

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, JANUARY 5, 2004
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
Councilmember Ed Feller
Councilmember Paul Neidhart
Councilmember John Breder

The following staff members were present:

Village Manager Charles D. Scurr
Village Attorney Earl Gallop
Village Clerk Meighan Pier

Mayor Flinn asked Laura Traeger to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Proclamation – Excellence in Public Service: Mayor Flinn thanked the two employees of Quality Inn, Randall Cowart and Mary Pruitt for their assistance – they reported the actions of the two felons to the Police, which assisted in the apprehension of the felons. He presented a Proclamation.
- B. Unit Commendation – Recognizing Officers Edwin Moss and Officer Carlos Sanchez: Commander Mouring thanked the Kendall District Police Officers for their assistance and their integral part in the apprehension of the two armed felons. Officer Kathy Eckels thanked the Village for their encouragement and support.
- C. Palmetto Bay Village Center Update
Frank Rollason, Charette Committee Chair
Scott Silver
Victor Dover

Frank Rollason, Chair of the Charette Committee, provided an update regarding the former Burger King site a/k/a Palmetto Bay Village Center. He noted that only three people remain on the Committee: himself, Brian Pariser and Laura Traeger.

Mr. Scurr advised that staff will notice the meeting and have another workshop if that is the desire of Council, possibly on a Saturday in order to have a larger public participation.

Mr. Rollason explained that the developer had hired a traffic engineer and he would like to review the traffic study prior to the next public workshop.

Vice Mayor Robinson suggested that Jill Montenegro had been attending the meetings and may be a good addition to the Charette Committee.

Mr. Victor Dover advised that during the last workshop, he received several requests for further information, such as a traffic plan. He remarked that a Saturday morning for an additional may be appropriate. Mr. Brian Pariser, member of the Charette Committee, concurred.

Councilman Breder moved to have an additional workshop for the Palmetto Bay Village Center Charette scheduled for January 31st at 9:00 a.m. Seconded by Vice Mayor Robinson. All voted in favor.

Vice Mayor Robinson moved to approve the nomination of Jill Montenegro. Seconded by Councilman Feller. The Council decided that they would discuss the necessity to add members to the Charette Committee prior to the next zoning meeting.

III. APPROVAL OF MINUTES

- A. Minutes of the November 3, 2003 Council Meeting
- B. Minutes of the December 1, 2003 Council Meeting

A Motion to approve the Minutes of the November 3, 2003 and December 1, 2003 Council Meeting was made by Vice Mayor Robinson. Seconded by Councilman Neidhart. All voted in favor. The Motion carried.

IV. VILLAGE MANAGER'S REPORT

- A. Mr. Scurr reviewed the items that would be presented this evening. He noted that the Stormwater Master Plan would be presented at the next Council meeting.

Mr. Scurr reported that the police furniture is installed, the computers have been received, and the telephone lines are being installed this week. He explained that the Village is awaiting information from the County regarding radio and networking equipment.

Mr. Scurr noted that the Village will begin the auditing process in February and provide a report at the February council meeting.

Mr. Scurr reported that with regard to the Public Works Department, the school traffic study is forthcoming.

Mr. Scurr announced that the Parks and Recreation Department has been occupied with the Parks Master Plan. He stated that staff will be meeting with the JCC to begin programming options in March and compiling a parks program brochure that will be provided in February. He reported that repairs to the community center at Perrine Park are nearing completion and staff has been meeting with the YMCA regarding management of the Park. Mr. Scurr also announced that staff will begin discussions with the National Park Service regarding the Celestia De Lamour property once acquired.

Mr. Scurr invited the public to attend the Village celebration on Saturday, March 13th at Coral Reef Park. He also introduced Arleen Weintraub, Director of Community Development.

Mr. Scurr provided the following updates: The Franjo US-1 Charette – information will be given to the Council in February; the RFP for Code Enforcement is being drafted and staff will convene the Code Enforcement Advisory Committee for the selection process; and, the response to the RFP for a Grant Writer is due on January 19th.

Mr. Scurr advised the Council of the following amendments to the Agenda: the Resolution regarding the meeting schedule has been substituted, moving the zoning hearings to the first Monday of each month; Item VII D has been pulled from the Consent Agenda in order to explain the open purchase order process and staff is requesting deferral of Item VIII G, Special Events funding.

V. VILLAGE ATTORNEY'S REPORT

Attorney Gallop provided an update regarding the Celeste De Lamour property, explaining that staff is waiting for an opinion from the real estate attorney concerning insurability of title.

VI. BOARD AND COMMITTEE REPORTS

VII. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE MEETING SCHEDULE OF THE VILLAGE COUNCIL AND OF LAND DEVELOPMENT PERMIT HEARINGS; PROVIDING AN EFFECTIVE DATE.
- 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 \$9,775.78; PROVIDING AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TELEPHONE SYSTEMS; RATIFYING THE EXPANSION TO THE CURRENT AGREEMENT WITH BELLSOUTH COMMUNICATION SYSTEMS, LLC, AND BSFS EQUIPMENT LEASING FOR A NORSTAR ICS KEY SYSTEM AND VOICE MAIL FOR USE BY THE POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO JANITORIAL SERVICES; AUTHORIZING THE VILLAGE MANAGER TO PROCURE SERVICES FROM A CLEANER IMAGE, INC. FOR FACILITY CLEANING PURPOSES THROUGH FISCAL YEAR 2004; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE PURCHASE ORDERS TO A CLEANER IMAGE, INC. FOR JANITORIAL SERVICES IN AN AMOUNT NOT TO EXCEED \$19,610; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to approve the Consent Agenda items, in addition to moving Item D forward for discussion. Seconded by Vice Mayor Robinson. All voted in favor. Resolutions 04-01, 04-02, 04-03, and 04-04 were adopted.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE VILLAGE OF PALMETTO BAY AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE SUCH AGREEMENT ON BEHALF OF THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr explained the matter, adding that this agreement is the same agreement that other cities have executed.

Vice Mayor Robinson moved to adopt the Resolution. Seconded by Councilman Breder. All voted in favor, the vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Resolution 04-05 was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO

ENTER INTO A CONTRACT WITH BERMELLO, AJAMIL AND PARTNERS, INC. FOR PREPARATION OF A PARKS MASTER PLAN IN THE AMOUNT OF \$50,000, PLUS DIRECT EXPENSES OF UP TO \$5,000; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr explained the item, thanking Councilman Feller for his assistance. He reinforced that this plan provides data to the Comprehensive Development Master Plan, which in turn supports both this plan and the transportation master plan.

Councilman Feller stated that staff had been guaranteed that the consultants will not be swayed by forceful groups, as the parks should be enjoyed by all. He noted that with regards to Perrine Park, the Village has been given a significant amount of funds from the County for “planning and development”.

Mayor Flinn expressed his opposition to the agreement, particularly the listing of specific items under the scope of service, and the explanation for the additional \$5,000 in costs.

Mr. Scurr explained that the \$50,000 would cover master plan activities at both parks; however, County funds can be used for the conceptual design, detailed design and construction at Perrine Park. He advised that the Master Plan is a “process”, which includes community involvement and that the consultants are not including nor precluding anything.

Ms. Ana Garcia, Director of Community Services, added that the consultant was chosen through the selection committee for their expertise. She explained that the Parks Master Plan can and should be used as a tool to apply for grant funding.

Following discussion, Eduardo Lamas and Elizabeth Newland representing Bermello, Ajamil and Partners, were recognized. Mr. Lamas stated that the consultant does not have any preconceived ideas with regard to the Parks Master Plan.

Discussion ensued regarding public participation.

Councilman Feller moved the question.

Mayor Flinn asked Mr. Lamas to explain the \$5,000 in costs.

Mr. Lamas replied that those costs would be reimbursement of operating costs that must be authorized by the Village.

The vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, and Vice Mayor Robinson voting in the affirmative; Mayor Flinn voting against. The Motion carried (4-1). Resolution 04-06 was adopted.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF \$154,000.00 TO COMPLETE THE COMPREHENSIVE PLAN FOR THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH SAID FIRM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr explained the item.

Mayor Flinn asked if the matter was budgeted for two years.

Mr. Scurr responded affirmatively, adding that the Village would seek State funding as part of the legislative requests.

Councilman Breder moved to adopt the proposed Resolution. Seconded by Councilman Neidhart. All voted in favor, the vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Resolution 04-07 was adopted.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ESTABLISHMENT OF A TRANSPORTATION MASTER PLAN; AUTHORIZING THE SELECTION OF THE CORRADINO GROUP, INC., TO PROVIDE TRAFFIC ENGINEERING SERVICES TO THE VILLAGE IN THE AMOUNT OF \$58,000; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE A CONTRACT FOR THESE SERVICES FOR THE STATED AMOUNT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Scurr explained the matter. He thanked the selection committee, comprised of Councilman Neidhart, Mr. Frank Barron of Miami-Dade County, Arvind Kumbhojkar, Engineer, and Mr. Ron Williams, Director of Public Works.

Mr. Williams offered further explanation. He stated that the contract was negotiated under \$60,000 with Councilman Neidhart's assistance.

Vice Mayor Robinson noted that the map did not include area east of Old Cutler.

Mr. Williams advised that the error of the map had been noticed and will be corrected and included in Master Plan.

Councilman Neidhart moved to adopt the proposed Resolution. Seconded by Vice Mayor Robinson. All voted in favor, the vote was as follows:

Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Resolution 04-08 was adopted.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ESTABLISHMENT OF A VILLAGE-WIDE SIGNAGE PROGRAM WITH CONSISTENT STANDARDS FOR VARIOUS LOCATIONS THROUGHOUT THE VILLAGE OF PALMETTO BAY: AUTHORIZING THE SELECTION OF THE CORRADINO GROUP, INC., TO PROVIDE THESE SERVICES TO THE VILLAGE FOR THE AMOUNT OF \$33,200 ; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE A CONTRACT FOR THESE SERVICES FOR THE STATED AMOUNT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Scurr explained the item, noting that the project is a multi-year effort.

Mr. Williams added that the program does not include positioning or construction of any signs, as staff is waiting Council direction and public input.

Councilman Feller moved to adopt the proposed Resolution. Seconded by Councilman Neidhart. All voted in favor, the vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Resolution 04-09 was adopted.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ROADWAY AND SIDEWALK ANALYSIS WITHIN THE VILLAGE OF PALMETTO BAY: AUTHORIZING THE SELECTION OF CIVIL WORKS, INC., TO PROVIDE GENERAL ENGINEERING SERVICES TO THE VILLAGE IN THE AMOUNT OF \$34,800; AUTHORIZING THE VILLAGE MANAGER TO CONTRACT FOR THESE SERVICES IN THE STATED AMOUNT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Scurr explained the item, advising that the project remains a five year scope of work.

Mr. Williams concurred, adding that the contract is a single expenditure with a five year inventory anticipated. He added that the consultants would assist with CITT funding.

Vice Mayor Robinson moved to adopt the proposed Resolution. Seconded by Councilman Neidhart. All voted in favor, the vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Resolution 04-10 was adopted.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING A POLICY WITH REGARD TO EXPENDITURES FOR COMMUNITY EVENTS AND/OR CHARITABLE EVENTS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)- **DEFER**

Councilman Feller moved to defer this item. Seconded by Councilman Neidhart. All voted in favor (5-0). The Motion carried.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING A POLICY RELATING TO LIGHT POLE BANNERS; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr explained the item.

Following discussion, Vice Mayor Robinson moved to approve the proposed resolution, with the amendment that the maximum duration for light pole banners shall be 45 days. Seconded by Councilman Breder. All voted in favor, the vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0). Resolution 04-11 was adopted.

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING A POLICY RELATING TO ADVERTISEMENTS AND ANNOUNCEMENTS ON BUS BENCHES AND BUS SHELTERS; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided staff report on this item.

Following discussion, Councilman Neidhart moved to approve the matter with the exception of the commercial US-1 corridor. Seconded by Councilman Feller.

Following discussion regarding the definition of commercial district, Councilman Feller moved to table the matter pending further information. Seconded by Councilman Neidhart. The Motion carried (3-2), with Councilman Breder and Vice Mayor Robinson in the opposition.

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PURCHASE OF MATERIALS AND SUPPLIES; RATIFYING AND APPROVING THE VILLAGE MANAGER'S ACTIONS IN MAKING PURCHASES FROM HOME DEPOT FOR OPERATIONAL PURPOSES DURING FISCAL YEAR 2004; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE PURCHASE ORDERS TO HOME DEPOT FOR THE PURCHASE OF MATERIALS AND SUPPLIES

DURING THIS FISCAL YEAR ON AN AS NEEDED BASIS IN AN AMOUNT NOT TO EXCEED \$25,000; AND PROVIDING AN EFFECTIVE DATE.

Mr. Williams explained the matter.

Attorney Gallop explained that the Charter provides for competitive bidding unless it is impracticable to do so. He stated that the procurement ordinance allows for procurement of up to \$5,000, the cumulative value of individual purchases. He added that he does not interpret the ordinance to mean a single contractor and staff could seek purchase orders for separate purchases that exceed the \$5,000 threshold. He opined that the Resolution would therefore not be necessary.

Mr. Scurr withdrew the matter on behalf of staff.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:
None at this time.

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

Following discussion, Councilman Feller moved that each Resolution or Ordinance proposed to Council as printed in the Agenda include explanation from staff regarding its fiscal significance and budgetary impact. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

- A. Mrs. Arlene Feller, 7960 S.W. 144 Street, expressed her opinion regarding bus bench advertising.
- B. Ms. Susana Setter, 17522 S.W. 84 Avenue, expressed her concern with speeding on 84 Avenue and her displeasure with graffiti on signage near her home.
- C. Mr. Eric Tolberg, 7884 SW 179 Terrace, asked the Council to accelerate the roadway and sidewalk improvements, stating that developers should have to pay for new sidewalks in new communities.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Vice Mayor Robinson expressed her concern regarding public relations, stating that many people are not receiving notices of meetings. She stated that she was happy to report that that people from outside our community and our residents are speaking so highly of our community.
- B. Councilman Feller stated that he is pleased that the JCC will be providing programming at the parks as he had experienced their programs in the past

and felt they were excellent. He expressed his pleasure with the Village's passage of over a third of a million dollars in contracts tonight, all of which will benefit the people and incorporate their desires and wishes.

- C. Mayor Flinn stated that this year's "theme will be participation" and he is confident the Council will work hard and solicit participation and opinions.

XIV. OTHER BUSINESS: None at this time.

XV. NEXT MEETING AND ADJOURNMENT

Vice Mayor Robinson moved to adjourn. Seconded by Councilman Breder. All voted in favor. The meeting was adjourned at 9:31 p.m.

Prepared and submitted by:

Meighan J. Pier
Village Clerk

Adopted by the Village Council on
this ___ day of February, 2004.

Eugene P. Flinn, Jr., Mayor