

**VILLAGE OF PALMETTO BAY
MINUTES OF THE MONDAY, AUGUST 6, 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 Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

Girl Scout Sonja Murillo led the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Presentation to Sonja Murillo of Girl Scout Troop 278: Mayor Flinn recognized Sonja Murillo for her achievement and for earning the Girl Scout Gold Star Award. The Village Council joined Mayor Flinn in congratulating Ms. Murillo. Ms. Murillo thanked the community, the Park staff, citizen Donna Coughlin, her friends, and her parents for their love and support.

B. Presentation by the Honorable Representative Julio Robaina, State of Florida House of Representatives: Mayor Flinn announced Representative Robaina could not be present due to illness.

Presentation by Robert Pozo of PR Racing: Mr. Pozo provided a history as to how he was able to get the USA Trials for the Olympic Race Walk to Palmetto Bay. He advised that he had met with Robin Beamon and Mayor Flinn and had been told that the Mayor was supportive of the event. He stated that the event would cost \$60,000 and the overall budget would be split - 45% by Palmetto Bay and 55% by Miami-Dade County.

Manager Williams stated that the funding is not included in the budget and staff is asking the Council to decide whether they want to support the issue.

Following discussion, the Council decided to discuss the matter later in the meeting.

III. APPROVAL OF MINUTES

A. Minutes of the July 2, 2007 Council Meeting:

Clerk Rader advised that the gentleman who represented Regions Bank was not an attorney and she would revise same.

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

IV. VILLAGE MANAGER'S REPORT

Manager Williams asked the Clerk to announce future meetings. Clerk Rader advised that the August 15th Committee of the Whole was canceled; September 10 Budget and Council meeting, September 17 Zoning, September 19 Committee of the Whole, and September 24 Final Budget.

Mr. Williams announced that October 24th is the State of the Village event. He report that Perrine Wayside Park is currently closed and under construction.

Director of Community Services Ana Garcia provided a report with regard to Summer Camp. She noted that it was a positive experience to have the children in summer camp and the local high school children had opportunity to be Counselors in Training. She advised that the program received approximately \$23,000 in gross revenue. She thanked the school for their cooperation and noted that she had sent a letter of thanks to Principal Matthews.

Councilman Feller asked that a letter of thanks be sent to the School Board, also.

Mayor Flinn asked that staff consider extending the camp for the entire summer vacation and include the winter holiday.

Director Garcia concurred. She thanked Ms. Carmona for her assistance.

Manager Williams noted that he had provided a list of the water restriction violations to Council and, unfortunately, the number is continuing to increase and staff shall continue to enforce the law. He reported that staff is proceeding with the Call to Artist program and hoping to conclude same by August 10th. He thanked Community Development Director Weintraub and Planning/Zoning Administrator Efren Nunez for their efforts. He invited all to a reception at Village Hall on August 28th wherein the City of Los Angeles will acknowledge Palmetto Bay for its Art in Public Places program.

Finance Director Desmond Chin provided the Third Quarter update. He advised that as of the quarter ending June 30th, the Village will have collected 74% of revenues and only

spent 58% of the budgeted amount. He noted that all Departments are under budget and should remain under budget, with the exception of the legal department.

Manager Williams stated that the legal firm has been providing significant support for the land development codes and the code enforcement cases.

Manager Williams concluded his report by noting that Thalatta Park will not be open to the public as staff has found that current activity was not significant to warrant its continuing opening.

V. VILLAGE ATTORNEY'S REPORT: Attorney Boutsis advised that with regard to the Bolger/Dorsey property, Palmetto Bay hired a contractor to finish the clean-up and remove the debris. She stated that she filed a motion for attorney fees and costs and should proceed to final judgment, if mediation is not successful.

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 TAKING ACTION TO PROMOTING A HEALTHIER ENVIRONMENT, SPECIFICALLY PROMOTION OF MORE ENVIRONMENTALLY FRIENDLY PRODUCTS AND REQUESTING THE COUNTY TO EXPAND ITS CURBSIDE RECYCLING PROGRAM OR PROVIDE DROP OFF POINTS AT NEIGHBORHOOD TRANSFER STATIONS TO ENCOURAGE RESPONSIBLE DISPOSAL OF FLORESCENT BULBS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)
- B. 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 \$15,684.69; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING MIAMI-DADE COUNTY ADDRESS AND PROVIDE FUNDING FOR PROJECTS OF COUNTY-WIDE CONCERN WITHIN THE LIMITS OF THE VILLAGE OF PALMETTO BAY, FLORIDA; FURTHER SEEKING FAIR-SHARE ALLOCATION OF FUNDING COMMITTED; PROVIDING FOR AN EFFECTIVE DATE.

Clerk Rader advised that item D had been pulled. Mayor Flinn directed her to renumber Item D as Item VIII G.

Vice Mayor Robinson moved to approve the consent agenda. Seconded by Councilman Neidhart. All voted in favor. The Resolution passed unanimously (5-0).

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ACCEPTING THE EVALUATION REPORTS FOR THE THALATTA PARK PROPERTY; APPROVING THE CONCEPT DESIGN FOR THE SITE AS DEVELOPED BY GURRI-MATUTE, P.A.; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report, noting that this was a procedural item. He advised that as the Village moves forward, we can offer the Report as a tool when applying for funding opportunities.

All voted in favor. The Resolution passed (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ACCEPTING A GRANT AWARD FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) IN THE AMOUNT OF \$200,000; APPROVING THE GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He stated that this resolution is a continuing example of the outstanding grant work that Village staff performs internally.

All voted in favor. The Resolution passed (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ACCEPTING A GRANT IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF MAKING

STORMWATER IMPROVEMENTS WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

All voted in favor. The Resolution passed (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENTS AT CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH MIGUEL LOPEZ, JR., INC. TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS AT CORAL REEF PARK; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS NOT TO EXCEED \$40,000; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams reminded Council that this matter is returning following the July 23rd Council meeting. He advised that a specific contract is now being presented.

Mayor Flinn asked how long until the project is completed.

Manager Williams advised that it should be finished by the end of the month.

Following brief discussion, all voted in favor. The Resolution passed (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING AT THE INTERSECTION OF SW 144TH STREET AND SW 87TH AVENUE; APPROVING THE SELECTION OF METRO EXPRESS, INC. TO PROVIDE CONSTRUCTION SERVICES FOR A PERMANENT TRAFFIC CALMING DEVICE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT IN AN AMOUNT UP TO \$106,525; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams advised that staff had met with engineering staff, heard from residents, talked to neighbors, and decided it would be best to re-direct the project to a traffic focus, rather than speed focus.

Vice Mayor Robinson stated that she had asked Manager Williams to check with Katy Sorenson's office as she had thought a traffic light was planned for that location.

Manager Williams responded that Commissioner Sorenson's office was not aware of any programming for a traffic signal at that intersection.

Mayor Flinn asked if the County would be contributing, as 87 Avenue is a County street.

Manager Williams noted that there is a dedicated restricted funding source for transit activities and there is no contribution from County. He added that the intersection is a major corridor within the village that deserves calming from a traffic flow perspective.

Councilman Feller concurred. He reported that there was a fatality at that intersection in the past. He also noted that he had spoken to the Mangowood HA and they were appreciative of the assistance.

Councilwoman Stanczyk stated that she is concerned with the fact that it is a multi-jurisdictional intersection. She stated that the County must take responsibility for their street.

Manager Williams concurred, adding that the Village had executed an interlocal agreement with the county for transfer of streets within the village to the county. He noted that the County had stated they would not restrict the Village from providing safety elements to roads that have an impact to our residents.

Vice Mayor Robinson moved to defer. The motion failed for lack of second.

Councilman Neidhart asked if a 4-way stop would suffice.

Manager Williams advised that all of the proposals must meet certain standards and levels dictated by the National Transportation Program prior to being able to justify the traffic calming devices.

A vote was taken on the matter. The Resolution failed (1-4, Councilman Feller being the sole supporter).

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO SURPLUS EQUIPMENT; DECLARING BOSTON WHALER VESSEL, 170 MONTAUK, TO BE SURPLUS; AUTHORIZING THE VILLAGE MANAGER TO DISPOSE OF THE EQUIPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

All voted in favor. The Resolution passed (5-0).

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO VILLAGE HALL; ESTABLISHING THE PURCHASE OF A VILLAGE HALL AS A PRIORITY; DIRECTING THE VILLAGE MANAGER TO ALLOCATE FUNDS INTO THE SPECIALIZED REVENUE ACCOUNT FOR THE PURCHASE AND/OR CONSTRUCTION OF A PERMANENT VILLAGE HALL; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored By Councilwoman Shelley Stanczyk)

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

Councilwoman Stanczyk provided report. She noted that many citizens are in favor of the Village having a permanent Village Hall. She stated that during the budget process, there was discussion regarding allocating leftover funds for the purchase of a village hall.

Councilman Feller stated that \$1 million had been put into the account in the past. He remarked that he does not object to the resolution; however, under section 2 all mitigation funds are directed to be deposited into a village hall fund. He stated that mitigation funds, if the Village is successful in retrieving them, should go back to the taxpayers. Councilman Feller expressed that while Village Hall should be a priority and he believes the 25% is appropriate, to lock the mitigation monies may be detrimental to the village. He moved to amend the resolution to delete section 2.

Manager Williams explained that the \$1 million remains in the budget. He noted that if the Council determines that Village Hall is the highest priority, staff will abide by the directive. He stated that the focus shall be on funds for Village Hall and the absoluteness of the resolution establishes the priority.

Councilman Feller stated that the populace is voting in January and could significantly reduce our ad valorem. He stated that if the suggestion does not pass, the Florida legislature will consider it again and create a different manner by which to insure tax reduction.

Councilman Neidhart concurred.

Following discussion, Councilwoman Stanczyk seconded the amendment. All voted in favor of the amendment. The motion carried (5-0).

All voted in favor of the revised Resolution. The resolution passed (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 PARKS AND RECREATION; ESTABLISHING FEES FOR ORGANIZED USERS, LEAGUES, SCHOOLS, AND PRIVATE GROUPS FOR THE USE OF PARK FIELDS, PICNIC AREAS, PAVILION/GAZEBO, RECREATION BUILDING, AND OPEN FIELD SPACE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Manager Williams noted that this is staff's first effort to bring forward a consistent set of user fees. He advised that staff compared our current fee structure to other communities and weighed the benefits of what we provide and came up with a set of user fees across our network of parks.

All voted in favor of the proposed Ordinance. The Ordinance shall be heard on second reading/public hearing at the next regularly scheduled Council meeting.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; CREATING A BUILDING PERMIT FEE IN ACCORDANCE WITH SECTION 4.3(A)(5) OF THE VILLAGE CHARTER; SPECIFICALLY REPEALING THE MIAMI-DADE COUNTY BUILDING PERMIT FEE SCHEDULE; PROVIDING FOR ORDINANCES IN CONFLICT.

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

Mayor Flinn noted that we are repealing Miami-Dade County's fees and inserting our own fees.

Manager Williams concurred, stating that under the leadership of Vice Mayor Robinson, the Village was tasked to improve the service in the Building Department.

Councilwoman Stanczyk asked for the average of the fee increase over Miami-Dade County.

Director Weintraub stated that there is not one percentage across the board; staff looked at each item independently.

Councilwoman Stanczyk noted that the Village is recouping 20% of the permit fees and wondered how much growth the outsourced department will realize.

Director Weintraub replied that the amount would be approximately \$200,000 annually (approximately 25% more).

All voted in favor of the proposed Ordinance. The Ordinance shall be heard on second reading/public hearing at the next regularly scheduled Council meeting.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING;" CREATING DIVISION 100, ENTITLED "ENVIRONMENTAL REGULATIONS;" WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve. Seconded by Councilwoman Stanczyk.

Director Weintraub provided staff report.

The Council thanked Director Weintraub and Attorney Boutsis for their diligence.

All voted in favor of the proposed Ordinance. The Ordinance shall be heard on second reading/public hearing at the next regularly scheduled Council meeting.

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING;" CREATING DIVISION 140, ENTITLED "ADULT ENTERTAINMENT;" WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; 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 a memorandum for the rationale and case law. She further provided a map.

All voted in favor of the proposed Ordinance. The Ordinance shall be heard on second reading/public hearing at the next regularly scheduled Council meeting.

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

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Howard Tendrich, 16500 SW 74 Avenue; Arleen Feller, 7960 SW 144 Street; and, Eric Tullberg, 7884 SW 179 Terrace.

XIV. OTHER BUSINESS

A. Manager Williams advised that he had provided site plans to all Council and wished to confirm and authorize staff to proceed with the plan for the meditation garden.

Following discussion, Vice Mayor Robinson moved to approve all three site plans and allow staff to choose one that will be appropriate with the budget. Councilman Feller seconded. All voted in favor. The motion passed unanimously (5-0).

B. Discussion ensued regarding the Olympic Race Walk Trials. Councilman Feller stated that when the matter was presented, at no time was \$60,000 approved and the budget includes approximations.

Mayor Flinn reiterated that he was supportive of the project.

Councilwoman Stanczyk moved to enable Robert Pozo to fundraise in order to reimburse the Village for the upfront funds.

Mr. Pozo stated that he is not a fund raiser, he is an event producer.

Councilwoman Stanczyk withdrew the motion.

Councilman Feller stated that he is a supporter of the races held in the Village in the past; however, Palmetto Bay is under a tight budget and this would constitute using unbudgeted money. He remarked that the Village should not spend the money without getting it back.

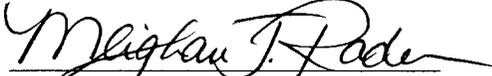
Mayor Flinn asked if any member of the Council wished to make a motion. No one did. The matter was concluded for lack of motion.

XIII. MAYOR AND COUNCIL COMMENTS

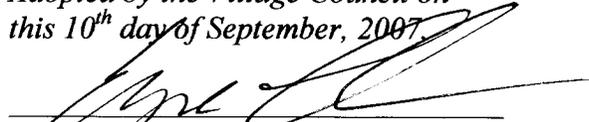
A. Vice Mayor Robinson thanked Manager Williams and staff for their detailed reports.

XV. **NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 9:05 p.m.

Prepared and submitted by:


Meghan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 10th day of September, 2007.*


Eugene B. 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.