

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, NOVEMBER 7, 2005
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 7:05 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 Pier

Mayor Flinn asked Boy Scout Nick Gladieux to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation to Volunteer, Lanny Rog: Mayor Flinn thanked Lanny for his excellent community service to the Village, volunteering countless hours to the Community Services Department. Community Services Director Ana Garcia expressed her gratitude, as did Council. Lanny thanked everyone for allowing him to serve the Village.
- B. Fiscal Year 2004-05 Quarterly Budget Comparison: Finance Director Desmond Chin provided a report, advising that the Village received over \$300,000 more in revenue than what was anticipated and has spent over a million dollars less than what was budgeted. Mr. Scurr advised that pursuant to Council's direction, the excess funds will roll into the special revenue accounts.

III. APPROVAL OF MINUTES

- A. Minutes of the September 14, 2005 First Budget Hearing/Special Council Meeting

- B. Minutes of the September 26, 2005 Second and Final Budget Hearing/Special Council Meeting
- C. Minutes of the October 5, 2005 Council Meeting

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

IV. VILLAGE MANAGER'S REPORT

Mr. Scurr provided a report with regard to Hurricane Wilma. He advised that staff had diligently prepared for the storm, but all were surprised at the amount of damage. He asked Director Ron Williams of Public Works to come forward.

Director Williams provided a report concerning debris removal and the progress being made, noting that the County has been cooperative during the coordination. He advised that crews had begun clearing the streets as soon as the storm was over and that two passes are anticipated.

Mr. Scurr thanked staff as all streets were cleared within the first day following the storm and the sidewalks cleared the next day. He noted that FPL reports 95% restoration and asked those without electricity to contact Village Hall and FPL. He asked Director Ana Garcia from Community Services to report.

Director Garcia thanked her staff and the crews from other departments and Tip Top that assisted in the clearing effort. She noted that the clearing of the playgrounds became a priority as staff was aware that families would need relief from sitting in dark houses.

Mayor Flinn thanked staff for restoring the parks quickly as it gave the Village a sense of normalcy.

Director Arleen Weintraub, Community Development, advised that code compliance officers worked with assisting the Public Works' and Park's crews. She explained the permitting process due to Wilma and provided information regarding the minimum setback requirements for permanent home generators. She announced that a groundbreaking ceremony for the Professional Offices of Palmetto Bay was scheduled for 8:30 am on November 9th on Wayne Avenue at Franjo Road.

Commander Michael Mouring, Palmetto Bay Policing Unit, reported that the officers responded quickly during the storm, arresting several perpetrators who attempted to loot the Village, controlling traffic and hostility at gasoline stations and staying in the darkened residential areas until electricity was restored.

Finance Director Desmond Chin provided a FEMA update.

Mr. Scurr advised that United States Representative Kendrick Meeks and other legislators are requesting a 100% reimbursement from FEMA for recent storm recovery expenses in areas impacted.

Mayor Flinn suggested that stump removal be expedited and made a priority.

Director Chin stated that he has discussed the matter with FEMA and is attempting to get the County inventory of stumps within the Village so that the Village can insure that all stumps have been included for removal.

Mr. Scurr announced that the State of the Village has been rescheduled to November 30th, 5:30 p.m. at the Palmetto Bay Village Center. He noted that the Palmetto Bay Village Center sustained little or no damage. He advised that Director Garcia visited the nursery to mark and reserve the second installment of canopy trees. Mr. Scurr reported that Palmetto Bay ranked number one for the Florida Department of State, Division of Library and Information Services' 2006-07 Public Library Construction Grant Application. He thanked Council and staff for their diligence and perseverance. He advised that staff has received information from the Boundless Initiative that the Village is eligible for an additional \$100,000 for the Boundless playground. Mr. Scurr announced the November 14th Zoning Hearing, November 16th Committee of the Whole and the November 9th & 10th Safety Awareness Session being conducting by the Perrine-Cutler Ridge Council and our Policing Unit.

V. VILLAGE ATTORNEY'S REPORT: Attorney Boutsis advised that the representative of FPL, Ramon Ferrer, has asked that the Village allow for a brief delay prior to consideration of the proposed line clearing ordinance due to the hurricane recovery efforts. She provided a brief report concerning modification to the ethics ordinance to add consultants will also require registration.

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 \$17,778.66; PROVIDING AN EFFECTIVE DATE.

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 2006; PROVIDING AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE ENGINEERING SERVICES CONTRACTS, PUBLIC INFORMATION SERVICES CONTRACT, PARKS MAINTENANCE CONTRACT, AND THE RIGHT-OF-WAYS MAINTENANCE CONTRACT UNTIL JANUARY 9, 2006 EACH; AND PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; APPROVING THE RESURFACING OF THE BASKETBALL COURTS AT PERRINE PARK; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER TO MCCOURT CONSTRUCTION INC., UNDER COUNTY CONTRACT NO. 1153/6941 IN THE AMOUNT OF \$10,700; AND PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TREE PLANTING, AUTHORIZING THE VILLAGE MANAGER TO PURCHASE TREES FOR CANOPY REPLACEMENT THROUGHOUT THE VILLAGE FROM MELROSE NURSERY, INC., UNDER COUNTY BID #5066-2/03-2 IN THE AGGREGATE AMOUNT OF \$30,250; AND PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the Consent Agenda. Seconded by Vice Mayor Robinson. All voted in favor. Resolutions 05-83, 05-84, 05-85, 05-86, and 05-87 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 SERVICES; APPROVING THE SELECTION OF JOHN L. ADAMS & CO., INC. TO PROVIDE GRANTWRITING SERVICES TO THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONTRACT WITH SAID FIRM IN AN AMOUNT NOT TO EXCEED \$25,000; AND PROVIDING AN EFFECTIVE DATE.

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

Olga Cadaval, Executive Assistant to the Village Manager, provided staff report, advising that while the Village has been very successful in acquiring grants and has a knowledgeable staff for governmental grant writing, private foundation grants can be sought, as the Village has a 501(C)(3). She advised

that following responses to the request for qualifications, the selection committee recommended John L. Adams & Co., Inc.

Mr. Scurr advised that staff will return with the contract; the proposed Resolution approves the selection.

All voted in favor. The Motion carried (5-0). Resolution 05-88 was approved.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ACCEPTING A GRANT BY THE FLORIDA COMMUNITIES TRUST IN THE AMOUNT OF \$2,719,150 FOR THE ACQUISITION OF THE C-100/BAYFRONT PROPERTY (HAAS); APPROVING THE GRANT AGREEMENT BETWEEN FLORIDA COMMUNITIES TRUST (FCT) AND THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Flinn thanked staff and the Council. He also thanked supportive citizens, such as Howard Tendrich.

Mr. Scurr concurred. He provided staff report, adding that this agreement is not a standard one and is requesting flexibility, asking Council to approve an agreement of substantial form.

All voted in favor. The Motion carried (5-0). Resolution 05-89 was approved.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE REQUEST BY U.S. REPRESENTATIVE KENDRICK B. MEEK AND THE CONGRESSIONAL DELEGATION URGING FEMA TO REIMBURSE THE STATE, COUNTIES AND CITIES THAT WERE DESIGNATED MAJOR DISASTER AREAS 100% OF ALL COSTS RELATIVE TO HURRICANE WILMA; PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report, noting that FEMA reimburses at 75% currently.

All voted in favor. The Motion carried (5-0). Resolution 05-90 was approved.

- D. 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 AN AGREEMENT WITH PIAZZA, INC. FOR THE BOUNDLESS PLAYGROUND AT PERRINE PARK; DISBURSING AN AMOUNT NOT TO EXCEED \$191,502.69; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director Garcia provided staff report. She thanked Councilman Feller for bringing this initiative to staff. She thanked Director Williams, Olga Cadaval, Mr. Scurr, and the Council for their support in Tallahassee that helped win the grant.

Mayor Flinn noted for the record that Director Garcia is excited about the project.

Councilman Feller expressed his excitement.

Mayor Flinn remarked that the models of the playground do not include sun shades.

Director Garcia advised that they are included; she will incorporate them into the models. She advised that the goal is for a June, 2006 ribbon cutting.

All voted in favor. The Motion carried (5-0). Resolution 05-91 was approved.

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

At Mayor Flinn's request, Mr. Gary Alan Ruse, Reporter for Community News, introduced his mother.

Councilman Feller welcomed Stanley Kowlessar home.

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 LOBBYING, AMENDING CHAPTER ____ OF THE CODE OF ORDINANCES OF THE

VILLAGE OF PALMETTO BAY, ENTITLED "LOBBYIST REGISTRATION" TO PROVIDE FOR CONSULTANT DISCLOSURE AND REGISTRATION OF CONSULTANTS; AND CREATING PENALTIES FOR VIOLATIONS AND DEBARMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

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

Attorney Boutsis provided staff report, noting that the modifications strengthen the existing ordinances to include consultants and provides more openness of the process.

All voted in favor. The Motion carried (5-0). The Ordinance shall be scheduled for second reading in December of 2005.

XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- 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 the item forward. Seconded by Councilman Neidhart.

Mr. Scurr provided staff report, explaining the revisions.

Councilman Breder thanked the Mayor for his suggested modifications. He advised that this Ordinance was prompted by his being made aware of a local woman firefighter who was the first woman firefighter who died in the line of duty in Florida; he was approached by her husband.

Mayor Flinn opened public hearing.

Mr. Eric Tullberg, 7884 SW 179 Terrace, remarked that in the budget, the Village should delineate the monument/welcome signs from the replaced street signs.

Mayor Flinn closed public hearing.

Councilman Feller moved to approve the proposed Ordinance on second and final reading. Seconded by Councilman Neidhart. A roll call vote was taken, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes; Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

- A. Eric Tullberg, 7884 SW 179 Terrace, proposed a “walk, pedal or roll to the park” program and provided documents explaining same. Mayor Flinn asked Mr. Tullberg to meet with Councilman Neidhart.

XIV. OTHER BUSINESS

Councilman Feller proposed to allow Mr. Scurr to continue to accrue PTO to the end of the calendar year at the same rate as current, since he was unable to take any vacation due to the extensive hurricane recovery.

Councilman Feller moved to allow to Mr. Scurr to accrue the existing PTO days he would otherwise lose. Seconded by Vice Mayor Robinson. All voted in favor (5-0). The Motion carried.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Councilman Neidhart remarked that he is pleased John Adams will be working to improve the Foundation funds. He advised that donations to the Foundation are tax deductible.
- B. Vice Mayor Robinson thanked the police for taking her around the Village following the storm.
- C. Councilman Feller expressed his pride with Village staff and thanked them for their assistance with storm recovery. He wished Cutler Ridge/Cutler Bay well in their election tomorrow.
- D. Mayor Flinn invited all to come to the State of the Village address. He thanked the Police, Public Works, Community Service personnel and neighbors who helped neighbors.

- XV. NEXT MEETING AND ADJOURNMENT:** The Meeting was officially adjourned at 8:45 pm.

Prepared and submitted by:

*Meighan J. Pier, CMC
Village Clerk*

*Adopted by the Village Council on
this ___ day of December, 2005.*

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.