

**VILLAGE OF PALMETTO BAY
MINUTES OF THE MONDAY, MAY 7, 2007
REGULAR 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

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation to Girl Scouts – Troop 89 and 940: Mayor Flinn thanked the Troop Leaders and the Girl Scouts. He advised that through their clean-up during Baynanza, Troop 940 had found the bell that had been stolen from Palmer Trinity School.
- B. Recognition of Charles Scurr, First Village Manager: Mayor Flinn thanked Mr. Scurr and presented him with a Key to the Village. State Representative Julio Robaina spoke and the Council thanked Mr. Scurr for his service. Mr. Scurr thanked the Council and staff.
- C. Mitigation Report: Mr. Scurr provided a report concerning mitigation, its history and how the three cities joined together to have it abolished.

Representative Robaina remarked that through the leadership of the three cities, the legislators took a close look at mitigation and all agreed that it was not reasonable to impose the fee on any new city or group of people that wish to incorporate. He thanked the cities for their diligence. Representative Robaina noted that he had approached the Governor with information regarding the windstorm bill and the Governor signed it without hesitation.

Mayor J.C. Bermudez of the City of Doral was recognized and provided further explanation of the history of the mitigation efforts. He thanked Representative Robaina, Representative David Rivera, Senator Alex Diaz de la Portilla, and

House Speaker Marco Rubio. He expressed that the County should do the "right" thing and respect State law and not attempt to appeal the law.

Mayor Wayne Slayton of the Town of Miami Lakes was recognized and thanked the Palmetto Bay residents for electing dedicated officials who joined with his city and Doral to fight the battle against mitigation.

Mrs. Olga Cadaval, Chief of State, on behalf of the Council and staff, presented a collection of pictures dedicated to Mr. Scurr.

D. Presentation re Commuter Challenge

Ms. Nelly Rumayor, Miami-Dade Outreach Consultant for South Florida Commuter Services, encouraged all to participate in the Miami-Dade Commuter Challenge on May 17, 2007, and use mass transit, walk or bike. Mayor Flinn encouraged all to use the IBus.

E. CITT: Nestor Toledo and Diane Markowitz

CITT representatives Nan Markowitz and Nestor Toledo were recognized and provided a brief presentation concerning CITT efforts. She commended the Village for its completion of the 5-year transportation plan and for the construction of the traffic calming devices. Ms. Markowitz stated that the Village should be proud of its efforts, particularly the circulator service.

F. Presentation of FY 2005-06 Independent Audit – Gerry Chiocca - Rachlin, Cohen and Holtz, LLC: Mr. Scurr advised that the auditors were unable to attend this evening. Finance Director Desmond Chin provided the report, noting that the auditors did not offer any "findings or recommendation" as to how the Village's finances could be better managed.

III. APPROVAL OF MINUTES

- A. Minutes of the April 9, 2007 Council Meeting
- B. Minutes of the April 12, 2007 Special Council Meeting

Councilman Feller moved to approve the Minutes. Seconded by Vice Mayor Robinson. All voted in favor. The Minutes were approved unanimously (5-0).

IV. VILLAGE MANAGER'S REPORT

- A. Second Quarter – Budget to Actuals: Finance Director Chin provided staff report.
- B. State Legislative Update: Mr. Scurr advised that the property tax issue remains a concern and a Special Session will be scheduled in Tallahassee. He noted that local governments will need to prepare budgets shortly following the Special Session.

Mr. Scurr remarked that he is proud of staff's work on the Village newsletter, which has now been published in color. He announced the June 11 Council meeting, June 18th Zoning hearing and Special Council meeting on May 14th to review the four chapters of the Land Development Code.

Community Development Director Arleen Weintraub noted that there shall be a Special Council meeting at Southwood Middle School on May 14th to hear first reading of four ordinances to create four divisions of the Land Development Code.

Community Services Director Garcia advised that the bandshell is nearing completion at Coral Reef Park and the beach volleyball courts should be completed this weekend. She announced that staff anticipates a Fall ribbon cutting at Palmetto Bay Park and at the C-100 Library Park. She advised that Summer Camp has currently over 60 registered campers. Director Garcia thanked Monica Inguanzo for her work on the Village's newsletter.

Village Policing Unit's Captain Dennis provided a report regarding the success of the Officer-Friendly Program and thanked Officers Colon and Torres for their dedication to teaching the elementary school children about topics such as: officers are your friends, bicycle safety, 911, and stranger danger.

Chief of Staff Olga Cadaval provided a Library update. She noted that staff has been asked by DERM to provide further information in order to get a permit. She advised that the plans have reached 90% completion and 100% completion is anticipated by the end of May.

Public Works Director Ron E. Williams provided an update with regard to several public works projects, including drainage improvements in Mangowood area, post-Katrina localized drainage projects (announcing the recommendation for selection of contractor will be presented at the Special Council Meeting of May 14), traffic calming projects' designs are continuing at 144 Street, and four additional areas, new Village sign installed at 166 Street and 88 Ct, and staff will be addressing the "American Legion Way" signage.

Mr. Scurr added that staff will seek a motion at the end of the meeting for approval to draft an ordinance for street sign bonding.

Director Williams advised that the dedicated revenue source will be CITT funds.

Mayor Flinn asked if the annual "after-school fun" for Southwood Middle School Student would still be held on the last day of school at Coral Reef Park. Director Garcia responded affirmatively.

V. VILLAGE ATTORNEY'S REPORT: None at this time.

VI. BOARD AND COMMITTEE REPORTS

- A. Old Cutler Road and Bike Path Advisory Committee: Councilwoman Stanczyk provided a report and asked those members present to stand and be recognized. She thanked Julie LaVoie, Chair, Henry Clifford, Erik Tullberg, Bruce Barton, and Bill Best. She concluded that the Committee believes that the County's neglect remains the reason for the current poor condition of the Old Cutler Road Bike Path.

Ms. Julie LaVoie, Chair, thanked the Committee members and provided a report. She concurred that Miami-Dade County needs to take responsibility for the maintenance of the roadway. She advised that the Committee believes an architect should be hired to design an overlay to the path and the adjacent homeowner, County or Village should be responsible for maintenance of the beautification. She encouraged the Village to work with the neighboring cities and Miami-Dade County to create an enhanced maintenance plan, maximize tree canopy and bury utility lines where possible. Ms. LaVoie suggested that a theme be created that would incorporate village entry signs. She stated that watering stations, markers and connections to other paths are needed.

Councilwoman Stanczyk added that with the Olympic Trials coming in the near future, it may be appropriate to see if the County will be willing to assist with beautification during that very public time.

Councilwoman Stanczyk moved to accept the final report and sunset the Committee. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried unanimously (5-0).

VII. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO WAIVER OF WATER PERMIT COST FOR CERTAIN AFFECTED VILLAGE RESIDENTS OF THE 89TH COURT AREA; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MAINTENANCE OF THE OLD CUTLER ROAD BIKE PATH; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilwoman Stanczyk)
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MIAMI-DADE COUNTY ADOPTING A DEVELOPMENT PLAN FOR MAINTENANCE OF "168TH STREET PROPERTY"; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)
- D. 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 \$29,947.06; PROVIDING AN EFFECTIVE DATE.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRANSPORTATION, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY FOR DISTRIBUTION, USE AND REPORTING OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY; AND PROVIDING FOR SEVERSBILITY AND AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO POLICE SERVICES; DIRECTING THE VILLAGE MANAGER, AS CONTRACTING OFFICER, TO COORDINATE POLICE SERVICES AT SCHOOL ZONES DURING DROP OFF AND PICK-UP TIMES OF STUDENTS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)

Vice Mayor Robinson moved to approve the items contained in the Consent Agenda. Seconded by Councilwoman Stanczyk. The Motion carried unanimously (4-0, Councilman Feller briefly left the meeting).

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH ASTEC CONSULTING, INC., TO PROVIDE PROFESSIONAL SERVICES TO DEVELOP A GEOGRAPHIC INFORMATION SYSTEMS (GIS) SERVICE IN AN AMOUNT NOT TO EXCEED \$20,000.00; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Weintraub provided staff report. She explained that a project of this magnitude was done in phases and overlapped the fiscal year. She thanked Matt Ross and Doug Phillips of Astec Consulting for their assistance. She noted that she had researched the cost of the project and the Village is only spending approximately 25% of what comparable cities have paid for this service. Director Weintraub displayed a map and provided an overview of what a GIS service does for the Village.

Mayor Flinn asked if there was any other aspect of the project remaining.

Mr. Scurr advised that there would be minor maintenance of the system. Director Weintraub concurred, adding that the Village pays for and receives updates from the property appraiser.

Councilman Neidhart called the question. All voted in favor (4-0). The Resolution was approved unanimously.

(Councilman Feller returned to the meeting.)

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENTS ON SW 148TH STREET IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH KIMLEY-HORN TO PROVIDE CONSTRUCTION SUPPORT SERVICES DURING CONSTRUCTION OF THIS PROJECT; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO \$40,500.00; AND PROVIDING FOR AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENTS ON SW 148TH STREET IN THE VILLAGE OF PALMETTO BAY; APPROVING THE SELECTION OF ACOSTA TRACTOR, INC. TO PROVIDE CONSTRUCTION SERVICES FOR PAVING AND DRAINAGE IMPROVEMENTS IN THE AREA OF SW 148TH TO THE NORTH, SW 148TH DRIVE TO THE WEST, SW 152ND STREET TO THE SOUTH, AND SW 80TH AVENUE TO THE EAST; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT UP TO \$764,276 CONSISTING OF A BASE BID OF \$534,154 AND AN ADDITIVE BID OF \$230,122; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Neidhart moved the items forward. Councilman Feller seconded.

Councilman Feller moved to hear the items together, as they are closely related. Vice Mayor Robinson seconded. All voted in favor.

Director Williams provided staff report. He advised that Kimley Horn designed the plan and staff felt it appropriate to authorize them to manage the project. He reported that through the appropriate bid process, Acosta Tractor was most responsive and well experienced responsive bidder.

Attorney Boutsis advised that she had reviewed both the RFP and the contract items for legal sufficiency.

Mayor Flinn asked if the project included French drains and outfalls.

Director Williams noted that it was an infiltration projects, no outfalls; thus, it can be completed expeditiously.

Brief discussion ensued.

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 Resolution passed unanimously.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE ART IN THE PARK EVENT; PROVIDING REIMBURSEMENT TO THE CULTURAL COUNCIL FOR THE 2005 EVENT; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE \$1,992.47 FOR POLICE OFF-DUTY SERVICES FOR THE ART IN THE PARK EVENT HELD ANNUALLY AT CORAL REEF PARK; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Neidhart)

Councilman Neidhart moved the item forward. Councilwoman Stanczyk seconded.

Councilman Neidhart asserted that the Cultural Council relies on grants for the Art in the Park event and doesn't charge admission. He advised that the Cultural Council paid for half of police services and requested assistance. He stated his support for the Village to provide payment for half of the police services for the 2005 event.

Mr. Scurr stated that, in the past, there was confusion in the level of support that the Village would offer. He noted that staff has developed a policy where requests for support will be clearly defined by resolution, following a presentation by the group seeking funds.

Councilman Feller remarked that he recalled the Council making a commitment to assist the Art in the Park event last year and, as this is a "signature event", he supports it.

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 Resolution passed unanimously.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE JAZZ UNDER THE STARS EVENT; PROVIDING REIMBURSEMENT TO THE CULTURAL COUNCIL FOR THE 2006 EVENT; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE \$1,153.51 FOR POLICE OFF-DUTY SERVICES FOR THE ANNUAL JAZZ UNDER THE STARS; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Neidhart)

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

Councilman Neidhart stated that this event had been held at the Palmetto Bay Village Center. He remarked that the first year was successful; however, inclement weather caused poor ticket sales for the 2006 event. He explained that the Cultural Council has requested the Village's assistance.

Councilman Feller stated that while he is desirous of maintaining a good relationship with the Cultural Council, the Jazz Under the Stars is a private event and the Village is not an official sponsor.

Vice Mayor Robinson concurred, wondering if the Police Department may be amenable to waive the fee.

A roll call vote was taken, as follows: Mayor Flinn: no; Vice Mayor Robinson: no; Councilman Feller: no; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution failed (2-3).

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO HIRING A VILLAGE MANAGER; AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH MR. RON E. WILLIAMS; PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved the item forward. Vice Mayor Robinson seconded.

Attorney Boutsis provided staff report. She explained that she had provided Mr. Scurr's contract to all Council. She advised that she met with Mr. Williams and Mayor Flinn and negotiated terms of the contract, including car allowance or alternative use of city vehicle and allowance for cell phone. She reported that she had provided a salary survey to all and performed a background check and reference check of Mr. Williams. Attorney Boutsis advised that salary and retirement are the two material sections to be considered. She noted that the contract would be a two-year contract, with the salary being considered prior to preparing the budget.

Discussion ensued concerning the salary.

Councilman Feller moved to establish a salary of \$140,000 annually. Councilwoman Stanczyk asked for clarification regarding the retirement. Councilman Feller replied that his motion did not include reimbursement of the 457 contribution, rather Mr. Williams can contribute the amount he chooses, as do other employees.

Councilman Feller moved to strike language in Section 6.4 Retirement as follows: strike "after 12 months of continuous service" and the last sentence of the section. Councilman Neidhart seconded. All voted in favor. The Motion passed unanimously (5-0).

Councilman Feller moved to accept the remaining terms of the contract, with the exception of Section 5-Salary. Seconded by Councilman Neidhart. All voted in favor. The Motion passed unanimously (5-0).

Councilman Feller moved to set the salary at \$140,000 annually. Seconded by Councilman Neidhart.

Mayor Flinn remarked that he preferred starting the salary at \$130,000 and including a provision for a bonus following evaluation. Following discussion, Mayor Flinn suggested \$130,000 annually with a \$5,000 bonus following review of six months of service.

A vote was taken on the previous motion. The Motion failed 2 to 3, Councilwoman Stanczyk, Vice Mayor Robinson and Mayor Flinn voting in the opposition.

Vice Mayor Robinson moved to begin the salary at \$130,000 annually with a \$5,000 bonus following favorable evaluation after 6 months of service.

Following discussion, a five minute recess was taken.

Upon reconvening, Councilman Feller seconded Vice Mayor Robinson's motion.

Vice Mayor Robinson moved to amend the bonus to be increased to \$7,000 following favorable evaluation. Councilman Feller seconded the revised motion. The motion carried 3 to 2, Mayor Flinn and Councilwoman Stanczyk being in the opposition.

Councilman Feller moved to approve the contract as amended. Seconded by Councilman Neidhart. 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 Resolution passed unanimously (5-0).

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 CODE COMPLIANCE; AMENDING CHAPTER ____, ENTITLED CODE ENFORCEMENT PROCEDURES; PROVIDING FOR CRITERIA FOR THE SPECIAL MASTER TO USE IN DETERMINING MITIGATION OR REDUCTION OF ASSESSED FINES OR LIENS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Weintraub provided staff report. She noted that the Special Master would require criteria and guidelines in order to grant mitigated or reduced assessed fines, if appropriate.

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 passed on first reading unanimously (5-0) and will 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 CREATING SECTION OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES ENTITLED "REGULATIONS PERMITTING DOGS IN OUTDOOR SEATING AREAS OF PUBLIC FOOD SERVICE ESTABLISHMENTS"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Councilman Feller asked if the patron/dog owner would be responsible for removing the dog waste. Attorney Boutsis replied that the restaurant owner would be responsible.

Councilman Feller moved to amend the Ordinance to include a fine for not cleaning the waste. Seconded by Councilman Neidhart. All voted in favor. The Motion passed unanimously.

Following brief discussion, 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, as amended, was passed on first reading unanimously (5-0) and will 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 TAXES; AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED "PUBLIC SERVICE TAX", TO CLEARLY DELINEATE THAT BOTTLED GAS AND COAL ARE AMONGST THE UTILITIES TO BE TAXED UNDER THE PUBLIC SERVICE TAX; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis noted that the Ordinance captures all possible utilities that could be subject to public service tax at this time.

The Public hearing was opened. No one wished to be heard. The public hearing was closed.

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 A MID-YEAR BUDGET ADJUSTMENT AS TO FUNDED POSITIONS WITHIN DEPARTMENTS; PROVIDING FOR IMPLEMENTATION OF THE VILLAGE'S DESIRE TO FUND CERTAIN POSITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report.

The public hearing was opened. No one wished to be heard. The public hearing was closed.

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).

- 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.

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

Mr. Scurr provided staff report.

Attorney Boutsis requested Council defer consideration in order to insure that the revised version is acceptable to Council and Miami-Dade Police.

Mayor Flinn opened the public hearing, stating that final consideration/public hearing would be scheduled for June 11.

The following individuals addressed the Council: Howard Tendrich, 16500 S.W. 74 Avenue, stating that Rule 18 should be clarified that only park-generated refuse is permitted; and Eric Tullberg, 7884 SW 179 Terrace, commenting that he was to insure that Rule 23 does not prohibits bikes, which can be classified as a vehicle.

The public hearing was closed.

Councilman Feller moved to continue the public hearing and Ordinance for the next meeting of June 11th. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CREATING CHAPTER 15 ENTITLED WATER CONSERVATION AND EMERGENCY WATER RESTRICTION ENFORCEMENT; PROVIDING FOR CODE ENFORCEMENT AND POLICE ENFORCEMENT OF EMERGENCY WATER RESTRICTION DECLARATIONS ISSUED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING FOR POLICE ENFORCEMENT VIA CRIMINAL PROCESS OF STATE LAW; AND DIVISION OF CODE COMPLIANCE ENFORCEMENT THROUGH THE VILLAGE'S CIVIL CITATION SYSTEM UNDER SECTION 2-205, OF THE VILLAGE'S CODE OF ORDINANCES; PROVIDING FOR FINES AND APPEAL PROCESS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

The public hearing was opened. No one wished to be heard. The public hearing was closed.

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).

- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO *AD VALOREM* TAXATION; AMENDING THE SENIOR CITIZEN EXEMPTION, *AD VALOREM* TAX BREAK TO QUALIFIED INDIVIDUALS OVER THE AGE OF 65, WITH AN ANNUAL INCOME UNDER \$20,000 AND HOMESTEAD RESIDENCE WITHIN VILLAGE LIMITS IN ORDER TO INCREASE TAX BREAK TO \$50,000; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report, noting that the deadline for adoption is June 1st.

The public hearing was opened. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace, expressed his support; and Gary Pastorella, 6940 SW 142 Terrace, asked if the income threshold could be increased.

Mayor Flinn stated that he believes \$20,000 earned is low also; however, State law mandates this amount. 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).

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Gary Pastorella, 6940 SW 142 Terrace; Kevin Ryan, 15705 SW 72 Court; Les Giddings, 7600 SW 141 Street; Warren Lovely, 15323 SW 74 Place; and, Stewart Guthrie, 6960 SW 144 Street.

XIII. MAYOR AND COUNCIL COMMENTS

A. Mayor Flinn noted that the order from South Florida Water Management District concerning water restrictions specifies that agricultural is different and it will be treated as mandated. He remarked that with regard to the Manager selection, discussion was held at a publicized Committee of the Whole meeting wherein direction was given to Attorney Boutsis to prepare the documents. He stated that the Resolution provided to all Council five days prior to the meeting was clear and specific and followed the Sunshine Law.

Councilman Feller concurred. Councilman Neidhart remarked that Mr. Williams remains highly qualified with over 30 years of experience, managing large departmental budgets with numerous employees.

XIV. OTHER BUSINESS

A. Councilman Neidhart moved to authorize staff to explore the bonding of the street sign program. Seconded by Councilman Feller. All voted in favor. The Motion carried unanimously (5-0).

All members of the Council wished Mr. Scurr well in his future endeavors at Florida International University.

Councilman Feller asked that appropriate chairs be purchased for the dais.

XV. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 11:06 p.m.

Prepared and submitted by:


Meighan J. Rader, CMC
Village Clerk

Adopted by the Village Council on
this 11th day of June, 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.