

**VILLAGE OF PALMETTO BAY
MINUTES OF THE MONDAY, FEBRUARY 5, 2007
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR'S 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 Charles D. Scurr
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

Mayor Flinn led the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Deering Estate Seafood Festival: Mary Pettit, Executive Director of the Deering Foundation, 16701 SW 72 Avenue, Palmetto Bay, announced the Third Annual Seafood Festival on the Bay scheduled for March 18th. She provided literature and asked for assistance with crowd control.

Mayor Flinn suggested the IBus may be able to assist with off-site parking. He asked that the matter be discussed at the next Committee of the Whole meeting.

Councilman Feller asked the cost of the use of the bus.

Mr. Scurr advised that the Village would pay for the driver; the cost for use of police services is more significant.

Councilman Neidhart suggested the Council discuss the matter at the Committee of the Whole.

Councilman Feller remarked that agencies that request Village assistance should request the assistance with at least two months' notice.

Councilwoman Stanczyk asked how the County is supporting the event.

Ms. Pettit stated that the County provides free use of the grounds, stage and sound system, marketing assistance, and office space.

Councilman Feller suggested that the Village's name be included with all publicity material.

Ms. Pettit expressed her desire to work with the Village.

III. APPROVAL OF MINUTES

A. Minutes of the Regular Council Meeting of January 8, 2007

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

IV. VILLAGE MANAGER'S REPORT

Mr. Scurr advised that the Village is working with Coral Reef Elementary to execute a lease use agreement with the school for Village summer camp. He stated that temporary/part-time staff would be needed for the camp, as there would be two staff persons needed for each of the 4 age groups.

Mr. Scurr reported that the Village had received a donation of 378 palm trees from an individual who did not wish recognition. He stated that the Village will try to incorporate those palms into the library park landscaping. He advised that construction of Palmetto Bay Park will commence this week so the Village will be postponing the skateboard contest.

Mr. Scurr advised that he and several members of the Council visited Tallahassee in order to provide the Village's position concerning windstorm insurance. He stated that the Village is hopeful that there shall be some meaningful rate reduction as a result of its strong position. He reported that Governor Crist has proposed four property tax reform initiatives and staff has been working to provide estimates as to how each could impact the Village. Mr. Scurr advised that the County had re-appointed INLUC members with Commissioner Seijas remaining as the Chair.

A. First Quarter Budget to Actual Report: Finance Director Desmond Chin provided a report for the quarter ending 12/31/06. Councilman Feller asked that future reports compare each quarter to the previous year's quarter to see how the budget is tracking from year to year.

B. Village Hall update: Mr. Scurr reported that Workforce has scheduled an appointment to visit a commercial location in Cutler Bay. He stated that the 164 Street appraisal is continuing. He noted that several Council members individually met with Mr. Erik Haas and staff requests direction as to whether the next steps should be taken. He advised that he met with the Lennar

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developers near Perrine Park and while they have some interest, the developers made a large investment in the land and a proposed Village Hall would make return on their investment difficult.

Mayor Flinn remarked that the Village should make a decision with regard to Village Hall. He stated that he met with Mr. Haas. He asked Attorney Boutsis if the Council needs to move to empower Mr. Scurr to begin work on a conceptual paper to expend funds for due diligence. Attorney Boutsis replied that she could draft the initial intent if the Council desires. Councilman Neidhart moved to empower legal counsel and the Village Manager to develop a conceptual agreement and present to the next Committee of the Whole and/or Council Meeting. Seconded by Councilman Feller. The Motion carried 4-1, Councilwoman Stanczyk being opposed.

Mr. Scurr continued his report, noting that the On-Demand traffic signal at 82 Avenue is complete and the County has completed repairs to the SW 152 Street coral rock wall. He advised that the 82 Avenue construction calming project will begin Monday and staff shall be re-notifying the neighbors and Southwood Middle School). He noted that staff will be meeting with the neighbors concerning the 77 Avenue (south of 152 Street) tree re-location project. Mr. Scurr advised that Council that a Cone of Silence is in place for the Building and Permitting Services and the Special Master Services.

Policing Unit Commander J. Scott Dennis provided information concerning the procurement of the watercraft. He noted that the watercraft would assist police with enforcement of the waterways and possible search and rescues. He advised that there in insufficient staff for full-time use of the vessel; however, the vessel would be used on an as-needed basis.

Mr. Scurr advised that an alternate resolution has been provided concerning Sadowski Park. He announced that there will not be a February zoning hearing, the next Council meeting is scheduled for March 5, Zoning hearing on March 12th and a Special Committee of the Whole scheduled for February 7th at the C-100 property.

V. VILLAGE ATTORNEY'S REPORT

Update concerning Bolger property, 17205 SW 77 Avenue: Attorney Boutsis provided a report. She advised that her office has discovered that the property had passed to an individual prior to Mr. Bolger's death. She had provided notice to the new property owner prior to moving for injunctive relief. She stated that the current owner has until end of week to correct the violations or she will move forward.

VI. BOARD AND COMMITTEE REPORTS

- A. Councilwoman Stanczyk provided a report concerning the Old Cutler Bike Path Advisory Committee. She stated that the Committee met twice and is diligently gathering knowledge concerning the opportunity to re-new Old

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Cutler. She advised that the Committee is also interested in making the entries at 136 and 184 streets into "grand entrances". She thanked Public Works Director Ron Williams and Maintenance Supervisor Danny Casals for their assistance. She thanked Mr. Tullberg for the information concerning bike paths that he has been providing to the Committee.

- B. Community Services Director Ana Garcia and Chair of the Special Events Committee Donna Coughlin provided a report concerning the Village's Annual Celebration Picnic. They noted that they are still seeking volunteers and are excited about the event.

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 \$13,012.57; PROVIDING AN EFFECTIVE DATE.

Clerk Rader noted that previously agendaed items B, C and D had been pulled from the Consent Agenda. Councilman Neidhart moved to approve Item A. Seconded by Councilman Feller. All voted in favor. Resolution 07-12 was adopted unanimously.

VIII. RESOLUTIONS

- A. A RESOLUTION A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BILL SADOWSKI PARK AND NATURE CENTER; REQUESTING MIAMI-DADE COUNTY TO DEVELOP A MANAGEMENT PLAN FOR SADOWSKI PARK AND A MANAGEMENT PLAN FOR THE WETLANDS PROJECT; PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved the item. Seconded by Councilwoman Stanczyk.

Councilman Feller provided a report concerning the recent neighborhood workshop that Commissioner Sorenson's office coordinated on January 31st. He noted that a public hearing shall be held prior to accepting the County plan and prior to the Village accepting the plan. He stated that he would prefer the original resolution, rather than the substitute resolution, so that there would only be one public hearing, not "ad infinitum" meetings. He expressed that the resolution should focus solely on the wetland plan.

Mayor Flinn stated that a management plan for the wetlands is necessary. He asserted that the Management Plan for the Coral Reef Park pinelands included the exotic area. He stated that he remains concerned that Sadowski has

apparently become a seed source; however, invasives at Coral Reef Park are not a County concern.

Councilwoman Stanczyk added that the Old Cutler Road area has also been encroached with invasives.

Councilman Neidhart expressed his support for the substitute resolution, adding that the County should increase maintenance in order to alleviate or eliminate the problem.

Councilman Feller opined that the language of the substitute resolution may stop the County from addressing the issue. Brief discussion ensued.

Councilman Feller moved to amend the substitute Resolution to include that the County should come up with a plan to rid Sadowski and rest of the parks from invasive species and that a public hearing in a council meeting be held concerning the matter, not an entirely separate meeting. Mayor Flinn stated that he would not accept the amendment as a friendly amendment. Councilman Feller's amendment failed for lack of second.

Councilman Feller moved that the Resolution include that a hearing on the matter be set for 7:30 during a regular Council meeting. Councilman Neidhart seconded. The motion carried unanimously (5-0).

Following further discussion, Councilman Neidhart called the question on substituted resolution. Vice Mayor Robinson seconded. The Resolution passed 4-1, Councilman Feller being opposed.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REITERATING ITS SUPPORT FOR THE US 1 WATER AND SEWER INFRASTRUCTURE PROJECT CURRENTLY FUNDED THROUGH THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND AND URGING MIAMI-DADE COUNTY TO ACCELERATE THE PROJECT TIMELINE FOR COMPLETION, MAKING THE PROJECT AN EVEN GREATER PRIORITY AMONG OTHER GOB PROJECTS; PROVIDING AN EFFECTIVE DATE

Councilman Neidhart provided a report. He advised that he feels that hard work and progress was made; however, he wants the County to keep the Village up to date on the status.

Attorney Boutsis stated that she would add language to Section 1 to include quarterly project reports. Councilman Neidhart moved to amend with Attorney Boutsis' suggestion. Seconded by Councilwoman Stanczyk. All voted in favor. The Council voted in favor of the modified Resolution. A roll call vote was taken, as follows: Councilman Feller: Yes; Councilman

Neidhart: Yes Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes. The motion carried (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE AGREEMENT WITH SKYLINE MANAGEMENT GROUP, INC, TO PROVIDE PROFESSIONAL SERVICES AS THE OWNER'S REPRESENTATIVE FOR THE LIBRARY/COMMUNITY ROOM CONSTRUCTION PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Flinn remarked that Council wants to insure that the project falls within budget.

Vice Mayor Robinson concurred.

Councilwoman Stanczyk stated that she remains concerned that the person is being hired for a single job rather than other capital projects that need attention. She stated that she would prefer limiting the contract amount until an employee can be hired who can work on all projects, rather than just the library. She requested a "job board" that would provide information concerning the percentage of completion, percentage of budget used and what remains.

Following discussion, Mayor Flinn moved to amend the Resolution to provide a cap of \$30,000 on the contract. Seconded by Councilman Neidhart. A roll call vote was taken, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes. The motion carried (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE POLICE PROCUREMENT; AUTHORIZING THE VILLAGE MANAGER TO PURCHASE A BOSTON WHALER VESSEL, 170 MONTAUK, IN AN AMOUNT NOT TO EXCEED \$21,780.00 FROM THE LAUDERDALE MARINA, INC., PROVIDING AN EFFECTIVE DATE.

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

Commander Dennis provided a report.

Mayor Flinn stated that he is in favor of good public policy; however, he wants to insure that there will not be unrealistic expectations.

Commander Dennis stated that he welcomes citizen input and when a trend is established, they will begin crafting the hours of operation.

Vice Mayor Robinson asked where the vessel will be stored.

Commander Dennis replied that it would be stored at the C-100 property.

A roll call vote was taken, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes. The motion carried (5-0).

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING WAIVER OF PLAT D-22378, LOCATED AT 16795 S. DIXIE HIGHWAY AND 9451 SW 168TH STREET, PALMETTO BAY, FLORIDA MORE SPECIFICALLY A PORTION OF TRACT "D" "REPLAT OF TALBOTT ESTATES" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 60, PAGE 49 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved the matter forward. Seconded by Councilman Neidhart.

Attorney Boutsis swore in individuals who wished to speak.

Director Williams provided staff report.

Attorney Boutsis provided information concerning the waiver of plat procedure.

Mr. Joe Corral, 1201 Brickell Avenue, Suite 460, Miami, FL 33141, was recognized as the developer for Walgreens. He stated that he is seeking plat approval and has spoken with Mr. Williams and agrees to provide additional landscaping.

Mayor Flinn asked for information regarding the drive-through.

Mr. Corral stated that there will be a single drive through along the north side of the property for pharmacy pick-up. He stated that is would not be a heavily used drive-through.

Councilman Feller expressed that he was pleased that the entrance is as far east as possible on 168th Street.

Mayor Flinn opened the public hearing.

Mr. John Pettit, 15395 SW 89 Court, wondered if there is any plan for a liquor store.

Mr. Corral noted that new stores are not operating liquor stores.

No one else wished to be heard. Mayor Flinn closed public hearing.

Councilman Feller moved to accept the plat with the conditions. Seconded by Councilwoman Stanczyk. All voted in favor. The Resolution passed unanimously. Director Williams noted that the contractor was required by Miami-Dade Water and Sewer Authority to put in 1,000 ft of sewer line and this "spine" will be there for others to take advantage of.

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 PROCUREMENT; AMENDING THE VILLAGE'S PROCUREMENT CODE TO CLARIFY BONDING REQUIREMENTS UNDER SECTION 2-175(3)(8) AND CREATING 2-175(3)(9); PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report noting that the bonding required does not need to be bid both bond and performance bonds, rather only a bid bond would be required upon submittal of a response to bid, with the performance bond being required after bid award.

Councilman Neidhart called the question. A roll call vote was taken, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes. The motion carried (5-0). The Ordinance passed on first reading and shall be scheduled for second reading/public hearing.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ART IN PUBLIC PLACES; AMENDING CHAPTER 30, ENTITLED "ZONING" TO INCLUDE SECTIONS 30-100.1 THROUGH 30-100.17; CREATING AN ART'S ADVISORY BOARD; ESTABLISHING THE VILLAGE'S ART IN PUBLIC PLACES PROGRAM; PROVIDING FOR GUIDELINES, CRITERIA, AND ESTABLISHMENT OF FEES FOR THE PROGRAM'S FUNDING; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Efren Nunez, Village's Zoning Administrator, provided staff report.

Attorney Boutsis noted that at a recent Committee of the Whole Meeting, the Council expressed its desire to exempt single family home repairs and construction; however, a developer doing two or more homes would not be exempt.

Mayor Flinn opined that private individuals who have funds to build very expensive homes should be subject to this impact fee. He expressed his support of appointing an outside board, rather than the Council being the board. Councilman Feller concurred.

Councilman Feller suggested that the Council individually meet with Community Development Director Arleen Weintraub and her staff and then Council can discuss the matter further at the next Committee of the Whole meeting.

A roll call vote was taken, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes. The motion carried (5-0). The Ordinance passed on first reading and shall be scheduled for second reading/public hearing.

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

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Paul Blake, 1650 SW 77 Avenue, and Eric Tullberg, 7884 SW 179 Terrace.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Mayor Flinn noted that concerning the non-emergency communications, the Village should be phasing out specialized police services. He stated that should mitigation cease, the extra funds should be put into these types of expanded service.
- B. Councilman Feller proposed that a resolution concerning installing a 5 mph speed limit zone and "no wake" zone in the C-100 canal that traverses the Village.

Following discussion, Attorney Boutsis stated that she would research the Village's authority to install these signs.

Councilman Feller moved to install the signs, subject to legal counsel clarifying the jurisdictional authority. Vice Mayor Robinson seconded. All voted in favor.

XIV. OTHER BUSINESS

- A. Mayor Flinn remarked that he would be attending a property tax legislative committee meeting on February 13th. Discussion ensued.
- B. Councilman Neidhart suggested teaming with the Town of Cutler Bay to provide better response to non-emergency police cars – jointly dispatch with the neighboring community to the South.
- C. Councilwoman Stanczyk stated that she seeks support for her suggestion to provide 24/7 response from Village Hall. She remarked that the kids that use the skate park need a vending machine. Director Garcia replied that staff began selling Gatorade. Director Garcia also stated that the entire park may be closed during construction.
- D. Councilman Feller remarked that the library will be built as “green” as possible; however, “greening” is very expensive, but staff will do their best to insure respect for the environment.

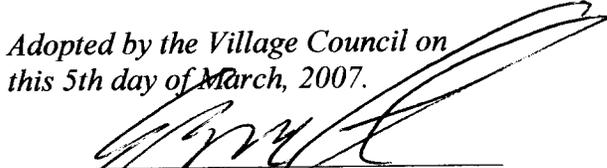
XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:15 pm.

Prepared and submitted by:


Meighan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 5th day of March, 2007.*


Eugene P. Flinn, Jr., Mayor

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