

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, JANUARY 10, 2005
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR 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
Councilman John Breder

The following staff members were present:

Village Manager Charles D. Scurr
Village Attorney Luis Figueredo
Village Clerk Meighan Pier

Mayor Flinn led the pledge of allegiance. Councilman Feller asked all to join the Council in a moment of silence for the victims of the Tsunami.

- II. PROCLAMATIONS, AWARDS, PRESENTATIONS:** None at this time.

III. APPROVAL OF MINUTES

- A. Minutes of the November 8, 2004 Special Council Meeting
- B. Minutes of the November 16, 2004 Special Council Meeting
- C. Minutes of the December 6, 2004 Council Meeting
- D. Minutes of the December 13, 2004 Special Council Meeting

Councilman Breder moved to approve the Minutes as drafted. Seconded by Councilman Neidhart. All voted in favor. The Minutes were approved unanimously.

IV. VILLAGE MANAGER'S REPORT

- A. Presentation concerning street signage

Ron Williams, Public Works Director, provided staff report. He explained that he had asked the consultant, Corradino Group, to provide preliminary pricing estimates. He stated that the village will proceed with formal

competitive bidding, first asking the consultant to draft technical specifications.

Mr. Joe Corradino provided further information and displayed a PowerPoint presentation with three basic designs and cost information.

Mayor Flinn asked the cost to install each sign.

Mr. Corradino replied that installation is \$45 regardless of the sign chosen.

Mayor Flinn asked the cost of the existing County installed street signs and the cost of the Village of Pinecrest's signs.

Mr. Corradino responded that the County signs are approximately \$75 per sign and the Pinecrest signs are approximately \$350 per sign. He also stated that the proposed signs will be slightly larger than the existing signs. Mr. Corradino noted that Palmetto Bay may enter into an Interlocal agreement with the County for approval of the signs.

Councilman Feller asked for information regarding the longevity of the signs. He also noted that the street sign installation would be a multi-year project.

Mr. Corradino advised that the longevity provided is consistent with the quality of the sign.

Mr. Williams concurred that the project would be considered a multi-year, long-range capital improvement project, with the Village returning the plates to the County as installation began. He advised that there are approximately 3,500 intersections.

Councilman Neidhart asked if this project is eligible for CITT funding.

Mr. Williams responded affirmatively.

Councilman Breder noted that with 3,500 intersections, two signs per intersection, the project would be approximately \$1.2 million.

Councilman Neidhart directed staff to include signs without named streets, together with those sufficient to include names when requesting formal bids.

Following discussion, Councilman Feller moved to approve the oval sign with the logo (sign A) for major intersection and the oval sign without the logo (sign C) for all other intersections. Seconded by Councilman Neidhart.

Mr. Scurr noted that the Village had previously budgeted \$75,000 for this fiscal year. He advised that staff will return for approval of an Interlocal agreement with the County and begin the formal procurement process.

All voted in favor of the previous Motion. The Motion carried unanimously (5-0).

Mr. Corradino presented the Council with an award that he had received from the Florida Chapter of the American Planning Association for Outstanding Transportation Study for work performed for Palmetto Bay.

- B. Mr. Scurr reported that the Village has executed the final agreement for Miami-Dade County to design the web site utilizing mitigation funds. Mayor Flinn noted that Key Biscayne and Sunny Isles Beach were designed by the County.
- C. Mr. Scurr reported that the County has agreed to sell the adjacent Perrine Park land to the village for the amount that the County had paid. He stated that the village is continuing negotiations with the County for inclusion of a library at the Bayside Park. He announced that a series of meetings concerning the Comprehensive Development Master Plan are forthcoming and a mailing will be sent to all, in addition to advertising in the newspaper.
- D. Commander Michael Mouring gave information regarding crime statistics. He advised that overall crime in the year 2004 reduced by 18% in the Village. With regard to specific statistics (from 2003 to 2004): residential burglaries decreased approximately 45%; robberies down by 32%; aggravated battery reduced by 42%; auto theft decreased by 12%; sexual battery down by 12%; no change with regard to commercial burglaries and larceny; and, aggravated assault rose from 32 to 42.

Commander Mouring introduced Sergeant Denise Irastorza, the new administrative sergeant. Sergeant Irastorza thanked all for the opportunity and briefly described her experience.

Mr. Scurr announced that the next Council meeting is scheduled for February 7 and then March 7th. He noted that the Council meeting for April will shift to April 11th due to Dade Days. He advised that there will be no zoning hearing in January.

V. VILLAGE ATTORNEY'S REPORT: Attorney Figueredo did not offer a report at this time.

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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$16,499.46; PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved to approve. Seconded by Vice Mayor Robinson. All voted in favor. Resolution 05-01 was adopted.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENTS ON SW 160TH STREET IN THE VILLAGE OF PALMETTO BAY ; APPROVING THE SELECTION OF PETRO HYDRO, INC. TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENT AT SW 160TH STREET FROM US-1 TO SW 164TH STREET; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$124,900 ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE DRAINAGE CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Ron Williams, Public Works Director, provided staff report.

Mr. Scurr advised that the project is funded by the South Florida Water Management District.

Mr. Jorge Orozco, Project Manager for Petro Hydro, was introduced.

Mayor Flinn asked if Petro Hydro could complete the project as agreed.

Mr. Orozco responded affirmatively.

Mayor Flinn asked if sufficient safeguards are in place for the performance of this project.

Mr. Williams responded affirmatively.

Councilman Neidhart moved to approve.

Mayor Flinn asked if there are sufficient funds in the budget for this project and for the other pending projects.

Mr. Williams responded affirmatively.

Vice Mayor Robinson seconded the previous motion. All voted in favor. Resolution 05-02 was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION, APPROVING AND AUTHORIZING THE EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANT FOR ATHLETIC FIELD LIGHTING AT CORAL REEF PARK; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION, APPROVING AND AUTHORIZING THE EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANT FOR ATHLETIC FIELD LIGHTING AT PERRINE PARK; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

Mayor Flinn asked that Council consider combining discussion concerning the two resolutions. He explained that the purpose of the resolutions were to provide added assurance to the neighbors.

Attorney Figueredo added that the restrictive covenant precludes the lighting of athletic fields and the covenant would run with the land. He advised that the covenant cannot be summarily dismissed, as majority of the Council would have to pass a motion in order to terminate the covenant.

Mayor Flinn expressed his support for approval of the resolution.

Councilman Feller moved that a unanimous vote would be required to remove the covenant. Seconded by Vice Mayor Robinson.

Councilman Breder noted that the Council had previously agreed that the east side of Perrine Park would not be lit.

All voted in favor of the proposed amendment. The Motion carried.

Councilman Feller moved to approve the Resolution concerning Perrine Park. Seconded by Vice Mayor Robinson. All voted in favor. Resolution 05-03 was adopted.

Councilman Feller moved to approve the Resolution concerning Coral Reef Park. Seconded by Vice Mayor Robinson. All voted in favor. Resolution 05-04 was adopted.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

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 ZONING; ESTABLISHING A TWELVE-MONTH TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR DEVELOPMENTS THAT EXCEED A BUILDING HEIGHT OF SIX STORIES, SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES LOCATED WITHIN THE VILLAGE OF PALMETTO BAY; PROVIDING EXCEPTIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr. – Required public hearing.)

Mayor Flinn introduced this item, stating that its intent is to have the zoning be consistent with the rest of the village and the charrette.

Mr. Scurr noted that staff will have the Comprehensive Development Master Plan completed within nine months and is simultaneous developing the village's Land Development Code. He advised that there currently are no pending requests for development that exceeds six stories.

Mayor Flinn opened the matter for public hearing at 8:13 p.m.

Mr. Jason Prussing, 9341 SW 178 Street, thanked the Council for their action concerning Resolution 05-03 and 05-04.

As no one desired audience germane to the Ordinance, the Mayor closed the public hearing at 8:14 p.m.

Councilman Breder asked for clarification concerning legal ramifications.

Attorney Figueredo advised that the Supreme Court has ruled that municipalities have the right to impose 12-month temporary moratoriums; and, the action is not considered a taking, but a prudent mechanism by municipality.

Following brief discussion, Councilman Neidhart moved to pass the proposed Ordinance on first reading. Seconded by Vice Mayor Robinson.

A roll call vote was taken as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0).

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 EMERGENCY MANAGEMENT; CREATING A CHAPTER OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES ENTITLED "EMERGENCY MANAGEMENT;" PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr provided staff report.

Following discussion, Councilman Feller moved to revise the Ordinance at Page 4, line 35, and include the language, "village manager or designee and mayor or member of the village council." Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried unanimously (5-0).

Mayor Flinn opened the public hearing at 8:25 p.m. No one desired audience; therefore, the public hearing was closed.

Councilman Feller moved to adopt the proposed Ordinance as amended. A roll call vote was taken as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Ordinance 05-01 was adopted.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Tucker Crusan, 17501 SW 92 Avenue; Erick Tullberg, 7884 SW 179 Terrace; Gabe Bifano, 7371 SW 156 Street; and Bruce Barton, 15290 SW 82 Avenue.

Mayor Flinn asked Public Works to investigate Mr. Bifano's suggestion, that is, to ask Miami-Dade County to submit a bid concerning street signage.

XIV. OTHER BUSINESS

- A. Councilman Feller moved to reschedule the April Council meeting to April 11th. Seconded by Councilman Neidhart. All voted in favor. The Motion carried unanimously (5-0).

XIII. MAYOR AND COUNCIL COMMENTS

- A. Councilman Feller announced that the sign in front of the storage facility has been removed.
- B. Vice Mayor Robinson reported that the Special Events Committee will be meeting tomorrow, Tuesday, January 11th, at 6 pm to discuss planning the annual celebration.

XV. NEXT MEETING AND ADJOURNMENT: The Meeting was officially adjourned at 8:37 pm.

Prepared and submitted by:

Meighan J. Pier
Village Clerk

Adopted by the Village Council on
this ___ day of February, 2005.

Eugene P. Flinn, Jr., Mayor

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