

VILLAGE OF PALMETTO BAY
Minutes of the Meeting of Monday, December 3, 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

Mayor Flinn called the meeting to order at 7:00 p.m. Mayor Flinn asked the Council to join him in a moment of silence for Sean Taylor. He then recognized Don and Betty Noe and asked them to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation to Don Noe: Mayor Flinn presented Don Noe with a key to the Village. Vice Mayor Robinson presented him with a hat for fishing and agenda folder for him to stay active. The Council thanked Mr. Noe for his service and wished him well in his retirement. Mr. Noe introduced his family and expressed his gratitude.
- B. Presentation to Officer Dawn Colon: Mayor Flinn introduced Officer Colon and thanked her for her service. He encouraged all to request a security survey, as Officer Colon was the officer that would have responded to those requests. Acting Commander Lieutenant Greg Truitt also expressed his gratitude. Mayor Flinn presented her with a plaque expressing the Village's appreciation. Officer Colon thanked the Village Council and their support. Manager Williams noted that Officer Colon showed a great deal of friendship, loyalty and support for one of the Village's Officers who recently became ill. He, too, thanked Officer Colon.

III. APPROVAL OF MINUTES

- A. Minutes of the November 5, 2007 Regular Council Meeting: Councilman Feller moved to approve the Minutes as submitted. Seconded by Vice Mayor Robinson. All voted in favor.

IV. VILLAGE MANAGER'S REPORT

Clerk Rader provided the schedule of upcoming meetings and events.

Manager Williams reported that the Village has invested a substantial amount of money in the Local Government Investment Pool wherein dollars that had been invested in that State pool (along with other municipalities' funds) had provided good returns to the Village. He noted that Bloomberg Financial Services downgraded some of the investments, which caused several municipalities to remove funds in the approximate amount of \$10 to \$12 billion. Manager Williams noted that he and Finance Director Desmond Chin participated in a meeting of the State board of administrative trustees and will meet again tomorrow to insure municipalities that the funds are safe. He stated that they remain comfortable that the Village funds are in a safe position at this time.

Manager Williams thanked Miami-Dade Police Department for their recent excellent work involving the tragedy concerning Sean Taylor. He noted that efforts lead by the Homicide Division appear to have brought the matter to conclusion.

V. VILLAGE ATTORNEY'S REPORT

- A. Casado property (17425 SW 87 Avenue): Attorney Boutsis stated that she was seeking to move for injunction; however, the property owner is currently making significant improvement. Code Officer Alan White took photographs and there appears to be a great deal of clean up being done.
- B. Announcement of Attorney-Client session: Attorney Boutsis announced an Attorney-Client Session in the mitigation lawsuit to be held on December 12, 2007, at 7:00 pm at 900 Perrine Avenue. Attorney Stephen Nagin will be attending.

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; APPROVING AN AMENDMENT TO THE SAFE NEIGHBORHOOD PARKS SERIES 04 DISCRETIONARY FUNDS GRANT AGREEMENT FOR AN EXTENSION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATED TO GRANTS; APPROVING THE AMENDMENT TO THE GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE RECREATIONAL TRAILS PROGRAM, EXTENDING THE GRANT PERIOD THROUGH JANUARY 5, 2009;

AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

- 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 \$14,757.49; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve the Consent Agenda. Seconded by Councilman Neidhart. All voted in favor.

VIII. RESOLUTIONS

- A. 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 2008; PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved this item forward. Vice Mayor Robinson seconded the motion.

Councilman Feller suggested that the Zoning Hearings be moved to the second Tuesday of the month. The Council suggested tabling the resolution to the end of the meeting in order for the dates to be adjusted.

- 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.

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

Director Arleen Weintraub of the Department of Building, Permitting and Zoning provided staff report.

Attorney Boutsis advised that all municipalities are currently working on entering into this Interlocal Agreement. She noted that basic requirements must be included in the Interlocal agreement, such as time tables and the processes for reviewing items.

Mayor Flinn suggested that it would be prudent to defer this item as it is voluminous and detailed.

Councilman Feller asked if there were a deadline.

Attorney Boutsis stated that the deadline would be to adopt this year; however, the County is also reviewing the agreement, and the final document was published only two weeks ago. She noted that several cities have signed the document and others are going forward this month. She opined that as many communities have not entered into the agreement, it would be unlikely that the State would issue sanctions.

Councilwoman Stanczyk expressed her objection to the manner in which the State of Florida treats the Miami-Dade County education system. She stated that the document contains information about development and growth and maximizing the use of less land for more students and piggy-backing on government land.

Councilwoman Stanczyk moved to defer the matter to the next Council meeting and further discuss at the next Committee of the Whole meeting scheduled for December 12th. Seconded by Vice Mayor Robinson. All voted in favor.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO PURCHASE A TORO REELMASTER UTILITY MOWER FOR PALMETTO BAY PARK SOFTBALL FIELDS; AND DISBURSE AN AMOUNT NOT TO EXCEED \$20,331.44 TO HECTOR TURF AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Williams stated that staff was withdrawing this item at this time. The Council concurred.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE 2008 STATE LEGISLATIVE AGENDA WHICH SUPPORTS THE PRIORITIES OF THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE. (Removed from the Consent Agenda by Mayor Flinn)

Mayor Flinn stated that consideration of "Palmetto Bay Boulevard" should return to the priorities.

Councilwoman Stanczyk suggested that lessening historic controls on Old Cutler Road to allow for much-needed traffic improvements on Old Cutler should also be included.

Mayor Flinn suggested including: "co-designation of US-1, seeking historic preservation money, and Old Cutler Road improvements".

All voted in favor of including language that would revise the Resolution to include the three additional priorities.

(Return to previously tabled item) 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 2008; PROVIDING AN EFFECTIVE DATE.

Clerk Rader provided the revised dates for the Land Development hearings: January 14, 2008, February 11, 2008, March 10, 2008, April 14, 2008, May 12, 2008, June 9, 2008, September 15, 2008, October 14, 2008 (Tuesday), November 10, 2008, and December 8, 2008. Councilman Feller moved to amend. Seconded by Councilman Neidhart. All voted in favor of the amended dates. Councilman Feller moved to approve the revised Resolution. Seconded by Councilman Neidhart. 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 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.

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

Manager Williams provided staff report.

Finance Director Chin provided the Fourth Quarter Budget to Actuals Report.

Councilwoman Stanczyk asked if the \$2.2 million surplus is unallocated.

Director Chin advised that following the audit, scheduled for release in March, the \$2.2 million would be surplus; therefore \$500,000 could be available for Village Hall next year.

Councilwoman Stanczyk remarked that the previous resolution set a "floor", not a "ceiling" and she opined that the Council should do everything in its power for the Village to have its own Village Hall.

Councilman Neidhart called the question. 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).

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

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Steve Kreisher, 18201 SW 98 Avenue; and Harry Neremberg, 14760 SW 83 Place.

Mayor Flinn suggested that "Other Business" be considered next in the Agenda. The Council concurred.

XIII. OTHER BUSINESS

Councilman Neidhart expressed his support of a Dog Walk provided by the Friends Forever Rescue organization in March of 2008.

Dee Chess, 16000 SW 91 Court, and Rita Schwartz, 7300 SW 107 Terrace, were present and provided information.

Mayor Flinn expressed his support of this fund raiser. He stated that he is in favor of activities to promote the parks.

Manager Williams stated that staff is working with Friends Forever to determine the budget and the details.

Mayor Flinn remarked that Friends Forever wanted to reserve the date.

Ms. Chess noted that the proposed date is March 8.

Councilman Feller suggested discussing the matter at the COW.

Manager Williams concurred, adding that administration wanted to insure that the programming of this event is coordinated properly through staff.

XIV. MAYOR AND COUNCIL COMMENTS

The Council wished all a happy holiday.

Mayor Flinn stated that he hoped the Council would join him in acknowledging well-decorated houses this year.

Councilwoman Stanczyk encouraged all to attend the grand opening of Palmetto Bay Park on December 15th.

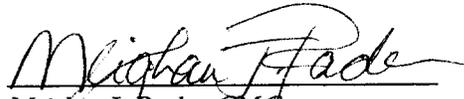
At the Council's request, Acting Commander Truitt gave a brief presentation concerning holiday safety tips.

Mayor Flinn encouraged all to request a home security survey that would be conducted free of charge by the Policing Unit.

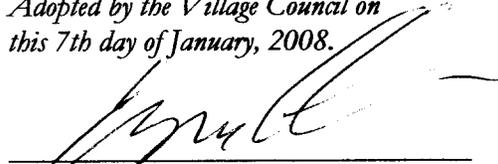
XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:30 pm.

Prepared and submitted by:


Meighan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 7th day of January, 2008.*


Eugene P. Flinn, Jr., Mayor

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