

MINUTES OF THE VILLAGE COUNCIL MEETING
MONDAY, OCTOBER 4, 2004

DEERING ESTATE VISITOR'S CENTER
16701 S.W. 72ND AVENUE
PALMETTO BAY, FL 33157

- 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
Councilman Paul Neidhart
Councilman John Breder

The following staff members were present:

Village Manager Charles D. Scurr
Village Attorney Eve A. Boutsis
Village Clerk Meighan Pier

Mayor Flinn introduced Pack 711 and asked them to lead the pledge of allegiance. He advised that they are earning their citizenship badges.

Monica Silva, Administrative Assistant to the Clerk, sang the National Anthem.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Special Presentation for Lieutenant Colonel John K. Carroll: Mayor Flinn introduced him, thanking all members of the military. He presented Lt. Col. Carroll of the Marines, who has been recalled to Iraq, with a flag of the Village, asking him to honor the Village by taking the flag with him in his travels.

Councilman Neidhart and the Council thanked Lt. Col. Carroll and wished him well.

Lt. Col. Carroll thanked the Village, stating that he is honored to be recognized. He thanked the Council for their public service. He also thanked all military retirees and members of the National Guard for their willingness to come out of retirement to serve the country during this war. He stated that many civilian "patriots" are also serving the military by providing service to the military effort throughout the world and he expressed his appreciation for their patriotism.

III. APPROVAL OF MINUTES

A. Minutes of the September 8, 2004 Council Meeting

Councilman Feller noted that he was in attendance during Roll Call. He moved to approve the Minutes as amended. Seconded by Councilman Breder. All voted in favor. The Motion carried (5-0).

IV. VILLAGE MANAGER'S REPORT

- A. Discussion regarding County mitigation payment: Mr. Scurr advised that the Town of Miami Lakes had withheld in escrow their entire payment to the County, while Palmetto Bay determined not to pay the portion that the Village believes is in question.
- B. Community Development Master Plan (CDMP): Mr. Scurr reported that the consultants and the Community Development Director have been diligently working to finalize the CDMP. He noted that the charrettes are close to conclusion and while the Village welcomes input, the charrettes must finish shortly in order to remain within the time table.
- C. Mr. Scurr announced that the State of the Village is tentatively scheduled for November 12th. He noted that Baptist Health Systems will co-host and, as last year, the Village will offer complementary child care.
- D. Discussion regarding establishment of 501(c)(3) corporation for Village of Palmetto Bay: Mr. Scurr advised that Councilman Neidhart had raised this issue. He noted that the City of Coral Gables had established this type of corporation in the past as a means of receiving grants and donations. He explained that Attorney Boutsis is working on this.
- E. Mr. Scurr provided a brief public safety report with regard to the Village working with other cities regarding boat thefts, which have recently been on the rise.
- F. Mr. Scurr advised that the Village's check register is available. He stated that staff shall be withdrawing Item VIII B, Transportation Master Plan, as Public Works Director is not available this evening. He noted that there is an add-on Resolution sponsored by Mayor Flinn. There will not be a zoning hearing this month.

V. VILLAGE ATTORNEY'S REPORT

- A. Attorney Boutsis provided an update with regard to matters pending. He asked Council to review their calendars and subsequently scheduled an Ethics Workshop on November 1st at 6 pm prior to the Council meeting.

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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$12,015.67; PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the Consent Agenda. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried unanimously (5-0). Resolution 04-74 was adopted.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; REQUESTING THAT THE STATE OF FLORIDA AND FLORIDA POWER AND LIGHT EVALUATE AND DEVELOP A MULTI-YEAR PROGRAM FOR THE REPLACEMENT OF ABOVE GROUND ELECTRICAL UTILITY LINES WITH UNDERGROUND ELECTRICAL UTILITY LINES; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Feller)

Councilman Feller moved to bring this matter forward. Seconded by Vice Mayor Robinson.

Councilman Feller advised that Bell South has been in the process of underground installation; however, discussion has been ongoing concerning underground electrical systems that would result in a major decrease in the amount of power outages. He noted that Broward County had forwarded a request to the State asking that the State and FPL consider burying the lines. He advised that the purpose of this resolution is to include the Village's request.

Mayor Flinn added that he had spoken to a representative of FPL. Additionally, Pinecrest is looking into a pilot program where the lines would be buried. He suggested amending the Resolution and recognizing FPL for their line clearing programs and their cooperation in powering up. He noted

that FEMA and other sources would be contacted to consider providing funds for this project.

Councilman Feller stated that he respects the amendments. He noted that it is cheaper to FEMA to aid in putting lines underground than to fix the broken lines.

Following discussion, Councilman Breder noted that there is no fiscal impact to the Village at this time. He moved to approve. Seconded by Councilman Neidhart. All voted in favor. Resolution 04-75 was adopted unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE FILING OF AN FY 2004-2005 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT FOR CORAL REEF PARK AND INCLUDING THE CORAL REEF PARK DEVELOPMENT PROJECT IN ITS CAPITAL IMPROVEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to bring this matter forward. Seconded by Vice Mayor Robinson.

Ana Garcia, Community Services Director, provided staff report.

Mayor Flinn thanked Ms. Garcia, Councilman Feller and staff for their hard work. He asked if the Village had budgeted matching funds.

Mr. Scurr advised that there is approximately \$2.8 million in unallocated funds at the Village's disposal.

Councilman Breder moved to approve. Seconded by Councilman Feller. All voted in favor. Resolution 04-76 was adopted unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE FILING OF AN FY 2004-2005 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT APPLICATION FOR PERRINE PARK AND INCLUDING THE PERRINE PARK LAND ACQUISITION IN ITS CAPITAL IMPROVEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to bring this matter forward. Seconded by Vice Mayor Robinson.

Ms. Garcia provided staff report. She thanked Council for their continuing support.

Mr. Scurr advised that the Village would allocate an additional \$100K from the \$2.8 million.

Councilman Breder called the question. All voted in favor. Resolution 04-77 was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ACCEPTING THE PALMETTO BAY VILLAGE CENTER CHARRETTE ADVISORY COMMITTEE REPORT DATED SEPTEMBER 2004, AS ATTACHED; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved to bring this matter forward. Seconded by Councilman Neidhart.

Arleen Weintraub, Community Development Director, provided staff report.

Attorney Boutsis noted that the matter is legally sufficient. She advised that Attorney Jerry Proctor, counsel for the Developer, is present.

Mayor Flinn asked if the covenants are protected.

Attorney Boutsis replied that the resolution does not affect covenants currently in place.

Mayor Flinn asked if passing this Resolution would establish a precedent for future zoning hearings or any obligation to change any of the covenants and requirements.

Attorney Boutsis replied that the Charrette is simply a visioning process; any zoning would come back before Council.

Vice Mayor Robinson called the question. Seconded by Councilman Neidhart. All voted in favor. Resolution 04-78 was adopted unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING PUBLIC TRANSPORTATION SOLUTIONS TO TRAFFIC CONGESTION PROBLEMS AND OPPOSING THE WIDENING OF STREETS AND AVENUES IN RESIDENTIAL AREAS; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Flinn) – ADD ON ITEM

Vice Mayor Robinson moved to include the add-on item. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

Vice Mayor Robinson moved to bring this matter forward. Seconded by Councilman Breder.

Mayor Flinn provided a report.

Mayor Flinn moved to approve. Seconded by Councilman Feller.

Councilman Feller moved to amend the Resolution and include language opposing the construction of any bridges for motorized vehicles throughout the Village.

Mayor Flinn accepted the amendment. Seconded by Councilman Breder.

Mr. Scurr noted that the resolution includes arterial streets only. He clarified that “widening” means adding traffic lanes; however, the Village may add a turn lane or traffic circle throughout the village.

Following discussion, all voted in favor of the previous motion. Resolution 04-79 passed unanimously.

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 NOISE; CREATING CHAPTER _____ OF THE CODE OF ORDINANCES ENTITLED “NOISES;” PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Ms. Weintraub provided staff report. She noted that staff had provided a comparison of other cities’ noise ordinances.

Attorney Boutsis added that she had met with Ms. Weintraub regarding the ordinance. She noted that uniform enforcement is the key.

Mayor Flinn explained what first reading of an ordinance means. He stated that the Council will welcome public input at the second hearing, which is a public hearing.

Councilman Feller asked if a demonstration of noise levels could be provided prior to second reading.

Staff concurred.

Following discussion, Councilman Neidhart moved to have this matter approved on first reading. Seconded by Councilman Feller. All voted in favor. 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 RESIDENTIAL GARAGE SALES AND REGULATING; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Robinson moved the matter forward. Seconded by Councilman Breder.

Ms. Weintraub provided staff report, noting that revisions from the first hearing had been made.

Attorney Boutsis concurred.

Mayor Flinn opened the public hearing at 8:26 p.m.

Mr. Chuck Latshaw, 8825 SW 154 Terrace, asked if the Ordinance included regulations regarding sign placement, size, etc.

Mr. Scurr advised that some regulation was included; however, most of the regulation will be included in a temporary sign ordinance that is currently being drafted by staff.

Ms. Jane Gardner, 14920 SW 94 Avenue, asked if regulation was included regarding removing signs after the sale is over.

Attorney Boutsis and Mr. Scurr advised that the signs are to be removed the evening the sale is over, enforced by the Village.

Mr. Andy Barrett, 16200 SW 78 Avenue, asked the penalty for having a non-permitted sale.

Mr. Scurr advised that receiving a permit will be easy; the purpose of the Ordinance is to prevent nuisance garage sales. Code Compliance will have a list of permitted garage sales and citizens will be asked not to hold the sale if a permit hadn't been received. He stated that Code Compliance officers will be issuing courtesy notices until the public is educated on this matter.

Ms. Marti Greenberg, 7761 SW 176 Street, asked for clarification regarding the number of garage sales and the length of each sale.

Mr. Scurr replied that the garage sales could be held on two weekends per year.

Ms. Aida Crusan suggested that the permits be provided by email.

Mayor Flinn closed the public hearing.

Following discussion, Councilman Breder moved to approve. Councilman Feller seconded. 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). Ordinance 04-23 was adopted.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

- A. Kimberly McNeil, 18202 SW 94 Court, stated that she had received a letter advising that the neighborhood cul de sac would become a street. She provided a petition and letter from her attorney and asked the Council to not consider this.

Mayor Flinn stated that he had seen the anonymous letter. He clarified that the Council has no intention of destroying a cul de sac nor raising taxes. He asked those who may receive these types of letters to contact him and to be careful when giving any credence to notices or correspondence wherein the author refuses to be identified. He thanked all in attendance and asked citizens with concerns to email him at eugeneflinn@aol.com to be included on his email list.

Ms. McNeil thanked the Council for adopting the garage sale ordinance.

- B. A gentleman who did not identify himself stated that he is glad the correspondence is not true.

Mayor Flinn asked the public to participate in the charrette.

- C. Mr. Glen Murray, 17501 SW 93 Place, concerned with the suggested improvements/development of Perrine Park. He expressed his displeasure

with regard to eight fields. He stated that the lights at the field are often left on.

- D. Mr. Howard Tendrich, 16500 SW 74 Avenue, asked that certain trash piles be removed. He also suggested that public works make a point to remove doors from discarded dryers.
- E. Mr. Alan Smith, 9345 SW 179 Terrace, asked if designs for land acquisition had been approved.
- F. Mr. Joe Radman, 7600 SW 164 Street, expressed his displeasure with the Palmetto Bay Village Center charrette report.
- G. Mr. Gabriel Bifano, 7371 SW 156 Street, asked if the Southwest Charrette Committee will be reconvening in the near future.

Mayor Flinn stated that he will be contacting individual members of the committee.

- H. Ms. Aida Crusan, 17501 SW 92 Avenue; Jacqueline Prussing, 9341 SW 178 Street; Jason Prussing, 9341 SW 178 Street; Bill Gwin, 9365 SW 180 Street; Chris Kalinkas, 9390 SW 179 Terrace; Ed Contreras, 9395 SW 179 Terrace; Emily Brown, 9340 SW 178 Street; Barbara Golob, 9630 SW 182 Street; Richard Brooks, 9321 SW 177 Street; Cynthia Stein, 9335 SW 176 Street; Trip Buchanan, 9271 SW 180 Street; and Wayne Haskel, 9340 SW 180 Street – addressed the Council and expressed their opposition concerning an active/significant use of Perrine Park.
- I. Marsha Matson, 9300 SW 180 Street, thanked her neighbors for their support of the neighborhood plan. She asked why the resolution concerning the opposition of street widening was not on the web site this afternoon. She commented that she would like to meet with the Mayor.

Mayor Flinn replied that he has spent many hours meeting with citizens to discuss several issues and is interested in meeting all.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Councilman Feller clarified that the purpose of the grant previously discussed is for land acquisition. He explained that Miami-Dade County had agreed to sell the land to the Village and each of the park plans previously presented include the additional acres. He stated that there currently is no fixed plan as to what Perrine Park will be. Councilman Feller advised that the planners presented four or five different plans of the park. He noted that the public input during the second meeting clearly requested certain aspects – adequate parking, possible multiple-use fields, a baseball field for Palmetto High,

passive areas, green space, and tennis courts. He stated that the planners will be focusing on narrowing the input to two plans for consideration.

- B. Councilman Breder stated that he would like to attend the meetings of the neighbors who are part of SoBay; however, he has not been invited to any meetings nor has his check for membership been accepted. He welcomed all neighbors and concerned citizens to contact him.
- C. Councilman Neidhart stated that he will be meeting with some of the concerned neighbors tomorrow, adding that he has not taken a position at this point.
- D. Vice Mayor Robinson stated that she is also willing to meet with all concerned. She stated that the Palmetto Bay Village Center Charrette Committee worked diligently on the report and felt that it was appropriate and acceptable.
- E. Mayor Flinn concurred with the Vice Mayor. He added that citizens should read the Village's newsletter or visit the web site and become active in the Village.

XIV. OTHER BUSINESS

- A. Vice Mayor Robinson asked for status with regard to the Village's zip code.

Mr. Scurr stated that staff is working on several issues with Ileana Ros-Lehtinen's office, such as the zip code and the fire station.

Vice Mayor Robinson asked for the status with regard to improving the Village's web site.

Mr. Scurr advised that the current web site is informational and functional; however, staff continues to work with the County to see for web assistance to be paid out of mitigation. He advised that the County expressed its willingness to do so, but he hasn't received final approval.

- B. Councilman Feller thanked the Cultural Council for their Art Show, stating that he enjoyed the event.

XV. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 9:42 p.m.

Prepared and submitted by:

Meighan J. Pier
Village Clerk

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

Eugene P. Flinn, Jr., Mayor