

VILLAGE OF PALMETTO BAY
Minutes of the Meeting of Monday, November 5, 2007
Deering Estate Visitor's Center
16701 SW 72 Avenue
(305) 259-1234

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

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Council Member Ed Feller
Council Member Paul Neidhart
Council Member Shelley Stanczyk

Staff present:
Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

Meeting called to order at 7:10 p.m. Mayor Flinn recognized Acting Commander Lieutenant Greg Truitt and asked him to introduce the new motorcycle officer, David Koivu. Lieutenant Truitt provided Officer Koivu's experience. Mayor Flinn asked the Officer to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation to Lieutenant Denise Rera, Sergeant Joseph Petras and Sergeant Richard Zahalka.

Flinn and Truitt thanked the members of the Palmetto Bay Policing Unit and provided each with a plaque of gratitude and thanked them for their dedication. Each Officer stated their appreciation.

III. APPROVAL OF MINUTES

- A. Minutes of the September 10, 2007 Budget Hearing
B. Minutes of the September 24, 2007 Final Budget Hearing
C. Minutes of the October 1, 2007 Regular Council Meeting

Councilman Feller moved to approve. Seconded by Councilman Neidhart. All voted in favor. The Motion carried.

IV. VILLAGE MANAGER'S REPORT

The Village Clerk provided information concerning upcoming meetings: November 17th – Dog Park opening; November 19 – Zoning Hearing; Committee of the Whole meeting for November 21 is canceled; next regular Council Meeting is December 3; Movie Night

will be December 7; if there are items, the Zoning Hearing shall be held on December 17th, and the grand opening of Palmetto Bay Park will be on December 15th.

Manager Williams provided a report. He noted that the schedule for the Policing Unit will increase the amount of presence of the officers on the street. He advised that the Village currently began a 24/7 phone call service wherein you can call after hours to 305-506-7965 if you don't have a police emergency or police non-emergency. Manager Williams explained that staff will answer the phone and again ask the caller if it is a police emergency, and if so, instruct them to call 911. He noted that it is important for government to anticipate a service need prior to the service being needed.

Councilwoman Stanczyk thanked Mr. Williams and expressed her support for the service.

V. VILLAGE ATTORNEY'S REPORT

Attorney Boutsis stated that she will be scheduling a workshop wherein representatives from the Ethics Commission will come to the Village and give an update on Sunshine Rules.

Mayor Flinn asked that the workshop be scheduled after the Historic Preservation Board is appointed. Attorney Boutsis concurred.

VI. BOARD AND COMMITTEE REPORTS

VII. CONSENT AGENDA

Clerk Rader reported that items VII B and G had been pulled from Consent. She reported that staff has withdrawn Item F – Storm Drain Cleaning.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AUDITING SERVICES; AUTHORIZING THE FINAL EXTENSION TO THE CONTRACT WITH RACHLIN COHEN & HOLTZ FOR THE FISCAL YEAR 2007 AUDIT; AND PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE MANAGER; PROVIDING FOR SALARY INCREASE OF \$7,000 PURSUANT TO THE MANAGER'S MAY 10, 2007 EMPLOYMENT AGREEMENT; PROVIDING AN EFFECTIVE DATE. (Sponsored by Council person Neidhart).
- 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 NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$22,064.75 ; PROVIDING AN EFFECTIVE DATE.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CODE COMPLIANCE, AUTHORIZING THE VILLAGE MANAGER TO PROCURE TWO FORD 150 (F12) PICK-UP TRUCKS AND TO ISSUE A PURCHASE ORDER TO DUVAL FORD FOR SAID PURCHASE IN AN AMOUNT NOT TO EXCEED \$29,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; DIRECTING STAFF TO EXCLUDE CERTAIN ITEMS FROM REGULATION IN THE LAND DEVELOPMENT CODE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn).

Vice Mayor Robinson moved to approve the Consent Agenda, as modified. Seconded by Councilman Feller. All voted in favor.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE HOLIDAY RUN EVENT; PROVIDING FUNDING SUPPORT FOR THE 2007 EVENT; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AN AMOUNT NOT TO EXCEED \$4,000 FOR THE EVENT HELD ANNUALLY WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Council member Stanczyk)

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

Manager Williams asked Parks and Recreation Director Garcia to provide a report.

Councilwoman Stanczyk expressed her support.

Director Garcia introduced Mr. Robert Pozo and explained that this race includes collections of toys for the Toys for Tots Program.

Mr. Robert Pozo thanked Council for their support. He stated that he considers this event to be one of the better events due to the charitable aspect.

Vice Mayor Robinson expressed her support.

Mr. Pozo stated that he hoped all the Council would attend. The event shall be held on December 8th beginning and ending at the Palmetto Bay Village Center.

All voted in favor. The Resolution passed unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A SECOND ADDENDUM TO DRAINAGE IMPROVEMENTS AT VARIOUS LOCATIONS IN THE VILLAGE OF PALMETTO BAY; ADDING SW 178TH TERR. FROM SW 87TH AVE. TO 88TH CT. DRAINAGE IMPROVEMENTS AND APPROVING THE SELECTION OF MIGUEL LOPEZ JR., INC TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS NOT TO EXCEED \$76,300; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve. Seconded by Councilman Neidhart.

Manager Williams provided staff report. He noted that staff had previously informed the Council that there was a need to continue the project to 178 Terrace, and the price was reduced substantially as staff was able to find cost savings. Attorney Boutsis advised that she had reviewed the contract and it was legally sufficient.

Following brief discussion, all voted in favor of the Resolution (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE MANAGER; EXTENDING AND AMENDING THE EMPLOYMENT AGREEMENT OF RON WILLIAMS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Council Persons Neidhart and Feller)

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

Attorney Boutsis provided staff report. She advised that this resolution would increase Manager Williams' contract from two years to four years.

Vice Mayor Robinson expressed her concern with the four-year period, noting that it would end when the current members of the Council have reached the end of their terms. She suggested extending to five years.

Following discussion, Councilman Feller suggested an expiration date of November of 2013, unless further extended by Council. Vice Mayor Robinson moved the amendment. Seconded by Councilman Neidhart. All voted in favor.

Manager Williams thanked the Council.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING FOR SALARY ADJUSTMENT TO THE VILLAGE CLERK; PROVIDING FOR

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CLARIFICATION OF BENEFITS; PROVIDING AN EFFECTIVE DATE.
(Sponsored by Councilman Neidhart)

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

Councilman Neidhart provided his report. He stated that he has information concerning the salary of Miami-Dade County Clerks and the Clerk would still be under the average even with the increase. He added that he believes Clerk Rader is an integral part of the Council and there are funds in the budget to cover the increase.

Mayor Flinn expressed his disapproval to salary surveys and stated that while he believes the Clerk does an excellent job, he believes the Council should be fiscally conservative this year and only supports the COLA increase.

Following discussion, the Resolution passed 4-1, Mayor Flinn opposing.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE DESIGN OF VILLAGE-WIDE MAST ARM, PARK AND ENTRY FEATURE SIGNAGE THROUGHOUT THE VILLAGE OF PALMETTO BAY; AUTHORIZING TOM GRABOSKI ASSOCIATES, INC. TO PROVIDE GRAPHIC DESIGN SERVICES TO THE VILLAGE; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS NOT TO EXCEED \$19,170; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Robinson moved the item. Seconded by Councilman Feller.

Manager Williams provided staff report, advising that the designers are very talented and will provide examples of designs for approval and review.

Mayor Flinn asked for clarification concerning costs.

Manager Williams advised that the total project cost will depend upon design and materials. He noted that funds are available for the over-head masts. He stated that there are some funds budgeted for entryway features.

Mayor Flinn suggested that the item be tabled until after the State-wide election in January concerning taxes.

Following discussion, Councilman Feller moved to approve mast arm signs and ask the Manager to return later with cost for monument signs. Seconded by Councilman Neidhart. The Motion failed 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 VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AMENDING DIVISION 30-160 OF THE VILLAGE'S LAND DEVELOPMENT CODE ENTITLED "ART IN PUBLIC PLACES"; IN ORDER TO AMEND SECTION 30-160.4 TO PROVIDE A SEVEN MEMBER ADVISORY BOARD, WITH FIVE PROFESSIONALS AND TWO AT LARGE MEMBERS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Councilman Feller suggested that non-professionals should be given the opportunity to have a voice on this Board. Mayor Flinn suggested that a seven member board is too cumbersome.

Councilman Feller stated that his intent is to specifically have other voices heard from the public at large, rather than only art professionals.

Councilman Feller moved to table in order to revise the verbiage and state his intent. Seconded by Councilman Neidhart. All voted in favor. (5-0)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING;" CREATING DIVISION 100, ENTITLED "ENVIRONMENTAL REGULATIONS;" WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Following discussion, a roll call vote was taken, as follows: Mayor Flinn: No, Vice Mayor Robinson: No, Councilman Feller: No, Councilman Neidhart: No, and Councilwoman Stanczyk: No. Adoption of the Ordinance failed 5-0.

Councilman Feller and Councilwoman Stanczyk thanked Attorney Boutsis and Director Arleen Weintraub for their diligence.

Vice Mayor Robinson thanked the public for their input. The Council concurred.

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'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING," CREATING SECTIONS 30-60.1 RELATING TO SWALES AND 30-60.8 RELATING TO BOAT STORAGE AND RECREATIONAL VEHICLE STORAGE AS PART OF DIVISION 60, ENTITLED "GENERAL REGULATIONS"; WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report, noting the revisions following the first reading.

Mayor Flinn opened the public hearing.

The following citizens addressed the Council: Eric Tullberg, 7884 SW 179 Terrace, noted that there was a scrivener's error, with the words "in width" remaining in the boat section. He suggested including wording that the homeowner will remove all vegetation to a height of 8 ft and include that trimming of the landscaping over the sidewalk be mandated. Mr. James Woodard 17001 SW 90 Avenue, suggested a grandfather provision be included, such as a minimal percentage increase; Henry Clifford, 8875 SW 171 Street; Stewart Guthrie, 6960 SW 144 Street,

Mayor Flinn closed the public hearing.

Attorney Boutsis noted that landscaping maintenance is included in the County landscaping code.

Mayor Flinn stated that he concurred with Mr. Woodard's suggestion regarding minimal leeway; for example, installing a pad for a generator may be considered new construction.

Attorney Boutsis stated that a percentage for increasing the footprint could be considered.

Following discussion, the amendment at Line 40, page 2 of 6, "construction, or an increase of more than ____ percent in the footprint" was made by Vice Mayor Robinson. Seconded by Councilman Neidhart.

Vice Mayor Robinson moved to include five (5%) percent as the number. Seconded by Councilwoman Stanczyk. All voted in favor.

Councilman Feller moved to adopt the amended Ordinance. Seconded by Councilwoman Stanczyk. 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 was adopted unanimously (5-0).

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; John Hopkins, 9192 SW 128 Lane, representing Green Mobility Network; Henry Clifford, 8875 SW 171 Street; Frank Kowalski, regarding the status of 8380 SW 153 Street.

Manager Williams stated that houses in disrepair require review by the County unsafe structures division and is often a slow process.

Mayor Flinn opined that these homes are a nuisance and unfair to the neighbors.

Manager Williams asked Building Official Ed Silva to meet with the Kowalski's to update him with regard to the property.

XIV. OTHER BUSINESS

- A. Discussion of late night/early morning commercial dumpster pick-ups: Mayor Flinn asked staff to enforce the noise ordinance. Manager Williams concurred. He stated that he has asked Acting Commander Truitt to investigate the matter during the midnight shift.

Acting Commander Truitt stated that the midnight shift is investigating the matter and have consulted with code compliance officers to contact the regional waste haulers to put them on notice that they will get ticketed.

Acting Commander Truitt took a moment to introduce the newest Sergeant, Andrew Rial, and provided information concerning his experience. Sergeant Rial thanked the Council and stated that it is an honor to serve Palmetto Bay.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Councilman Neidhart stated that he believes there are plans for a trail through the passive park area of the library with a water fountain.

Director Garcia concurred that those elements are included in the plan.

- B. Councilman Feller thanked the Cultural Council for the wonderful Art Show. He suggested that the Council be given a number to reach the weekend code enforcement officer. He stated that this number should be on the website.
- C. Vice Mayor Robinson thanked the Community News and the Miami Herald for attending. She also expressed how much she enjoyed being on Pumpkin Patrol. She reported that she and Manager Williams had many successful meetings in Washington, D.C., although there is not much hope for funding, she felt the meetings were positive as they met some very influential legislators in D.C.
- D. Councilwoman Stanczyk stated that she also went "Trick-or-Treating" with an officer and had a great night. She thanked staff for implementing the 24/7 phone coverage.
- E. Mayor Flinn expressed his pleasure with the art show and the pumpkin patrol. He reported that the Village's picnic will be returning to a traditional picnic with old-fashioned activities. He announced that he and Manager Williams will be spending some time in a dunk tank this year at the picnic. He asked Director Garcia to locate a dunk tank as a fun way to earn money for charity.
- F. Councilman Feller thanked Scott Silver for allowing the Village to use the room for the State of the Village event. He thanked Baptist Hospital and thanked Mayor Flinn for a superb address.

XV. NEXT MEETING AND ADJOURNMENT

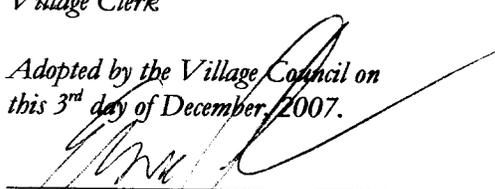
The Meeting was officially adjourned at 9:40 pm.

Prepared and submitted by:



*Meghan J. Rader, CMC
 Village Clerk*

*Adopted by the Village Council on
 this 3rd day of December, 2007.*



Eugene P. Flinn, Jr., Mayor

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