

**VILLAGE OF PALMETTO BAY  
MINUTES OF THE MONDAY, MARCH 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

Scout Troop 20 led the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Judge Marino-Pedraza: Mayor Flinn introduced Chief Circuit Judge Eugene Fierro and invited the Council to join him in providing Judge Marino-Pedraza with a congratulatory proclamation. Judge Fierro expressed his appreciation to the Council.
- B. Fire Station Update: Fire Chief Spears and the Miami-Dade County Fire Finance Director were recognized. Mr. Scurr expressed his appreciation to the Department for their level of cooperation. He advised that the Village has been diligently working on finding an appropriate site for a new station.

Mayor Flinn asked for further details.

Chief Spears provided further information. She advised that there are two properties in Palmetto Bay being considered: the Palmetto Bay Village Center and at the USDA property. She stated that she is looking forward to providing improved service.

Mayor Flinn expressed his appreciation and added that Councilman Neidhart would be appointed to act as Liaison to the Village's Fire Rescue Advisory Committee.

- C. Library Presentation and Update: Chief of Staff Olga Cadaval advised that the project has reached the 50% construction document phase. She noted that the Village has been meeting with all partners to determine the next steps.

Mr. Aris Garcia of Wolfberg Alvarez provided a report, noting the milestones that have been reached and explaining that the drawings shall be provided to the County in order to begin the approximately two month permitting process. He noted that the 12 month construction schedule is anticipated to begin in July. Mr. Garcia presented the overall site plan for the 10,600 square foot building with two floors, including a 5,000 square foot library, reading room, children's area, community center, elevator, stage, and bandshell. He added that the second floor community room will have a 60-70 person seating capacity and a 448 square foot observation terrace.

Councilman Feller thanked Mr. Garcia for his assistance.

Councilwoman Stanczyk asked Mr. Paul Abbott, representing Skyline Management, his estimate on the cost per square foot.

Mr. Abbott replied that the price was initially over budget; however, through working with A<sup>2</sup>, Wolfberg Alvarez and the County, the project has been brought within the budget. He stated that it currently is a 50% and without a "hard bid", he believes the cost to be \$295 per square foot.

Mr. Scurr advised that \$295 per square foot would be within budget.

Mr. Abbott advised that the entire project would be constructed at \$3 million, plus or minus. He advised that the first numbers came in at \$4.2 million.

Mayor Flinn recalled that \$3.5 million was the first price mentioned.

Councilwoman Stanczyk asked if the cost included infrastructure.

Mr. Scurr replied that the cost included the entire project.

### **III. APPROVAL OF MINUTES**

- A. Minutes of the Regular Council Meeting of February 5, 2007

Mayor Flinn recommended amending page 3 of 5 to include the deadline "by April" after the end of the first sentence (after the words "Village Hall").

Councilman Feller noted that on page 5, he recalled that discussion concerning the Sadowski Management Plan included that there would be a time certain (7:30 pm during a regular Council Meeting) for the Council to have a public meeting to review the County's plan.

Vice Mayor Robinson moved to approve the Minutes as amended. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion carried.

#### **IV. VILLAGE MANAGER'S REPORT**

Mr. Scurr reported that he will be attending the County Commission meeting tomorrow for the final action concerning the police contract. He noted that he would be attending a mitigation workshop on March 29<sup>th</sup>, which would also include discussion concerning annexation/incorporation. He advised that the next Council meeting would be held on April 9, Zoning on March 12 at Southwood Middle School, a Committee of the Whole Meeting on March 21<sup>st</sup>, and the Town Hall meeting on March 19<sup>th</sup>.

Director of Community Services Ana Garcia provided a report. She thanked all for their assistance with the recent Village picnic and announced a special showing of "Night at the Museum" would be held on March 16 at Coral Reef Park. She provided an update concerning parks projects.

Vice Mayor Robinson thanked Director Garcia for her efforts. Mr. Scurr noted that the Village had upgraded its booth at the picnic and staff had good interaction with residents resulting from the upgrade. Mayor Flinn thanked the Vice Mayor, staff, the Special Events Committee, and the volunteers.

Councilwoman Stanczyk asked when the Palmetto Bay Park project would commence.

Mr. Scurr noted that full mobilization would begin in two weeks. He advised the Council with regard to an update concerning possible village hall sites. He stated that he has met with the Old Cutler Inn site representatives and will be returning several options to the Council.

Captain Scott Dennis of the Palmetto Bay Policing Unit announced that the Commander's Night Out in the District 3 area shall be held on March 14<sup>th</sup>. He reported that he is waiting for approval to mark the marine vessel and waiting for a legal opinion regarding the level of enforcement permitted. He encouraged all to take advantage of having the police perform a security survey. He provided recent crime statistics.

Mayor Flinn thanked the Commander and Officer Dawn Colon for her efforts in coordinating the various police assets at the picnic. Councilwoman Stanczyk suggested that the police offer their services through the PTA at the local schools.

Director of Community Development Arleen Weintraub reported that staff is finalizing the process to select the Building and Permitting service provider. She advised that the Request for Qualifications for the Special Master has been advertised. She stated that staff has finalized the Zoning Fees schedule and the Quasi-judicial process ordinances. Ms. Weintraub concluded by noting that the next zoning hearing shall be regarding village properties.

Mr. Scurr introduced Finance Director Desmond Chin, noting that he has been active in reviewing the tax reform bills that are being proposed in the Florida legislature currently.

Mayor Flinn asked if performance based budgeting would be utilized this year.

Mr. Chin stated that he is collecting information and investigating utilizing that type of system.

Mr. Scurr advised that benchmarks would be included.

Director of Public Works Ron Williams reported that his staff is proceeding with significant drainage projects. He advised that bids for the Mangowood area project would be opened on March 14<sup>th</sup>, which will be a significant 90-120 day effort. He noted that several smaller, localized projects that arose during the post-Katrina period. He stated that the traffic calming circle at 82 Avenue and 160 Street is progressing well, with conclusion in mid to late May. Director Williams advised that final design to award the crosswalk calming issues at 144 is proceeding well and staff anticipates awarding the project in late Spring. He thanked Miami-Dade County Water & Sewer Authority and Commissioner Katy Sorenson for completing the potable water project quickly behind the 144<sup>th</sup> Street Publix. He noted that the County laid a "spine" to allow for connections to those residents.

Mayor Flinn advised that as the residents would have to pay for their own connection to resolve this health/safety issue, he was asked by several residents to waive the permit fees for the connection.

Mr. Scurr stated that waiving of the fees would be within his discretion at approximately \$75 to \$100 per household. He advised that the Village would not normally do this; however, there is a health safety aspect involving this project.

Director Williams stated that there are 15 homes that need to perform the connection. He noted that the Village's stormwater utility is in place, which produces an annual revenue stream for future drainage projects. He reported that with regard to the recent solid waste issue, the automated collection system, the Village has voiced its concerns regarding level of service as defined in its Charter.

Councilman Feller added that residents have received notices concerning the automated garbage can system. He expressed his concern that the level of service from solid waste may be less than the level before incorporation with this system,

which would result in the County violating the Village's Charter. He stated that he questioned what would occur if certain things don't fit in the pail. Councilman Feller concluded that the County must either keep the current high service level or the Village must be allowed to have its own collection process.

Discussion ensued. Councilman Feller stated that he would ask legal counsel to take appropriate action under "other business".

**V. VILLAGE ATTORNEY'S REPORT:** Attorney Boutsis advised that with regard to the Bolger property, 17205 SW 77 Avenue, she would be filing injunctive relief this coming Wednesday.

**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, RELATING TO COUNCIL MEETING PROCEDURES; AMENDING THE LAND DEVELOPMENT PERMIT HEARING FOR THE MONTH OF APRIL, 2007; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC SAFETY, DESIGNATING PAUL NEIDHART AS THE COUNCIL LIAISON; PROVIDING AN EFFECTIVE DATE.
- C. 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 ISSUE A PURCHASE ORDER FOR THE CRY WOLF FALSE ALARM SOFTWARE BASED UPON THE CRY WOLF FALSE ALARM SOFTWARE BASED UPON THE CITY OF DORAL'S CONTRACT IN THE TOTAL AMOUNT OF \$22,300.00 FROM AOT PUBLIC SAFETY CORPORATION (PSC).
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING A POLICY CONCERNING LEGISLATIVE TRAVEL; PROVING AN EFFECTIVE DATE.
- 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 \$11,319.27; PROVIDING AN EFFECTIVE DATE.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; APPROVING THE ENGINEERING, CONSTRUCTION, PLUMBING AND ELECTRICAL WORK TO THE BANDSHELL PAVILION AT CORAL REEF PARK AND AUTHORIZING THE FINAL UPGRADE TO THE BANDSHELL STRUCTURE IN THE AMOUNT OF \$55,300.00 THROUGH PIAZZA, INC.; AND PROVIDING AN EFFECTIVE DATE (SPONSORED BY COUNCILMAN NEIDHART.)
  
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; CONCERNING PUBLIC SAFETY; REQUESTING THAT THE STATE OF FLORIDA LEGISLATURE MODIFY STATE LAW SO AS TO PRECLUDE CELLULAR TELEPHONE USAGE BY MOTOR VEHICLE DRIVERS WHILE LOCATED IN A SCHOOL ZONE; AND PROVIDING AN EFFECTIVE DATE.
  
- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC WORKS, AUTHORIZING THE VILLAGE MANAGER TO PROCURE A CHEVY TILT CAB WITH A DUMP LANDSCAPE BODY AND ACCESSORIES FROM MAROONE CHEVROLET, AND TO ISSUE A PURCHASE ORDER FOR SAID PURCHASE IN AN AMOUNT UP TO \$38,394.00; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
  
- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; ESTABLISHING POLICY GUIDELINES FOR CONTINUATION OF EXISTING ORGANIZED USERS AND A METHOD OF APPLICATION FOR NEW ORGANIZED USERS; AND PROVIDING AN EFFECTIVE DATE.

Clerk Rader advised that Item D had been pulled.

Councilman Feller moved to approve the Consent Agenda. Seconded by Councilman Neidhart. All voted in favor. The resolutions were adopted unanimously (5-0).

Mayor Flinn asked that the Ordinance concerning disclosure payments be heard in consideration of Mayor Paul Vrooman of Cutler Bay who was present to provide his input.

**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

DISCLOSURE OF PAYMENTS OR MATERIAL CONSIDERATION PAID OR REQUESTED BY PERSONS IN EXCHANGE FOR SUPPORT OR NON-OPPOSITION ON MATTERS UNDER CONSIDERATION BY THE VILLAGE COUNCIL; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. {SPONSORED BY MAYOR EUGENE P. FLINN, JR.}

Councilman Feller moved to hear the item out of order. Seconded by Vice Mayor Robinson. All voted in favor. The motion carried.

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

Mayor Flinn thanked Mayor Paul Vrooman for his assistance on this ordinance.

Mayor Vrooman thanked the village for allowing him to come speak on the matter. He recalled his experience when he served on his area's community council wherein several individuals were paid for their services either to support or oppose land development items. He expressed his opposition to this type of activity and supports Palmetto Bay's efforts to require disclosure.

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

A roll call vote was taken for adoption of the Ordinance, as follows: Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes. The Ordinance was adopted unanimously (5-0).

## VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO BOARDS AND AGENCIES; FORMING AN OLYMPIC TRIALS COMMITTEE AND APPOINTING MEMBERS THERETO (SPONSORED BY MAYOR EUGENE FLINN.)

Councilman Neidhart moved the matter forward. Seconded by Councilman Feller.

Director Garcia provided staff report. She noted that the Village was chosen from among 30 cities to host the Race Walk trials event for the 2008 Olympics. Members of the Committee were appointed by the Council.

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

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE SIGNAGE; APPROVING THE SELECTION OF INTERNATIONAL SIGN AND DESIGN, INC., TO PROVIDE FABRICATION, INSTALLATION AND REMOVAL OF REFLECTIVE STREET NAME AND FABRICATION AND INSTALLATION OF BUS STOP SIGNAGE; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT UP TO \$250,000 ON A PROJECT THAT WILL STRENGTHEN THE IMAGE AND IDENTITY OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Director Williams provided staff report. Mr. Scurr advised that the gas tax proceeds would fund this activity. Director Williams advised that CITT will be supportive of the program.

Councilman Feller suggested that the Village include this information in its newsletter so the residents would know that the signage will be installed in phases.

Vice Mayor Robinson asked where the installation would begin.

Director Williams advised that the exact areas have not been defined as of this time. Mr. Scurr added that the Village would begin in "high impact areas".

Councilman Neidhart thanked Director Williams for getting the village to this point; he expressed that he is confident the project will be successful.

Councilman Neidhart called the question. A roll call vote was taken for adoption of the Resolution, as follows: Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes. The Resolution was adopted unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING A POLICY CONCERNING LEGISLATIVE TRAVEL; PROVIDING AN EFFECTIVE DATE. (Item was pulled from Consent Agenda)

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

Councilman Feller stated that he wanted to clarify that this Resolution concerns solely legislative travel and does not restrict staff or Council from going to meetings or training.

Following brief discussion, a roll call vote was taken for adoption of the Resolution, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes;

Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes. The Resolution was adopted unanimously (5-0).

## **IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RESPECTFULLY REQUESTING THAT THE FLORIDA LEGISLATURE CO-DESIGNATE THE PORTION OF US 1/SOUTH DIXIE HIGHWAY THAT FALLS WITHIN THE BOUNDARIES OF THE VILLAGE OF PALMETTO BAY, ESSENTIALLY FROM SOUTHWEST 136 STREET SOUTH TO SOUTHWEST 184<sup>TH</sup> STREET; PROVIDING AN EFFECTIVE DATE.

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

Mr. Scurr stated that this additional identifier will help create a sense of identity and let visitors know that they are within our Village.

Mayor Flinn suggested Palmetto Bay Highway. He opened the public hearing. No one wished to be heard.

Councilman Feller moved to amend the Resolution and use the name "Palmetto Bay Highway". Seconded by Councilwoman Stanczyk. The Motion carried (4-1), with Vice Mayor Robinson being opposed.

## **X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES RELATING OCCUPATIONAL LICENSE TAX; RENAMING THE ARTICLE "LOCAL BUSINESS TAX" PURSUANT TO HOUSE BILL 1269 ENACTED BY THE 2006 FLORIDA LEGISLATURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis and Clerk Rader provided staff report.

A roll call vote was taken, as follows: Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: 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 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; AMENDING CODE SECTION 2-47(d) ENTITLED AGENDA CLOSING DATES PROCEDURES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

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

- C. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADOPTING A NEW CHAPTER ENTITLED "PARKS AND RECREATION DEPARTMENT RULES AND REGULATIONS"; PROVIDING FOR CIVIL CITATION FINES; ENFORCEMENT PROCEDURES; REPEALING CHAPTER 26 OF THE CODE OF MIAMI-DADE COUNTY ENTITLED "PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

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

Mayor Flinn suggested that this matter be discussed at the next Committee of the Whole meeting.

Attorney Boutsis concurred. She thanked Mayor Flinn for his assistance with this matter.

A roll call vote was taken, as follows: Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: 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**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING;

CREATING CHAPTER 30 OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR NOTICE PROCEDURES FOR QUASI-JUDICIAL MATTERS; PROVIDING FOR ADVERTISED PUBLICATION, MAILED NOTICE AND POSTING NOTICE OF PUBLIC HEARINGS ON APPLICABLE ZONING APPLICATIONS; SPECIFICALLY REPEALING SECTION 33-310 OF THE MIAMI-DADE COUNTY CODE ENTITLED "NOTICE AND HEARING PREREQUISITE TO ACTION BY THE VILLAGE COUNCIL" AS THE VILLAGE IS ADOPTING ITS OWN NOTICE PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Weintraub and Attorney Boutsis provided staff report.

Mayor Flinn thanked staff and Attorney Boutsis for their efforts. The Council concurred. He opened the public hearing. No one wished to be heard.

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

- 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 30-100.16; 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.

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

Zoning Administrator Efren Nunez provided staff report and a Powerpoint presentation.

Attorney Boutsis reminded the Council that all artwork selection by both advisory board and village council shall be subject to village's cone of silence regulations, which would prevent individuals from lobbying the Board or the Council regarding artwork they desire.

Discussion ensued regarding the substance of the ordinance.

Mayor Flinn opened the public hearing. The following individuals expressed opposition to the Ordinance as proposed: Eric Tullberg, 7884 SW 179 Terrace, and Warren Lovely, 15323 SW 74 Place.

Mr. Scurr asked that the effective date be changed to thirty (30) days from this date to allow time to prepare forms and procedures.

Discussion ensued. Councilman Feller suggested that any amendments be made to the first version.

Attorney Boutsis noted that the amendments that had been offered include all structures above \$250,000 and a higher fee for structures valued over \$750,000 and include disincentives for placing public art on private properties.

Councilman Feller suggested that the amendments be bifurcated. He stated that he is happy with the original version; however, he concurs with the disincentives for placing art on private property.

Councilman Neidhart moved to amend the Ordinance to reflect that all construction under \$750,000 would pay a fee. Seconded by Vice Mayor Robinson.

Councilman Feller noted that there would not be a fee in the original version for remodeling under \$250K, but would pay a fee for a structure over \$750K.

Attorney Boutsis clarified that the amendment made includes that a single residential unit exceeding \$750,000 would be subject to 1% fee; all single residential properties under \$750,000 would be required to pay .5% of the project value.

Discussion ensued.

Councilman Feller called the question on the amendment. The amendment failed 0-5.

Attorney Boutsis clarified the second amendment offered which states that if an individual required to pay the fee and the art remains on private property or is an architectural component, the fee shall be 2.5%.

Vice Mayor Robinson moved the item. Seconded by Councilwoman Stanczyk. All voted in favor (5-0).

Councilman Feller moved to amend to include cone of silence language and to have the ordinance effective 30 days following adoption. Seconded by Vice Mayor Robinson. All voted in favor (5-0).

A roll call vote regarding approving the ordinance in its entirety with amendments 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 was adopted.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING THE VILLAGE'S PLANNING, ZONING, AND QUASI-JUDICIAL HEARING FEE SCHEDULE FOR ALL DEVELOPMENT APPLICATIONS; SPECIFICALLY REPEALING THE MIAMI-DADE COUNTY FEE SCHEDULE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Director Weintraub stated that the Ordinance would include the additional .25 surcharge approved in the previous Ordinance as just adopted.

Councilman Feller moved to conform the ordinance to include the .25 fee. Seconded by Councilman Neidhart. All voted in favor.

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

A roll call vote regarding approving the ordinance in its entirety with amendments was taken, as follows: Councilman Neidhart: Yes Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes. The motion carried (5-0). The Ordinance was adopted.

- D. 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.

Attorney Boutsis advised that the bonding provision was modified to ten (10) business days.

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

A roll call vote was taken, as follows: Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes;

Councilman Neidhart: Yes. The motion carried (5-0). The Ordinance was adopted.

**XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** No one wished to be heard.

**XIV. OTHER BUSINESS**

Councilman Feller raised the issue concerning the level of solid waste services due to the recent automated system that the County is implementing.

Discussion ensued. Councilman Feller asserted that the Council should advise the County that the level of service shall be the same as prior to incorporation and that Miami-Dade should take no action until the Village has determined that the level of service has been reached

Director Williams asked the Council for their thoughts as to what kind of improvements or additions the Village we could propose that would make the level of service appropriate for the Village residents.

Discussion ensued regarding tonnage and other variables, such as the uneven items that may not fit into the container.

Councilman Neidhart asked if other cities were concerned. He remarked that Key Biscayne has its own contract.

Director Williams noted that Key Biscayne had their own solid waste department since incorporating.

Mr. Scurr reiterated the Council comments that the Village is of the opinion that the proposed service is a diminution in service and request the county to meet with the village to develop an agreed upon solution; barring same, authorize the village attorney to begin the appropriate legal action.

Councilman Feller moved the item. Seconded by Vice Mayor Robinson. The motion carried 4-1, Councilman Neidhart being opposed.

Mayor Flinn suggested that a motion be made to procure the water permits for the residents of the 89<sup>th</sup> Court area in order to assist with the health/safety issue and the unique circumstance that required the project. Vice Mayor Robinson made the motion. Seconded by Councilman Feller. All voted in favor (5-0).

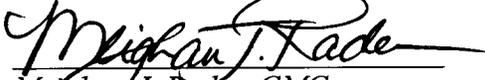
Vice Mayor Robinson asked if the Committee of the Whole meeting could be changed to April 25<sup>th</sup>. The Council concurred. Mayor Flinn suggested a Special Council meeting be held on March 12<sup>th</sup> prior to the Zoning hearing. The Council concurred.

**XIII. MAYOR AND COUNCIL COMMENTS:** None at this time.

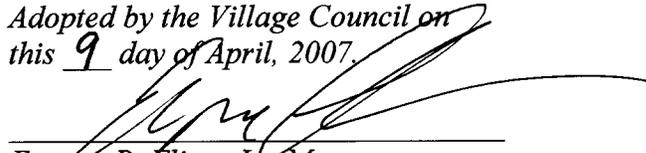
**XV. NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 10:03 pm.

*Prepared and submitted by:*

  
\_\_\_\_\_  
Meghan J. Rader, CMC  
Village Clerk

*Adopted by the Village Council on  
this 9 day of April, 2007.*

  
\_\_\_\_\_  
Eugene P. Flinn, Jr., Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.