

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE WEDNESDAY, OCTOBER 5, 2005
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR'S CENTER
16701 SW 72 AVENUE
PALMETTO BAY, FLORIDA

- I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 7:10 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 Eve A. Boutsis
Village Clerk Meighan J. Pier

Mayor Flinn asked the Eagle Scouts of Troop 457 to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Eagle Scouts – Troop 457

Mayor Flinn introduced the Eagle Scouts. He thanked the men for their commitment. He asked Breder and Feller to assist presenting proclamations to the individuals. Councilman Breder read the text of the proclamation. Mayor Flinn thanked them for their dedication and their parents for their commitment.

- B. Recognition of key individuals who were actively involved in incorporation efforts: Municipal Advisory Committee, Charter Committee and Steering Committee Officers.

Dr. Feller made presentations to three individuals who worked diligently and provided their legal expertise pro bono. He provided Keys to the Village: Brian Pariser, Eugene Flinn and Ed Ludovici.

- C. Red Ribbon Campaign Week

Mayor Flinn provided a proclamation to the representatives of the organization.

III. APPROVAL OF MINUTES

A. Minutes of the September 12, 2005 Council Meeting

Vice Mayor Robinson moved to approve the Minutes, as drafted. Seconded by Councilman Feller. All voted in favor.

IV. VILLAGE MANAGER'S REPORT: Mr. Scurr provided his report, noting that the Village will be receiving \$2.719 million from the Florida Communities Trust. He thanked the members of the Council, Community Services Director Ana Garcia, Assistant to the Manager Olga Cadaval, Administrative Assistant to the Community Services Director Jennifer McCoy, and Amy Condon of the Trust for Public Lands. He reported that the Village had an incredibly successful Coral Reef Park dedication. Mr. Scurr mentioned that staff is recommending an addition to the Agenda, an item concerning negotiations to purchase property located at 9501 SW 175 Terrace. He also explained that the Village is suggesting the purchase of two trucks at \$26,000 each, adding that hybrid technology does not exist for heavy-duty vehicles. He announced that the State of the Village address is scheduled for November 2 at the Palmetto Bay Village Center in the main dining room and the next Council meeting is scheduled for November 7th.

V. VILLAGE ATTORNEY'S REPORT: None 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 \$16,768.04; PROVIDING AN EFFECTIVE DATE.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DISASTER RELIEF EFFORTS; RATIFYING THE EXECUTION OF THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS' DIASASTER RELIEF FUNDING AGREEMENT NO: 06-KT-B&-11-23-02-520 BETWEEN THE VILLAGE OF PALMETTO BAY AND THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS FOR RELIEF FOLLOWING HURRICANE KATRINA; PROVIDING AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OVERTIME PAYMENT; REVISING RESOLUTION 05-06, AMENDING SECTION 2 OF SAID RESOLUTION TO CLARIFYING DETERMINING FACTOR FOR OVERTIME COMPENSATION FOR EXEMPT EMPLOYEES

DURING A DECLARED DISASTER; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PURCHASE OF VEHICLES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE PURCHASE ORDER FOR THE PURCHASE OF VEHICLES WITH ACCESSORIES FROM BLAKE CHEVROLET, IN THE AMOUNT OF \$52,800; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH METRO EXPRESS, INC. FOR ADDITIONAL SIDEWALKS AND REPAIR ON EXISTING PUBLIC SIDEWALKS AND CURBING WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC WORKS, AUTHORIZING THE VILLAGE MANAGER TO PROCURE A BRUSH CHIPPER FROM VERMEER SOUTHEAST SALES AND SERVICES, INC., AND TO ISSUE A PURCHASE ORDER FOR SAID PURCHASE IN AN AMOUNT NOT TO EXCEED \$29,675.00; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the Consent Agenda. Seconded by Vice Mayor Robinson. All voted in favor. The Resolutions were adopted unanimously (5-0).

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY RESOLUTION CONCERNING PROVIDING HOMEOWNERS AGE 55 AND OLDER OR THOSE WHO ARE TOTALLY AND PERMANENTLY DISABLED A ONE-TIME TRANSFER OF THE "SAVE OUR HOMES" ASSESSED VALUE IN THEIR PRESENT HOMESTEAD PROPERTY TO SMALL, LESS EXPENSIVE REPLACEMENT HOMES IN THE SAME COUNTY WITHIN ONE YEAR OF THE SALE; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by the Village Council)

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

Mr. Scurr advised that this resolution concerns the initiative previously presented by Commissioner Katy Sorenson, who had addressed the Council at the recent Budget hearing. Mr. Scurr explained the item, adding that staff recommends approval provided the criteria remains as is.

Following brief discussion, all voted in favor. Resolution 05-77 was adopted unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CONCERNING THE NECESSITY FOR TRAFFIC AND TRANSPORTATION IMPROVEMENTS AT SOUTHWOOD MIDDLE, HOWARD DRIVE ELEMENTARY, CORAL REEF ELEMENTARY, AND PERRINE ELEMENTARY; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)

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

Mr. Scurr provided a brief report. He explained that the Village had conducted professional traffic engineering studies at all four schools and this resolution would seek implementation of these plans.

Following brief discussion, Mayor Flinn thanked the parents who assisted with the traffic studies.

All voted in favor. Resolution 05-78 was adopted unanimously (5-0).

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE WAIVER OF PLAT FOR A PARCEL OF LAND, LOCATED AT SW 90 AVENUE AND S.W. 157th STREET (9000 SW 157 STREET), PALMETTO BAY, FLORIDA MORE SPECIFICALLY THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LESS THE NORTH 405.00 FEET AND LESS THE SOUTH 140.04 FEET AND LESS THE WEST 434.88 FEET AND LESS THE EAST 25.00 FEET THEREOF, IN SECTION 28, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE, STATE OF FLORIDA, TOGETHER WITH A PORTION OF BLOCK 8 OF "CORAL REEF HOMESITES" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, AT PAGE 94 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Ron Williams, Director of Public Works, provided staff report. He explained that the item passed County review without exceptions and staff recommends approval.

The property owner, George Casali, was present and noted that the address of the property referenced in the Agenda package should be 9000 SW 157 Street.

Mayor Flinn opened the public hearing. No one requested to be heard. He closed the public hearing.

Following brief discussion, Councilman Feller moved to approve with the corrected address to be approved. Seconded by Councilman Neidhart. All voted in favor. Resolution 05-79 was adopted unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE SINFIN SUBDIVISION PLAT AS FINAL FOR PROPERTY LOCATED AS FOLLOWS: PARCEL A: THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LESS ROADS CONTAINING APPROXIMATELY 2.5 ACRES MORE OR LESS, OTHERWISE KNOWN AS 9275 SW 174 STREET, MIAMI, FLORIDA, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND PARCEL B: THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼, LESS ROAD DEDICATIONS, OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.; SETTING AN EFFECTIVE DATE.

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

Mr. Williams provided staff report. He noted that this item has passed County review without exceptions and staff recommends approval.

Mr. Armando Jomarron, representative of SinFin Homes, 7345 SW 148 Court, concurred with Mr. Williams' report.

Mayor Flinn opened the public hearing.

Mr. Erick Tulberg, 7884 SW 179 Terrace, suggested including sidewalks on SW 174 Street.

Mayor Flinn closed the public hearing.

Mayor Flinn confirmed that sidewalks are included.

Mr. Jomarron responded affirmatively.

Vice Mayor Robinson pointed out a scrivener's error on line 21.

Councilman Neidhart moved to approve. Seconded by Councilman Breder. All voted in favor. Resolution 05-80 was adopted unanimously (5-0).

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

- A. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING A PROCEDURE BY WHICH THE VILLAGE COUNCIL MAY NAME, RE-NAME OR CO-DESIGNATE VILLAGE FACILITIES, ROADS, STREETS AND PUBLIC WAYS; PROVIDING FOR NOTIFICATION; PROVIDING FOR RESPONSIBILITY FOR COSTS OF NEW STREET SIGNS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilman Breder)

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

Mr. Scurr provided staff report.

Councilman Breder advised that he was made aware of the need for this type of Ordinance following hearing from an individual who is the husband of a fallen firefighter. He stated that it is important to establish criteria for this important process.

Mayor Flinn suggested modifications as follows:

1. Respect the co-designation previously in place – limit the road to one designation; and
2. Limit the process to once per year.

Following brief discussion, Councilman Breder called the question.

Councilman Feller moved to include the suggestions offered. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

Councilman Feller moved to approve the proposed Ordinance on first reading. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

XI. OTHER BUSINESS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH A PROPERTY OWNER FOR THE PURCHASE OF 9501 SW 175 TERRACE; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr described the area, advising that staff is seeking to enter into discussions with property owner concerning possible purchase.

Mayor Flinn confirmed that this Resolution only authorizes negotiations.

Councilman Neidhart asked what would occur if another buyer seeks to offer a price while negotiations are ongoing.

Mr. Scurr advised that a contract with 30-day due diligence could be entered into, if the Village receives a reasonable price.

All voted in favor. Resolution 05-82 was adopted unanimously.

XII. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

XIII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Chuck Latshaw, 8825 SW 154 Terrace, Renita Ferrera (address unknown), Gabe Bifano, 7371 SW 156 Street, Robert Mazelli, 17140 SW 86 Avenue, David Marley, 7940 SW 172 Terrace, Roy Tent, 8940 SW 176 Street, and George Casali, 9010 SW 157 Street.

XIV. MAYOR AND COUNCIL COMMENTS

- A. Mayor Flinn asked Director Ana Garcia, Community Services, to provide a status report on the racquetball courts. Director Garcia advised that she understood that the Courts have been repaired to the satisfaction of the racquetball players. She recommended that the current surface should be replaced; however, it would be costly.
- B. Attorney Boutsis advised that the Village and Publix are still negotiating concerning the transfer of the property and there is not a roadway contemplated or a contract at this time. Mayor Flinn and Councilman Feller remarked that if the easement is included, they would not consider taking the property. Councilman Breder reiterated there is no condition for a roadway in any of the documents or discussions.
- C. Mayor Flinn remarked that the Comprehensive Development Master Plan allows for a nursing facility of up to 300 units at the former Burger King facility. He stated that to revise any of the plans, a public hearing would be required and there is no pending application.
- D. Councilman Breder announced that the Perrine Cutler-Ridge Council is hosting a "Don't be a Victim" seminar-he encouraged all to attend.
- E. Mr. Williams provided a brief report with regard to stump removal.

XV. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

Prepared and submitted by:

*Meighan J. Pier, CMC
Village Clerk*

*Adopted by the Village Council on
this ____ day of November, 2005.*

Eugene P. Flinn, Jr., Mayor

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