

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, NOVEMBER 6, 2006
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 7:15 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 Charles D. Scurr
Village Attorney Eve A. Boutsis
Village Clerk Meighan Rader

Mayor Flinn led the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Mr. Robert Pozo – Village of Palmetto Bay Holiday Run

Mr. Pozo provided information concerning the Holiday Run to be held on December 10, 2006. He requested in-kind contribution for police services.

Councilman Feller moved to provide in-kind contribution to the Holiday Run event, as was provided in the previous year. Seconded by Vice Mayor Robinson. All voted in favor (5-0). The Motion carried.

B. Ms. Vicky Steuben, Bikila – Presentation to Council

Mr. Jim Loretta and Mr. Steve Brookner of Bikila Athletic Club were recognized; and, on behalf of Vicky Steuben, they expressed their appreciation for Palmetto Bay's support of the five-mile run held on October 7th. He thanked Clerk Rader, Director of Community Services Ana Garcia and Community Services Specialist Monica Inguanzo for participating in the event.

Mayor Flinn and the Council thanked Bikila for their interest in the Village.

C. Roll-out of Palmetto Bay On-Line Permit Status (PB-OPS)

Mr. Scurr thanked the Village's Information Technology Consultant Doug Philips of Astec Consulting, Jorge Lopez of CSA, Community Development Director Arleen Weintraub, and Village Clerk Meighan Rader for their work on this project.

Mr. Philips provided a presentation regarding how the public and contractors can easily access the status of all building permits on line.

III. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of October 4, 2006
- B. Minutes of the Special Council Meeting of October 23, 2006

Councilman Feller moved to approve the Minutes. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

IV. VILLAGE MANAGER'S REPORT

Mr. Scurr provided a report, thanking all staff who participated in the Halloween movie night. He announced that there would be a windstorm workshop scheduled for November 13th. He stated that a special session in Tallahassee may be scheduled in the near future.

Councilman Feller invited all to attend the windstorm workshop.

Mr. Scurr advised that the State of the Village will be held on December 6th. He thanked Bo Boulenger of Baptist Hospital for their sponsorship. He advised that he has been in contact with Workforce concerning its option to continue leasing the possible Village Hall location. Mr. Scurr announced Miami-Dade County Days will be held on April 16th next year. He stated that Council and staff shall be preparing the Village's legislative package with a much broader scope as the new governor will be reviewing the budget. He advised that he and Mayor Flinn will be attending an INLUC meeting on November 14th to continue to attempt to resolve the mitigation issue.

Mr. Scurr provided a brief update regarding the parks. He explained the consent items and advised that there will be a Committee of the Whole on November 15th, next Council meeting is December 4th and there will not be a zoning meeting in November.

V. VILLAGE ATTORNEY'S REPORT

Attorney Boutsis advised that she will introduce procedures for zoning hearings in order to fully assume responsibility of the hearings from the County. She announced

that she continues to meet with the individual members of the Council concerning the Land Development Code.

Attorney Boutsis noted that she is seeking guidance with regard to policy concerning the code compliance issues of unsafe structures and foreclosures following lien.

Following discussion, Mayor Flinn asked that the matter be scheduled for discussion at the next Committee of the Whole meeting. The Council concurred.

VI. BOARD AND COMMITTEE REPORTS: None at this time.

VII. CONSENT AGENDA

Clerk Rader noted that items VII F, G and I had been asked to be added to the regular Agenda by Councilman Feller. Councilman Feller explained that he believes a certain threshold should be established for an item to be on consent. Mayor Flinn replied that there may be an item with high importance and a low cost that could also be discussed.

- 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 \$19,722.27; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING FOR THREE MONTH SEVERANCE PAY UPON INVOLUNTARY SEPARATION OF SERVICE OF THE VILLAGE CLERK; PROVIDING FOR COMPENSATION OF BENEFITS; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE STREET TREE MASTER PLAN; APPROVING A CONTRACT WITH O'LEARY RICHARDS DESIGN ASSOCIATES, INC. TO PROVIDE CONSTRUCTION DOCUMENTATION IN ACCORDANCE WITH APPROVED LANDSCAPING DESIGN PLANS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$16,000; AND PROVIDING FOR 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 ENVIROWASTE SERVICES GROUP, INC., FOR CONTINUED STORM DRAINING CLEANING WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$75,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH H & R PAVING, INC. FOR RESURFACING AND STRIPING OF PUBLIC ROADWAYS WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND PROVIDING FOR AN EFFECTIVE DATE. **(REMOVED FROM CONSENT AGENDA)**
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING IMPROVEMENTS IN THE AREA OF SW 160TH STREET AND 82ND AVENUE IN THE VILLAGE OF PALMETTO BAY; APPROVING THE SELECTION OF MARKS BROTHERS, INC., TO PROVIDE CONSTRUCTION SERVICES FOR A PERMANENT TRAFFIC CALMING DEVICE; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT UP TO \$377,182 ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE FLOW OF TRAFFIC; AND PROVIDING FOR AN EFFECTIVE DATE. **(REMOVED FROM CONSENT AGENDA)**
- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENT PROJECT IN THE AREA OF SW 178TH TERRACE BETWEEN SW 88TH COURT AND SW 89TH COURT IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING AN AMENDMENT TO THIS PROJECT WITH EAC CONSULTING, INC. TO INCLUDE ADDITIONAL DRAINAGE DESIGN SERVICES TO INCORPORATE SW 87TH AVENUE TO 87TH COURT AS PART OF THE INITIAL PROJECT; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$18,145; AND PROVIDING FOR AN EFFECTIVE DATE.
- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH VILA AND SONS NURSERY CORPORATION TO PROVIDE TREE PLANTING SERVICES IN THE

PUBLIC RIGHT-OF-WAYS WITHIN THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO \$300,000; AND PROVIDING AN EFFECTIVE DATE. **(REMOVED FROM CONSENT AGENDA)**

- J. 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 NEW SIDEWALKS AND REPAIR OF EXISTING SIDEWALKS AND CURBING WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$125,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PLANNING AND CONSTRUCTION SUPPORT SERVICES; APPROVING A CONTRACT WITH CIVIL WORKS, INC. TO PROVIDE INSPECTION AND SITE MONITORING SERVICES; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$35,000; AND PROVIDING FOR AN EFFECTIVE DATE.
- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE POLICE PROCUREMENT; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR RADAR/SPEED MEASURING DEVICES UNDER MIAMI-DADE COUNTY CONTRACT #6193-1/06 IN THE TOTAL AMOUNT OF \$16,900.00 FROM EMERGENCY VEHICLE SUPPLY; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve the Consent Agenda with the exception of items F, G and I, which were moved to the regular Agenda. Seconded by Councilman Neidhart. 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, RELATING TO BUILDING AND PERMITTING ACTIVITIES; ACCEPTING THE BUILDING AND PERMITTING ADVISORY COMMITTEE REPORT; AUTHORIZING THE VILLAGE MANAGER TO DRAFT A REQUEST FOR PROPOSALS (RFP) FOR SPECIFIED BUILDING AND PERMITTING SERVICES; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Scurr provided explanation, noting that if the report was accepted, staff would advertise for a Building Official and although CSA's contract had been extended, staff would prepare the Request for Proposals.

Director of Community Development Arleen Weintraub stated that staff is seeking direction.

Mayor Flinn remarked that the building official and office manager should be Village personnel; however, the outsource arrangement for counter employees and inspectors should remain. The members of the Council concurred.

Mr. Scurr stated that it may be appropriate to have the Village's Building Official assist with the drafting of the Request for Proposals. He suggested that the Building Official could also assist in choosing the office manager.

Vice Mayor Robinson moved to authorize the Village Manager to hire a building official.

Mr. Scurr advised that the mid-year budget adjustment would include the position that was not budgeted.

Vice Mayor Robinson amended her motion to include the hiring of an office manager.

Attorney Boutsis suggested amending Section 2 to include "and office manager."

Seconded by Councilwoman Stanczyk. A roll call vote was taken on the proposed Resolution, as follows: Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes. The Resolution was adopted unanimously (5-0).

- B. 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 FOR THE YEAR 2007; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved the item. Seconded by Councilman Feller.

Several dates were discussed. Councilman Feller moved to table. Seconded by Councilman Neidhart. All voted in favor. The Motion carried unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS; DIRECTING THE VILLAGE MANAGER TO STAY ALL CONSTRUCTION AND DEVELOPMENT PLANS RELATING TO PERRINE WAYSIDE PARK SO THAT A COST NEUTRAL PLAN FOR THE ADMINISTRATION OF A DOG PARK AT THE LOCATION CAN BE DEVELOPED AND IMPLEMENTED; PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved the item. Seconded by Councilwoman Stanczyk.

Mr. Scurr stated that this resolution would put the plans on temporary hold while a Request for Proposal/Qualification is being developed.

Councilman Neidhart remarked that he believed RDC was working on both Palmetto Bay Park and Perrine Wayside; therefore, it may not be cost efficient for RDC to cease simultaneous construction.

Councilman Feller asserted that the initial proposal from the dog park proponents was to seek sponsors and the park would not be cost neutral to the Village. He stated that he has never officially heard from any organization willing to operate the park.

Councilman Feller remarked that he is in favor of preparing an RFP, rather than an informal group running the park that would not be formally responsible. Councilwoman Stanczyk concurred.

Following discussion, Mr. Scurr asserted that the Village had believed the dog park would be unstaffed, with staff only cleaning restrooms and providing lawn maintenance.

Councilman Feller moved to amend resolution to have passive park until the RFP is prepared and a contract awarded. He stated that the stay on construction should be specific to a dog park with no work on the utilities. Seconded by Councilman Neidhart. Councilman Feller moved to amend striking lines 5 through 7 on page two. A roll call vote was taken on the proposed Resolution, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes. The Resolution was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE HALL; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO NEGOTIATIONS WITH THE PROPERTY OWNER OF PARCELS TO THE IMMEDIATE EAST AND NORTH OF PERRINE WAYSIDE PARK, OBTAIN APPROPRIATE APPRAISALS AND EXPEND THE FUNDS

NECESSARY TO COMPLETE DUE DILIGENCE RELATING TO THE PARCELS, INCLUDING BUT NOT LIMITED TO ANY AND ALL INSPECTIONS, MOLD TESTING, AIR QUALITY AND APPRAISALS NEEDED; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

Vice Mayor Robinson moved the item. Seconded by Councilman Feller.

Mayor Flinn noted that this proposed resolution would authorize the manager to enter into negotiations with regard to the Workforce location. He remarked that he would like other properties to be investigated, also.

Following brief discussion, a roll call vote was taken on the proposed Resolution, as follows: Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes. The Resolution was adopted unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH H & R PAVING, INC. FOR RESURFACING AND STRIPING OF PUBLIC ROADWAYS WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this item forward. Councilman Neidhart seconded.

Director of Public Works Ron Williams provided a report.

A roll call vote was taken on the proposed Resolution, as follows: Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The Resolution was adopted unanimously (5-0).

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING IMPROVEMENTS IN THE AREA OF SW 160TH STREET AND 82ND AVENUE IN THE VILLAGE OF PALMETTO BAY; APPROVING THE SELECTION OF MARKS BROTHERS, INC., TO PROVIDE CONSTRUCTION SERVICES FOR A PERMANENT TRAFFIC CALMING DEVICE; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT UP TO \$377,182 ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE FLOW OF TRAFFIC; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director Williams provided a report. He advised that this project would continue to address growing concerns and is recommended as part of the Village's traffic calming program.

Councilman Feller asked if the Village would have sufficient funds to perform this project and the remaining projects.

Director Williams advised that the efforts are funded through the local option gas tax and CITT funding. He noted that the Village will be able to present a continuing plan to address these needs

Following brief discussion, a roll call vote was taken on the proposed Resolution, as follows: Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes. The Resolution was adopted unanimously (5-0).

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH VILA AND SONS NURSERY CORPORATION TO PROVIDE TREE PLANTING SERVICES IN THE PUBLIC RIGHT-OF-WAYS WITHIN THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO \$300,000; AND PROVIDING AN EFFECTIVE DATE.

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

Director Williams provided staff report.

Following brief discussion, a roll call vote was taken on the proposed Resolution, as follows: Councilwoman Stanczyk: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The Resolution 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, RELATING TO NAMING OF THE PARK ADJOINING THE PALMETTO BAY/MIAMI-DADE COUNTY LIBRARY ON OLD CUTLER ROAD; PROVIDING AN EFFECTIVE DATE [Sponsored by Councilman Dr. Ed Feller].

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

A recess was taken. The meeting re-convened at 9:22 p.m.

Mayor Flinn took a moment to thank Miami Herald Reporter Kathleen Fordyce for her time spent with the Village and express his disappointment at hearing that she would not be working with the Village due to her new position. He wished her well. The Council concurred.

Mr. Scurr provided staff report. He stated that the proposed Resolution does not name the library, rather it names the park.

Councilman Feller stated that he proposes naming the park in honor of an individual and the family. He stated that members of this family had worked and volunteered many hours to assist in the creation of Palmetto Bay. He moved the name - Ludovici Park. Councilman Neidhart seconded.

The public hearing was opened. No one wished to be heard.

A roll call vote was taken on the proposed Resolution, as follows: Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes. The Resolution was adopted unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NAMING OF THE MEDITATION GAZEBO AT CORAL REEF PARK; PROVIDING AN EFFECTIVE DATE [Sponsored by Mayor Eugene P. Flinn, Jr.].

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

Mr. Scurr provided a brief report concerning the area.

Mayor Flinn stated that he is honored to be sponsoring this matter. He spoke fondly of Ken Robinson, noting how he had served as a “kind, caring guide” to all and had worked significantly on the founding of this Village. He proposed naming the area the Ken Robinson Meditation Gazebo and Gardens.

The public hearing was opened. No one wished to be heard.

A roll call vote was taken on the proposed Resolution, as follows: Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes. The Resolution was adopted unanimously (5-0).

Vice Mayor Robinson thanked the Mayor and members of the Council.

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 CONCURRENCY REQUIREMENTS AND COMPLIANCE WITH SECTION 163.3180(16), FLORIDA STATUTES; CREATING CHAPTER ___, ENTITLED "CONCURRENCY REQUIREMENTS" IN ORDER TO ENSURE THE VILLAGE'S CONFORMITY TO STATE LAW FAIR SHARE MITIGATION METHODOLOGIES ON TRANSPORTATION CONCURRENCY; TO EXCLUDE FROM THE TRANSPORTATION CONCURRENCY REQUIREMENT CERTAIN DEVELOPMENTS WHICH DO NOT MEET TRANSPORTATION BUT ELECT TO MAKE A PROPORTIONATE SHARE CONTRIBUTION; FURTHER DESCRIBE THOSE DEVELOPMENTS EXCLUDED FROM THE TRANSPORTATION CONCURRENCY REQUIREMENT BECAUSE THE DEVELOPMENT ONLY HAS A DE MINIMUS IMPACT UPON TRANSPORTATION CONCURRENCY; CREATING A TRANSPORTATION PROPORTIONATE FAIR SHARE CONTRIBUTION OPTION FOR DEVELOPMENTS WHICH FAIL TO MEET THE TRANSPORTATION CONCURRENCY REQUIREMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Feller moved this item. Vice Mayor Robinson seconded.

Attorney Boutsis advised that Florida Statute Chapter 163 provides that if a level of service of the comprehensive plan is exceeded, there is a fund that the developer has to contribute to or the developer has to provide the service on their own. She remarked that it is beneficial to the Village, as the developer has to address the level of service.

A roll call vote was taken on the proposed Ordinance, as follows: Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilwoman Stanczyk: Yes; Mayor Flinn: Yes. The proposed Ordinance passed on first reading unanimously (5-0). A public hearing shall be noticed for December 4, 2006.

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 AMENDING THE FIRST ADDENDUM TO THE LEASE AGREEMENT WITH THE JANE FORMAN TENNIS CENTER CONTRACT; PROVIDING FOR TENNIS AND RACQUETBALL COURT IMPROVEMENTS AND AN EXTENSION FOR A TOTAL OF 10 YEARS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Robinson moved this matter. Seconded by Councilwoman Stanczyk.

Attorney Boutsis provided a report.

The public hearing was opened and the following individuals addressed the Council and spoke in opposition of the proposed Ordinance: Cecil Richardson, 14538 SW 141 Place; Howard Tendrich, 16500 SW 74 Terrace.

Attorney Boutsis clarified that the contract would be for five years with a five year option to renew.

The public hearing continued: Warren Lovely, 15323 SW 74 Place spoke in opposition.

Mayor Flinn asked if there were a cap as to the amount Ms. Forman could spend with construction.

Attorney Boutsis noted that the Village would approve plans throughout and that \$170,000 is the estimate, with the cap being 8% of the estimated cost.

The public hearing continued: Kary Sochin, 8080 SW 177 Terrace, spoke in opposition. The public hearing was closed.

Councilman Feller asked Ms. Forman to explain the situation concerning the racquetball players' expression of dissatisfaction.

Discussion ensued concerning the financing for the construction of the new courts.

Mayor Flinn remarked that the Village has a unique situation where the Village was incorporated with a vendor already in place, running Palmetto Bay's facility. He stated that he believes the Village should build the courts, as it would be able to get a better interest rate, and let a vendor operate the courts.

Ms. Forman remarked that after the public hearing on May 1st, she, former Councilmember Breder, Director Garcia and Parks Manager Marty Tejada met on the racquetball courts and discussed plans for construction of the four remaining courts. She noted that the racquetball players wanted to perform the re-surfacing, and she had agreed and had thought that aspect was resolved. She noticed that the price of playing racquetball is now the same as the cost to play tennis.

Discussion ensued. A roll call vote was taken on the proposed Ordinance, as follows: Councilman Feller: Yes; Councilman Neidhart: No; Councilwoman

Stanczyk: Yes; Mayor Flinn: No; Vice Mayor Robinson: Yes. The Ordinance was adopted 3-2.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Howard Tendrich, 16500 SW 74 Avenue; Stanley Kowlessar, 8360 SW 140 Drive; Jim Araiza, 15605 SW 92 Avenue; Frank Kowalsky (address not provided).

XIII. MAYOR AND COUNCIL COMMENTS

A. Councilwoman Stanczyk asked for an update regarding the reported situation at Publix with the dumpster being emptied in violation of the Village's noise Ordinance.

Mr. Scurr advised that he had sent a letter to the store, advising them to immediately correct the situation. Director Weintraub concurred.

Vice Mayor Robinson asked if the store will be performing landscaping or other types of maintenance in the vacant land area surrounding the south and east of the store.

Attorney Boutsis advised that she will research the matter to see if Publix has an obligation to do so.

B. Councilman Feller directed that the Village's school traffic plans be re-submitted to School Board Member Evelyn Greer and see why the school board has not implemented the plans. He asked that she be invited to the December Council meeting.

XIV. OTHER BUSINESS

A. Appointment to Old Cutler Bike Path: The Council briefly discussed the Committee and decided to have the committee move forward subject to ratification of new members. Mayor Flinn asked the Council to provide their appointment to the Clerk in order to ratify them at the next council meeting.

B. Holiday decorations: Mayor Flinn suggested that the Council discuss giving certificates of appreciation to those residents who celebrate the holiday by decorating their homes in a special way.

C. Southwood-public tennis courts: Mr. Scurr and Director Garcia advised that they had been in contact with the school and the school is amenable to entering into a joint use agreement. Councilman Feller moved to authorize Mr. Scurr to move forward with negotiations. Seconded by Councilman Neidhart. All voted in favor. The Motion carried.

- D. Councilman Neidhart discussed several locations in the Village where “pocket parks” could be established. He moved to direct Mr. Scurr to begin negotiations with the Miami-Dade County Water and Sewer Authority Department to secure the vacant land at 89 Avenue and 160 Street and 87 Avenue and 167 Street for parkland. Seconded by Vice Mayor Robinson. All voted favor. The Motion carried (5-0).
- E. Mayor Flinn began discussion concerning recreation programming in the Village. Director Garcia presented a plan to provide summer camp. Councilman Neidhart moved to direct staff to continue exploring and planning the summer camp program. Seconded by Councilman Feller. All voted in favor. The Motion carried (5-0).
- F. Councilman Feller remarked that the purpose of code enforcement is to act when an ongoing problem is not resolved. He suggested that it is time to act and resolve some of the long-standing code violations within the Village.

XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:40 pm.

Prepared and submitted by:

*Meighan J. Rader, CMC
Village Clerk*

*Adopted by the Village Council on
this ___ day of December, 2006.*

Eugene P. 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.