

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, NOVEMBER 3, 2003
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 Dottie Barton to lead the pledge of allegiance.

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

III. APPROVAL OF MINUTES

- A. Minutes of the September 8, 2003 Council Meeting
- B. Minutes of the Budget Hearing of September 11, 2003
- C. Minutes of the Final Budget Hearing of September 22, 2003

A Motion to approve the Minutes was made by Councilman Breder. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

IV. VILLAGE MANAGER'S REPORT

Ms. Ana Garcia, Director of Community Services, introduced her staff: Anthony Proffitt, Park Manager, Bryan Wolff, Brian Smith, Henri Scarlett. She explained that Elvira Duenas and Marty Tejeda could not be present. Mr. Proffitt thanked the Village Manager and Council for their support.

Mr. Ron Williams, Director of Public Works, introduced his staff: Danny Casals, Lead Maintenance Worker, and Jimmy Pruneda, Maintenance Worker. Mr. Williams stated that these two gentlemen are highly committed and hard-workers.

Mr. Scurr also introduced Corrice Patterson, Monica Silva and Marti Brasovan (Mrs. Brasovan was unable to attend). He congratulated the Department Heads for their selection of dedicated individuals.

Commander Mouring provided a report regarding the recent apprehension of two bank robbery/murder fugitives who had fled following crimes committed in Atlanta. He explained that Sergeant Glenn Lester and his staff apprehended the criminals following a chase.

Mayor Flinn thanked the police for an outstanding job. He asked those who wished to send get well cards to Officer Kathy Eckels can send them care of Commander Mouring at Village Hall.

Mr. Scurr advised that four additional positions are pending for the Police force. He advised that interior improvements are being finalized for the Police Department move and the Building Department will be relocated tomorrow. He stated that the target date is the first week of December, and the Village hopes to schedule an open house then.

Mr. Scurr reported that the Zoning hearing scheduled for November 18 has been cancelled due to the Free Trade Area Summit. He noted that the Village is reconciling the amount provided by the County and the Village's finances are solvent. He advised that copies of the check register for October are available. He reported that staff is finalizing the Interlocal agreement for the MPO Grant and finalizing the scope of work for the traffic study.

Mr. Scurr advised that with regard to Parks & Recreation, the initial cleaning is completed, landscaping is forthcoming. He stated that staff will be meeting with representatives of the YMCA and is currently working on acquisition of the remaining seven acres. He noted that staff is seeking a grant from the Trust for Safe Neighborhood Parks and from the South Florida Water Management District to purchase bayfront land.

Mayor Flinn suggested that staff may wish to postpone consideration of the Publix Park land under the Parks Master Plan has been completed.

V. VILLAGE ATTORNEY'S REPORT

Attorney Gallop reported that Diane O'Quinn-Williams, Director of the Miami-Dade County Planning & Zoning and Alberto Torres, Assistant Director is present to provide information regarding the Ordinance under Item XI B.

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

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ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$14,607.07; PROVIDING AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO HUMAN RESOURCES; RATIFYING THE ADOPTION OF A SECTION 125 PREMIUM ONLY PLAN; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THE PLAN AS ADMINISTRATOR AND EXECUTE ALL NECESSARY DOCUMENTS FOR THE YEAR COMMENCING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FINANCE; AUTHORIZING THE VILLAGE MANAGER TO OPEN OR RENEW CERTIFICATES OF DEPOSIT WITH QUALIFIED PUBLIC DEPOSITORIES; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO RESOLUTION NO. 03-82, EMPLOYEE RETIREMENT PLAN ADMINISTRATIVE SERVICES; APPROVING AN ADDENDUM TO RESOLUTION NO. 03-82, TO ADOPT AND EXECUTE THE ICMA DECLARATION OF TRUST OF THE VANTAGE TRUST COMPANY TRUST; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to approve the items provided under the Consent Agenda. Seconded by Vice Mayor Robinson. All voted in favor (5-0). Resolutions 03-91, 03-92, 03-93, and 03-94 were adopted.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS, AUTHORIZING THE VILLAGE MANAGER TO PROCURE EQUIPMENT AND SERVICES FROM MEDTRONIC PHYSIO-CONTROL, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$7,500.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Ron Williams, Director of Public Works, explained the item. He reported that following receipt of proposals from five companies, and after determining that the machines would be compatible with those used by County Public Safety officers (Fire and Police), staff recommends approval.

Councilman Feller suggested training be provided to staff and offered to residents.

Councilman Feller moved to approve the proposed Resolution. Seconded by Councilman Neidhart. All voted in favor (5-0). Resolution 03-95 was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ACCEPTING A GRANT IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF MAKING STORMWATER IMPROVEMENTS WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr explained the matter, advising that the Resolution authorizes execution of the formal agreement.

Councilman Neidhart moved to approve the proposed Resolution. Seconded by Councilman Breder. All voted in favor (5-0). Resolution 03-96 was adopted.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE REARDON ESTATES PLAT AS FINAL FOR PROPERTY LOCATED AT THE CORNER OF S.W. 142 STREET AND S.W. 82 COURT, MORE SPECIFICALLY THE WEST $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING IN VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA; SETTING AN EFFECTIVE DATE.

Attorney Gallop provided explanation. Following discussion, Vice Mayor Robinson moved to defer the matter to the next Zoning Hearing. Seconded by Councilman Feller. All voted in favor (5-0). The Motion carried.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE ATRIO SUBDIVISION PLAT AS FINAL FOR PROPERTY LOCATED AT THE CORNER OF S.W. 157 STREET AND S.W. 92 COURT, MORE SPECIFICALLY A PORTION OF BLOCK 5 AND ALL OF BLOCK 6 OF "CORAL REEF HOMESITES", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 45, AT PAGE 94, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH PORTION OF THE NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING IN VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA; SETTING AN EFFECTIVE DATE.

Mr. Scurr explained the matter.

Councilman Neidhart recused himself, noting that he formerly owned the property.

Attorney Gallop advised him to file the reason for recusal with the Clerk. Councilman Neidhart excused himself from the meeting.

Mr. Williams advised that this matter had been reviewed by the County and there are no outstanding issues to delay approval.

Mr. Scurr added that this project was underway prior to the Village's incorporation and the County had provided provisions. He noted that the developer had agreed to provide a ten foot landscape buffer.

Mr. Justo Atrio, developer, concurred.

Councilman Breder moved to approve the proposed Resolution and include the requirement to install the ten foot buffer and language that stated that the Certificate of Occupancy is subject to revocation by the Village. Seconded by Councilman Feller. All voted in favor (4-0). Resolution 03-97 was adopted.

(Councilman Neidhart returned to the meeting.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING STAFF TO REBID THE GENERAL CONSTRUCTION SERVICES.

Mr. Scurr introduced the item.

Following discussion, Councilman Breder moved to approve. Seconded by Councilman Neidhart. All voted in favor (5-0). Resolution 03-98 was adopted.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; APPOINTING MEMBERS TO THE SPECIAL EVENTS COMMITTEE; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided explanation of this matter.

Mayor Flinn offered the following nominations for consideration:

1. Ana Ordonez
2. Donna Coughlin
3. Jeanne Rothfield
4. Jacquie Sosa
5. Donna Latshaw

6. Yolly Buchmann
7. Dottie Barton

Councilman Breder moved to approve the proposed Resolution, adding that Vice Mayor Robinson would serve as liaison. Seconded by Vice Mayor Robinson. All voted in favor (5-0). Resolution 03-99 was adopted.

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

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING, CREATING CHAPTER ____ OF THE CODE OF ORDINANCES OF THE VILLAGE OF PALMETTO BAY, ENTITLED "LOBBYIST REGISTRATION"; PROVIDING DEFINITIONS AND EXCLUSIONS; PROVIDING FOR REGISTRATION OF LOBBYISTS, DISCLOSURE OF MEETINGS WITH VILLAGE PERSONNEL AND PROHIBITING CONTINGENCY FEES; CREATING PENALTIES FOR VIOLATIONS AND DEBARMENTS; PROVIDING FOR APPEALS TO SPECIAL MASTER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Gallop explained the matter.

Councilman Feller asked if the lobbyist had to come into Village Hall to register.

Attorney Gallop noted that the registration could be done through the mail.

Mayor Flinn noted that this Ordinance is required by Charter.

Councilman Feller asked the repercussions of the current lawsuit concerning Miami Beach's lobbyist Ordinance.

Attorney Gallop replied that the lawsuit in Miami Beach concerns the provision of the lobbyist's earning disclosure. He explained that if that provision is found to be unconstitutional by the Courts, then the Village may wish to revise the ordinance.

Mayor Flinn opened the public hearing at 8:50 p.m.

Mr. Gabriel Bifano, 7371 SW 156 Street, asked if the Ordinance was substantially different from the County Ordinance.

Attorney Gallop noted that the intent of the Ordinance was the same and that there are not substantial differences.

The public hearing was closed at 8:52 p.m.

A Motion to adopt the proposed Ordinance was made by Councilman Neidhart. Seconded by Councilman Feller. A roll call vote was taken. 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 03-14 was adopted.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; ADOPTING CERTAIN AMENDMENTS TO CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, ENTITLED “ZONING”, WHICH WERE ENACTED BY THE MIAMI-DADE COUNTY COMMISSION SUBSEQUENT TO DECEMBER 2, 2003; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Following discussion, Councilman Feller moved to defer consideration of the proposed Ordinance to the Council Meeting of December 1st in order to conduct a zoning workshop on November 18th. Seconded by Vice Mayor Robinson. The Motion carried (3-2), with Councilmen Breder and Neidhart being opposed.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

- A. Representatives of the American Cancer Society asked for the Village’s support for its annual “Relay for Life” evening luminary event.
- B. Harvel Jackson, 17720 SW 91 Avenue, asked for increased police presence in the Franjo Triangle area to assist local businesses.
- C. Tucker and Aida Crusan, 17501 S.W. 92 Avenue, expressed their opposition to a dog park.
- D. Paula Palm, 7895 SW 152 Street, asked that a decision regarding the memorial mediation spot for Kenneth Robinson move forward.
- E. Gabriel Bifano, 7371 SW 156 Street, concurred with Mrs. Palm. He opined that the Village should insure that qualified individuals are selected when a Request for Qualifications for general construction is posted.
- F. Warren Lovely, 15323 SW 74 Place, provided information with regard to the next hearing on the appeal of mitigation.

- G. Maria Stout-Tate, 8320 SW 152 Street, suggested that the Village designate 152 Street as a historic road.
- H. Ms. Nadia, advised that she is the mother of Jerome Johnson, and expressed his dissatisfaction with the police for not ticketing an uninsured individual who had an automobile accident with her son.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Discussion ensued regarding providing information to the citizens concerning the new format of the recent tax bill. It was suggested that information be provided either on the web site or in the Village's newsletter.
- B. Vice Mayor Robinson remarked that she would like the Village to expedite the search for a grant writer. She thanked the public for their comments concerning the "Relay for Life" and the memorial meditation area.
- C. Councilman Neidhart commented that the Franjo Road Charette would be meeting in the near future to address public safety concerns, in addition to improving the "Island" and "Triangle" area.
- D. Councilman Feller noted that any proposal concerning a dog park in the Village would be presented during publicly noticed meetings.
- E. Mayor Flinn concurred, adding that public input is always welcome and will be particularly encouraged during meetings concerning the Parks Master Plan. He thanked Commander Mouring and the Police Department for their continued efforts.

XIV. OTHER BUSINESS

XV. NEXT MEETING AND ADJOURNMENT

Vice Mayor Robinson moved to adjourn. Seconded by Councilman Feller. All voted in favor. The meeting was adjourned at 10:05 p.m.

Prepared and submitted by:

*Meighan J. Pier
Village Clerk*

*Adopted by the Village Council on
this 5th day of January, 2004.*

Eugene P. Flinn, Jr., Mayor