

**VILLAGE OF PALMETTO BAY
MINUTES OF THE MONDAY, MARCH 3, 2008
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 Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

Mayor Flinn led the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Presentation to Baptist Health South Florida – Mayor Flinn welcomed Beau Bollinger and his staff and read the proclamation naming Baptist Health South Florida Day. Councilman Feller thanked Baptist for its high quality of service in the State of Florida.

Mr. Bollinger thanked the Council and thanked all of the employees of Baptist Health.

B. Presentation to Special Events Committee Members: Vice Mayor Robinson, Council liaison to the Committee, thanked the members, noting that the Committee once again coordinated the annual celebration picnic. Councilman Feller showed a slide show of the picnic.

III. APPROVAL OF MINUTES

A. Minutes of the February 4, 2008 Regular Council Meeting

Vice Mayor Robinson moved to approve the Minutes as submitted. Seconded by Councilwoman Stanczyk. All voted in favor. The Minutes were approved.

IV. VILLAGE MANAGER'S REPORT

- A. Manager Williams reported that several park updates are currently underway. Planting in the boundless playground area has begun and shading on the east side of Palmetto Bay Park is also ongoing. He advised that improvements at Coral Reef Park are commencing, including the path, the concession stand and the restroom. He noted that several of the projects shall be brought to the next Council meeting for consideration. Manager Williams advised that staff has been reconfiguring the IBus route in order to increase ridership. He additionally thanked staff for their diligence during the recent power outage. He asked the Council to advise staff if they can be available on March 15, 22 or 29 for the Alexander Jordan tree dedication.
- B. Village Clerk Meighan Rader introduced the Village's Public Information Officer William Kress and provided information concerning his background and experience. Mr. Kress thanked the Clerk, Manager and Council for their support.

Clerk Rader provided dates of the next meetings – March 19th Committee of the Whole and April 7th Council Meeting. She thanked Manager Williams and Andy Newman for their assistance in serving on the committee that interviewed the Public Information Officer.

Mayor Flinn thanked Israel Kreps and Andy Newman for their assistance and welcomed Mr. Kress.

- V. VILLAGE ATTORNEY'S REPORT:** Attorney Boutsis stated that she would report on matters as they were raised.

- VI. BOARD AND COMMITTEE REPORTS:** None.

VII. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE DEERING ESTATE FOUNDATION; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE A TOTAL NOT TO EXCEED \$5,250.00 FOR THE 4TH ANNUAL DEERING SEAFOOD FESTIVAL EVENT TO BE HELD ON MARCH 30, 2008; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH PELCO POLLUTION ELIMINATION CORPORATION FOR ADDITIONAL STORM DRAIN

CLEANING SERVICES WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$10,000.00; AND PROVIDING FOR 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 \$43,097.85; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PAYMENT OF VILLAGE ATTORNEY INVOICES; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE THE REMAINING BALANCE OF \$197,482.15 FROM THE ADOPTED VILLAGE ATTORNEY BUDGET AS INVOICES JUSTIFYING EXPENDITURES PER BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Rader noted that Items 7A and 7D had been requested to be pulled from the Agenda in a timely manner. Vice Mayor Robinson moved to have the items heard following the listed Resolutions. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion carried.

Councilman Neidhart moved to approve the Consent Agenda. Seconded by Councilwoman Stanczyk. All voted in favor.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE HISTORIC PRESERVATION ADVISORY BOARD, APPOINTING THE MEMBERS OF THE VILLAGE OF PALMETTO BAY HISTORIC PRESERVATION ADVISORY BOARD; FURTHER DEFINING THE SCOPE AND PURPOSE OF THE HISTORIC PRESERVATION ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE.

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

Director of Planning and Zoning Arleen Weintraub provided staff report.

Mayor Flinn suggested that the Vice Mayor's and Councilman Neidhart's appointees be appointed for the two one-year terms, as was done for the appointments for Art in Public Places Advisory Board. He explained how the staggered terms would be accomplished.

Following discussion, it was determined that the Council would make their appointments and the Clerk would draw names for the one-year terms.

The following appointments were made:

Mayor Flinn appointed Jack Feller

Vice Mayor Robinson appointed Victor Vincent

Councilman Feller appointed Beverly Gerald.

Councilman Neidhart appointed George Zamanillo

Councilwoman Stanczyk appointed Frank Sicius.

Through random drawing, Mr. Vincent and Mr. Sicius were appointed to the one-year terms. Mayor Flinn appointed Mr. Zamanillo as the Chair.

Vice Mayor Robinson moved to approve the Resolution with the appointees. Seconded by Councilman Neidhart. All voted in favor.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ENDORSING THE FLORIDA GREEN BUILDING COALITION'S "GREEN CITY" INITIATIVE AND SUPPORTING THE GOVERNOR'S ENERGY ACTION TEAM; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.) – **ADD ON ITEM**

Councilman Neidhart moved to allow consideration of the add-on item. Seconded by Councilman Feller. All voted in favor.

Mayor Flinn provided a report concerning the request of the Florida Green Coalition.

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

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE DEERING ESTATE FOUNDATION; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE A TOTAL NOT TO EXCEED \$5,250.00 FOR THE 4TH ANNUAL DEERING SEAFOOD FESTIVAL EVENT TO BE HELD ON MARCH 30, 2008; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Williams provided staff report. He provided information concerning past support of this annual event.

Vice Mayor Robinson noted that while she is supportive of the event, the funds requested have increased since the last year. She also stated that this is an event at a Miami-Dade County Park; therefore, the police cost, as the police are Miami-Dade County employees should not be significant. She expressed full support of

the use of the IBus and the Crowd Pleaser, but feels the cost should be decreased.

Mayor Flinn asked how much was spent on police in the previous year.

Manager Williams advised that while \$1,796 was spent in the past year, the expected size of the event has increased.

Mayor Flinn asked the cost of the IBus for the previous year.

Manager Williams advised that approximately \$500 was spent for the IBus.

Following discussion, Mayor Flinn suggested that as the Village has recently cut the special events budget, the Village should be given better recognition in the marketing of the event.

Councilman Feller expressed his concern with regard to the increased cost and the Village's responsibility.

Manager Williams assured the Council that he would not be recommending supporting continual growth of the Village's support.

Councilman Neidhart expressed his support.

Councilwoman Stanczyk asked for information concerning the County's financial support of this event.

Executive Director of the Deering Foundation Mary Pettit advised that the event is provided full County Park's staff, \$5,000 from Miami-Dade County Cultural Affairs and \$5,000 from other County agencies.

Following discussion regarding budget concern, Vice Mayor Robinson moved to reduce the support to \$3,500.

At Council's direction, Police Commander Gregory Truitt advised that the police met with the Deering Estate representatives, discussed the event and determined the need, which he asserted is fixed and necessary.

Following brief discussion, Vice Mayor Robinson reiterated her motion, which failed for lack of second.

Councilman Neidhart moved to approve the Resolution. Seconded by Councilman Feller. The Motion carried (4-1), with Vice Mayor Robinson being the sole opposition.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PAYMENT

OF VILLAGE ATTORNEY INVOICES; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE THE REMAINING BALANCE OF \$197,482.15 FROM THE ADOPTED VILLAGE ATTORNEY BUDGET AS INVOICES JUSTIFYING EXPENDITURES PER BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams explained that the amount listed is the balance of the authorized funding provided from the 2007-08 fiscal year budget. He stated that the contract should be treated as others are treated, that is, authorizing the village manager to review and approve invoices.

Mayor Flinn stated that he is in favor of keeping the current method.

Councilwoman Stanczyk concurred, stated that the current method adds to transparency in government.

Councilman Neidhart suggested that he has been concerned with the transparency, as Attorney Boutsis' invoices are detailed as to the counsel's operations and may reveal strategy.

Attorney Boutsis advised that her invoices provide justification of time; however, she is comfortable that strategy information is not divulged.

Following brief discussion, the resolution failed (3 to 2).

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; RELEASING AN INTEREST IN CERTAIN REAL PROPERTY AND ABANDONING A RIGHT-OF-WAY FOR THREE PORTIONS OF ROADS LOCATED WITHIN THE CHARLES DEERING ESTATE: ROAD SECTION 1: 72 AVENUE BETWEEN SW 156 STREET AND SW 164 TERRACE, ROAD SECTION 2: 72 AVENUE BETWEEN SW 168 STREET AND SW 169 STREET, and ROAD SECTION 3: SW 169 STREET BETWEEN SW 72 AVENUE AND BISCAYNE BAY; PROVIDING FOR REVERTER OF TITLE TO ADJACENT PROPERTY OWNERS; PROVIDING AN EFFECTIVE DATE

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

Manager Williams provided staff report concerning this extension of SW 72 Avenue, a portion of which extends through property managed by the Deering Estate.

Mayor Flinn advised that the road extends to the "People's Dock" and he wants to insure that this access to the bay remains open to the public.

Mr. Bill Irving, Director of The Deering Estate, asserted that it is not their intention to change access patterns, rather maintain them as is, including the "People's Dock." He stated that the park is closed from sunset to sunrise and the Chinese bridge can only support 6,000 lbs.; the park wants to insure that it is not utilized for anything but passive, pedestrian traffic.

Mayor Flinn asked if a covenant could be included to insure that it remain open to public. Attorney Boutsis stated that a condition to include public access easement along the area for bike/pedestrian agreement that runs with the land.

Following discussion wherein Mr. Irving concurred that current public access should remain open to the public, Mayor Flinn opened the public hearing.

Mr. Howard Tendrich opined that the Deering and Miami-Dade County would agree to the condition raised.

Mayor Flinn closed the public hearing.

Councilman Feller stated that he would be in favor of the Village remaining in control over the road.

Attorney Boutsis advised that if the Village would like to maintain responsibility, then the resolution could be voted down; if not, then she suggested including language that would allow the Deering to maintain, provided the adjacent property owners execute a free unencumbered public access easement use for bikers/pedestrian in perpetuity.

Councilwoman Stanczyk stated that "maintenance" of the road should also be included.

Councilman Neidhart suggested that Attorney Boutsis draft that language, as he would be in favor of the County spending the funds to repair the Chinese bridge and roadway.

Councilman Feller asked that the Resolution be re-written to include a significant amount of protection. He moved to continue the item to the next regular council meeting. Seconded by Vice Mayor Robinson. The Motion carried (4-1), Councilman Neidhart being the sole opposition.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:

None at this time.

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 07-30; AMENDING THE VILLAGE'S BUDGET FOR THE 2007-2008 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 Vice Mayor Robinson.

Manager Williams reported that this Ordinance had not been revised since first reading and that the proposed amendment allows staff to proceed with renovations and repairs at Thalatta Park.

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

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).

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NOISE; AMENDING CHAPTER _____ OF THE CODE OF ORDINANCES ENTITLED "NOISES", AMENDING THE ACCEPTABLE AMBIENT NOISE LEVEL CUT-OFF TIME FOR CELEBRATIONS ON NEW YEARS EVE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report, noting that the revision allows for extension to 1 a.m. for New Year's Eve.

Councilwoman Stanczyk urged residents to remember that there is no problem if you don't report it. There is not a noise or dumpster issue unless you report to village hall. She advised the audience to contact 305-506-7965 so that an officer can be instructed to monitor the noise violation.

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

Councilman Feller 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 was adopted unanimously (5-0).

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

- A. Arlene Feller, 7960 SW 144 Street, asked the Village to keep in mind that with the power outage, some sprinkler timers may not have been re-set.
- B. Paul Kersh expressed his displeasure with his recent experience at a special master meeting concerning his sprinkler violation.

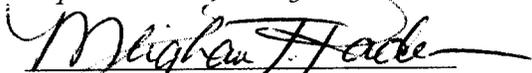
Mayor Flinn remarked that he will be attending an upcoming special master hearing, as he had mitigated fines when he served as special master in the past.

XIII. MAYOR AND COUNCIL COMMENTS: None.

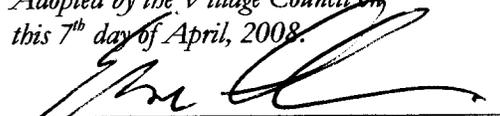
XIV. OTHER BUSINESS: None.

XV. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 9:35 p.m.

Prepared and submitted by:


Meghan J. Rader, CMC
Village Clerk

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


Eugene P. Flinn, Jr., Mayor

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