co-sponsor to item VII C.

Councilman Feller moved to approve the Consent Agenda. Seconded by Vice Mayor Robinson. All voted in favor. The Resolutions passed unanimously (5-0).

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE ANNUAL WEST PERRINE DR. MARTIN LUTHER KING, JR., ANNUAL CELEBRATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE ANNUAL EDC GOLF TOURNAMENT; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Paul Neidhart)
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE HYPOPLASTIC RIGHT HEARTS D/B/A HEARTS UNITED; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,500.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr., and Councilman Ed Feller)
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING MIAMI-DADE COUNTY DADE DAYS FOR 2008; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$3,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

- E. 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 \$15,144.54; PROVIDING AN EFFECTIVE DATE.

Mr. John Breder thanked the Council for their willingness to support the February 9th event at the Palmetto Bay Village Center. His three year old son Zach Breder thanked the Council.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO RECOGNITION OF THE IMPORTANCE OF ARBOR DAY AND DESIGNATING A REGULAR YEARLY ARBOR DAY WITHIN THE VILLAGE OF PALMETTO BAY; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)

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

Mayor Flinn presented the item and explained the reason why the State of Florida recognizes the third Friday of January. He recommended approval.

Councilman Feller stated that it would seem more appropriate to plant during the nationally recognized month of April, rather than Florida's dry season.

Councilwoman Stanczyk remarked that she was told that it is important for a plant to establish a root system prior to the rainy season. She suggested that planting be done at Palmetto Bay Park.

Discussion ensued regarding the type of trees and location.

Councilman Feller moved to approve the Resolution designating Arbor Day and plant the trees this year near the benches that will be installed in front of the tennis courts, facing the green area, at Coral Reef Park. Councilman Neidhart seconded the motion.

Councilwoman Stanczyk moved to plant trees at Palmetto Bay Park. Seconded by Vice Mayor Robinson.

Discussion ensued. Manager Williams advised that staff will be addressing the installation of shade trees at Palmetto Bay

Councilman Feller amended his motion to include that planting of Palmetto Bay Park be actively studied and be brought back to Council within the next month.

Councilwoman Stanczyk concurred. Councilman Neidhart seconded the motion. All voted in favor. The Resolution was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING FOR THE APPROVAL OF AN AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. Staff withdrew.

Councilman Feller asked why staff withdrew this item.

Manager Williams stated that staff realized that more local coordination is necessary, as the State of Florida made it clear that until there is a coordinated signed agreement, it should not move forward. Attorney Boutsis concurred, adding that every city that has forwarded the agreement has found the State is rejecting same until the County has executed the interlocal.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH LIMOUSINES OF SOUTH FLORIDA, INC. TO PROVIDE TRANSIT CIRCULATOR SERVICES; AUTHORIZING FUNDING FOR CONTINUED TRANSIT CIRCULATOR SERVICES IN FISCAL YEAR 2007-2008; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$165,000; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He recommended approval.

Mayor Flinn expressed his support and thanked Manager Williams and staff for taking a leadership role and actually utilizing the CITT funds.

Vice Mayor Robinson congratulated Public Works Director Corrice Patterson for her promotion. She suggested that staff consider having a route to Palmetto Senior High and Southwood Middle School for use by the Palmetto Bay students.

Director Patterson said she would investigate the feasibility of the Vice Mayor's suggestion.

Mayor Flinn suggested the Village also consider a Parks route, taking individuals from one route to another.

Mayor Flinn called the question. All voted in favor. The Resolution passed unanimously.

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

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ESTABLISHING ELECTION PROCEDURES; PROVIDING FOR MODIFICATION OF THE QUALIFYING PERIOD; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Clerk Rader provided staff report.

The Council voted unanimously in favor. The Ordinance shall be advertised for public hearing for the February 4, 2008 Council Meeting.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING ORDINANCE NO. 06-06 ADOPTED MAY 1, 2006, AS AMENDED BY ORDINANCE NO 07-33, ADOPTED OCTOBER 1, 2007, ENTITLED "FRANJO TRIANGLE & U.S. 1 ISLAND ZONING DISTRICT" (FT&I); PROVIDING FOR USE VARIANCES FROM THE PERMITTED USE SCHEDULE FOR THE ZONING DISTRICT, AFTER PUBLIC HEARING; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Council Person Paul Neidhart.)

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

Manager Williams provided staff report, noting that variance hearings on certain items would be permitted, if the ordinance were adopted.

Councilman Neidhart added that no variances would be permitted without public hearing before the Council. He offered his support.

Councilman Feller asked if variances could be requested under any circumstance concerning zoning.

Attorney Boutsis replied that not every zoning item will allow a variance hearing; however, this proposed ordinance would allow certain items to follow a process and possibly allow for a variance if the Council approves.

Mayor Flinn stated that is not in favor of use variances.

Director Arleen Weintraub provided further information regarding the process. She provided explanation regarding conditional user process versus non-use variance.

Discussion ensued.

Councilman Feller moved to amend that variances would be approved by super majority – 4/5th vote. Seconded by Vice Mayor Robinson. All voted in favor.

Councilwoman Stanczyk stated that she believes a more appropriate super majority would be 75% of the sitting members of the Council.

Attorney Boutsis stated she would clarify the language for second reading.

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 AMENDING ORDINANCE NUMBER 07-12; AMENDING THE VILLAGE'S BUDGET FOR THE 2006-2007 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Manager Williams advised that the Ordinance did not change from first to second reading.

Mayor Flinn opened the public hearing. No one wished to be heard. The public hearing was closed.

Councilwoman Stanczyk asked if there is unallocated surplus for Village Hall.

Finance Director Desmond Chin stated that there were funds in the special revenue fund that will be allocated for village hall.

Brief discussion ensued.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Ordinance passed on first reading unanimously (5-0).

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Eric Tullberg and Steve Kreisler, 18201 SW 98 Avenue.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Vice Mayor Robinson announced the March 1st Annual Celebration picnic and advised that the Village is seeking donations and volunteers.
- B. Councilman Feller noted that the opening of Palmetto Bay Park was a very successful event and he thanked the public and staff.
- C. Councilwoman Stanczyk concurred with Dr. Feller and stated that the park is wonderful and so popular that certain citizens have requested more picnic tables already.
- D. Mayor Flinn stated that he would like the Council to consider amending the Noise Ordinance to allow for New Year's Eve parties that normally exceed midnight. He asked for staff to insure that the Palmetto Bay Village Center Zoning District be concluded by May. He asked for staff to provide a timeline as to status. Mayor Flinn also noted that the Falls area residents will be having a meeting this Wednesday night regarding a linear park and suggested that all council members attend. He advised that the replanting of Sadowski Park will be commencing in the near future and volunteers are needed to assist. He asked all to recognize Arbor Day this year. Mayor Flinn concluded by announcing that will be sitting in a dunk tank for charity, Autism Speaks, at the picnic.

XIV. OTHER BUSINESS

- A. Vice Mayor Robinson made a motion to move the February 11th zoning hearing from February 25th. Councilman Neidhart seconded. All voted in favor.
- B. Evan Skornick, Interim Director of the South Florida Water Management District, was recognized. He provided information regarding the Phase III water restrictions, noting that one day a week watering depending on your address begins on January 15th.
- C. Following brief discussion, the Council thanked Mr. Skornick and Manager Williams invited him to the Arbor Day event on January 18th.

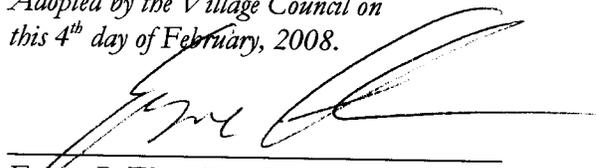
XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:30 pm.

Prepared and submitted by:


Meighan J. Blader, CMC
Village Clerk

*Adopted by the Village Council on
this 4th day of February, 2008.*


Eugene P. Flinn, Jr., Mayor

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