

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, DECEMBER 1, 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 the Boy Scouts of Troop 804 to lead the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Palmetto Bay Village Center Charette

Mr. Scott Silver, representative from Grouper Financial, provided an update of the upcoming December 8<sup>th</sup> Community meeting. He stated that the Advisory Committee would be presenting the components of the overall plan to the Council at the January, 2004 Meeting.

**III. APPROVAL OF MINUTES**

- A. Minutes of the October 7, 2003 Council Meeting

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

**IV. VILLAGE MANAGER'S REPORT**

Mr. Scurr thanked those who participated in State of the Village address ceremony. He reported that the Village has received accounting software and is currently imputing the financials.

Commander Michael Mouring provided a public safety report. He noted that the Village was not negatively impacted by the F.T.A.A. Summit in Miami. He reported that there would be increased police presence at the Village's shopping locations along U.S.1 during the holiday season. He asked the public to review the holiday safety tips on the Village's web site. Commander Mouring presented each member of the Council a miniature replica of the Village's police vehicle and thanked them for their support.

Mr. Scurr briefed the Council on matters scheduled for tonight's Agenda. He advised that the Village has completed interior work at the Coral Reef community center and is continuing cleaning the benches and repairing fences. He also noted that the Village has begun repairs to the community center at Perrine Park and hopes that the Village will finalize its agreement with YMCA in January for management of Perrine Park. With regard to Perrine Park, Mr. Scurr advised that he and Mayor Flinn met with County Commissioner Katy Sorensen and had a productive meeting concerning the Village's desire to acquire the remaining parcels adjacent to Perrine Park and a possible collaborative effort with Miami Children's Hospital.

Mr. Scurr encouraged the public to participate in the Palmetto Bay Village Center Charette. He reported that he is in the final stages of hiring a Director of Planning & Zoning and is preparing a Request for Proposals for Code Enforcement and for Grant Writing.

## **V. VILLAGE ATTORNEY'S REPORT**

Attorney Gallop reported that certain members of the Council have asked whether it is appropriate to meet with Mr. Silver regarding the Palmetto Bay Village Center, considering the provisions of the Jennings Law. He explained that Council may meet with Mr. Silver and provide a memo to the Village Clerk regarding the date, time and subject matter of meeting. He suggested that it would be prudent to meet with Mr. Silver at Village Hall so that the meeting would be noticed meeting and allow the public to attend.

Attorney Gallop provided an update with regarding to the acquisition of the Celeste D'Lamour property, noting that the County is proposing transfer in exchange of \$300,000. He noted that the Village should insure the best quality of title and will be meeting with Miami-Dade Police Department representative and the County Attorney regarding steps for transfer of title. He stated that it may cost approximately \$3,500 to hire a real estate attorney to insure security of title.

Attorney Gallop provided a report with regard to the Old Cutler Presbyterian Church site and the construction. He advised that the Village issued a red tag stopping construction; however, the County Planning and Zoning Department had issued a "basic compliance determination", stating that the site plan is in compliance with the 1981 County Commission approval. He advised that the Village would attempt to have the matter heard at the January zoning hearing.

## **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 OFFICE TECHNOLOGY EQUIPMENT, AUTHORIZING THE VILLAGE MANAGER TO PROCURE COMPUTER EQUIPMENT AND PERIPHERALS THROUGH DELL COMPUTER SYSTEMS UNDER STATE CONTRACT FOR THE USE BY THE POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- B. 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 \$12,735.92; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO STATE LEGISLATIVE SERVICES; AWARDING A CONTRACT FOR STATE LEGISLATIVE SERVICES TO THE JOINT VENTURE OF RONALD L. BOOK, P.A. AND ROBERT M. LEVY & ASSOCIATES IN THE AMOUNT OF \$6,000.00 PER MONTH FOR A ONE YEAR TERM WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS; PROVIDING EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING A POLICY RELATING TO THE DISPLAY OF BANNERS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING POLICY RELATED TO USE OF THE VILLAGE LOGO; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Councilman Neidhart moved to approve the items listed under Consent Agenda. Seconded by Councilman Feller. All voted in favor (5-0). Resolutions 03-100, 03-101, 03-102, 03-103, 03-104 were adopted.

## **VIII. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES TO COMPLETE THE COMPREHENSIVE PLAN FOR THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A

CONTRACT WITH SAID FIRM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided a brief report.

Councilman Feller stated that the Village had budgeted a certain amount for this project and if the negotiations do not successfully meet that amount, the Village should consider remaining with the budgeted amount and insuring that the scope will match.

Mr. Scurr advised that the comprehensive plan is a multi-year plan. Felt cost would be in the \$150K range – initial proposal was \$172K from KHA. Need to consider parameters – level of public participation, etc.

Matthew Noonkester of Kimley Horn and Henry Iler thanked staff and the Council for their consideration.

Mayor Flinn asked why the proposal offered by Kimley Horn exceeds the amount charged to Miami Lakes for preparation of their comprehensive plan.

Mr. Noonkester responded that Kimley-Horn has not begun negotiations; however, Miami Lakes is not a one-to-one comparison as there is no coastal management element in Miami Lakes. Mr. Iler concurred, adding that the Miami Lakes project included minimal public involvement in Miami Lakes.

Mayor Flinn asked if Miami Lakes had other master plans being performed concurrent with their comprehensive plan.

Mr. Iler responded that Miami Lakes had its parks master plan being performed at the same time.

Attorney Gallop advised that the resolution is sufficient in form and content.

Councilman Feller moved to approve the resolution and include language that the contract will not exceed the budgeted amount and that the Mayor be named the Council liaison for negotiation of the contract. Seconded by Vice Mayor Robinson. All voted in favor as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (5-0).

- B. 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 NEGOTIATIONS WITH BERMELLO, AJAMIL AND PARTNERS, INC. FOR PREPARATION OF A PARKS MASTER PLAN; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided the staff report.

Mr. Eddie Valez and Ms. Elizabeth Kneeland were present to represent Bermello, Ajamil & Partners.

Councilman Feller remarked that three well-reputed firms responded and that Bermello had provided the best presentation. He remarked that the Council should insure that the Village remain within the budgeted amount unless the Council is convinced that scope of services must be expanded.

Mayor Flinn asked if the Village includes a particular item in the plan, will the Village then be obligated to fund the item.

Mr. Valez responded affirmatively.

Mayor Flinn stated that he is not in favor of creating something that is unaffordable and would like to insure that the Village has cost controls.

Mr. Valez advised that his firm will work with the budget provided and will provide cost analysis as to what the elements will cost the Village to create and to operate in the future. He stated that the cost of preparation of the plan depends upon the scope requested by the Village and that all the design will come from public and Council input.

Mr. Scurr noted that he anticipates five town meetings for this project.

Vice Mayor Robinson suggested that Feller be involved in negotiations.

Councilman Feller moved to approve the resolution with the following amendment, insert Section 2 stating the Councilmember District 1 is named as Council liaison to the negotiation team with staff and the entire contract with scope shall be returned to the Council for final approval. Seconded by Vice Mayor Robinson. All voted in favor; 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).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC STUDIES FOR THE FOLLOWING PUBLIC SCHOOLS LOCATED WITHIN THE VILLAGE OF PALMETTO BAY: SOUTHWOOD MIDDLE, PERRINE ELEMENTARY, HOWARD DRIVE ELEMENTARY, AND CORAL REEF ELEMENTARY; AUTHORIZING THE SELECTION OF MARLIN ENGINEERING, INC., TO PROVIDE TRAFFIC ENGINEERING SERVICES TO THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$23,051.70; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Scurr provided the staff report.

Mr. Williams added that Council has considered the traffic study to be a high priority; therefore, staff has been aggressive to commence this project in order to alleviate the traffic issues.

Mr. Ramon Sorda of Marlin Engineering was present.

Mayor Flinn asked the level of anticipated public input.

Mr. Sorda stated that they had proposed two meetings per schools, wherein they would listen to school staff and residents' input, come back with solutions to discuss with the residents and school staff, and finally return to Council with recommendation.

Vice Mayor Robinson asked when they could begin.

Mr. Sorda responded that the physical study begins in January due to vacations of the public affecting traffic.

Vice Mayor Robinson asked if the schools would provide funding for the project.

Mr. Scurr advised that he believed Southwood has funds earmarked, while the other schools don't.

Councilman Neidhart moved to approve the resolution. Seconded by Vice Mayor Robinson. All voted in favor; 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).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE ACQUISITION OF THE CELESTIA DE LAMOUR PROPERTY, FOLIO NO. 33-5035-000-0012; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A REAL ESTATE CONTRACT WITH THE MIAMI-DADE COUNTY POLICE DEPARTMENT ON BEHALF OF THE VILLAGE OF PALMETTO BAY FOR A SALE AMOUNT NOT TO EXCEED \$300,000, PLUS CUSTOMARY CLOSING COSTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided a staff report. He advised that the Miami-Dade Police Department would like the Village to close on this property by the end of this year; however, staff is uncertain as to the closing costs

Councilman Breder asked if the Council would ratify the transaction next year.

Mr. Scurr responded affirmatively.

Councilman Feller moved to approve the resolution. Seconded by Vice Mayor Robinson. All voted in favor; 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).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELEMENTARY SCHOOL OVERCROWDING; REQUESTING THE SCHOOL BOARD INCLUDE A PER SCHOOL PROGRAM CAP PROVISION IN THE REVISED F.C. MARTIN CHOICE PROGRAM ENSURING THAT THERE WILL BE NO ADDITIONAL OVERCROWDING AT CORAL REEF ELEMENTARY, HOWARD DRIVE ELEMENTARY OR PERRINE ELEMENTARY AS A RESULT OF THE REVISED PROGRAM; DIRECTING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO TAKE ALL NECESSARY STEPS INCLUDING LITIGATION TO ENSURE THAT THESE CHANGES DO NOT INCREASE OVERCROWDING; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn and Vice Mayor Linda Robinson)

Councilman Neidhart remarked that he did not believe Perrine Elementary would be affected.

Mr. Scurr stated that the final plan with the new feeder patterns may include Perrine Elementary.

Mayor Flinn remarked that the Village was disappointed with the lack of notification received from F.C. Martin and the School Board.

Vice Mayor Robinson noted that she and Mr. Scurr had met with the Assistant Superintendent of Schools for South District and Karin Brown (Chair for ABC Committee) wherein they had expressed the Village's concerns regarding overcrowding.

Ms. Beth Saltzman - 8861 S.W. 151 Street, addressed the Council, stating that she attended the F.C. Martin meetings and felt the Village's resolution is premature.

Mayor Flinn stated that the Village is concerned and wishes to protect our school boundaries. He noted that the proposed Resolution empowers that action be taken, but does not state that the Village will act.

Mr. Scurr noted that the resolution's intent is not to be negative against F.C. Martin, rather state that anything in their program that may increase overcrowding in our schools should be controlled by Palmetto Bay.

Two unidentified members of the audience expressed their disapproval.

Mayor Flinn concurred.

Attorney Gallop advised that he would return to Council prior to initiating any legal action.

Councilman Feller stated that the issue concerns preventing the school board or other entities from taking action without the Village's input.

Councilman Neidhart moved to approve the resolution. Seconded by Vice Mayor Robinson. All voted in favor; 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).

## **IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; RELEASING AN INTEREST IN CERTAIN REAL PROPERTY AND ABANDONING A RIGHT-OF-WAY FOR AN ALLEY LOCATED BETWEEN S.W. 166 STREET AND S.W. 167 STREET AND INTERSECTING OLD CUTLER ROAD; PROVIDING FOR REVERTER OF TITLE TO ADJACENT PROPERTY OWNERS; PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided staff report, noting that staff is requesting deferral as the County departments are completing review of the matter.

Mayor Flinn asked if the public had been notified of the deferral.

Mr. Scurr replied that certified mail had been sent to affected property owners.

Vice Mayor Robinson moved to defer. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

## **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 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, 2002; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Gallop provided staff report. He stated that staff recommends adopting 35 of the 37 amendments.

Mayor Flinn remarked that the Omnipoint lawsuit had been struck down; therefore, nothing should hold individuals from getting matters processed and Council's acceptance would not affect anyone with a pending zoning matter.

Attorney Gallop agreed. He stated that the County amendments were provided to cure the Omnipoint concerns. He stated that an Omnipoint decision might affect the Village if the amendments were not adopted, as the decisions of Council may be considered arbitrary or capricious.

A Motion to move the matter to floor was made by Councilman Neidhart. Seconded by Councilman Breder.

Mayor Flinn opened the public hearing at 9:05 p.m.

Mr. Gabe Bifano, 7371 SW 156 Street, opined that the Council should not allow County administrators to be able to provide any type of approval without Council's input.

Mrs. Paula Palm, 8895 SW 152 Street, Mr. Stewart Mestre, 6960 SW 144 Street, and Mr. John Pettit, 15395 SW 89 Court, concurred.

Mrs. Bonnie Roddenberry, 14140 SW 69 Avenue, concurred, adding that publishing compliance decisions in the Miami Business Review is not sufficient.

Mayor Flinn closed the public hearing at 9:15 p.m.

Following discussion, Councilman Breder asked the County Director of Planning and Zoning, Dianne O'Quinn Williams, if the telecommunication ordinances (numbered 03-93 and 03-163) were accepted by the County.

Mrs. O'Quinn Williams replied that the matters are currently being reviewed and may be rescinded.

Councilman Neidhart stated that the matter should be approved without the inclusion of County Ordinances 03-93 and 03-163.

Mayor Flinn remarked that a comprehensive re-write of County Zoning Code 33-311 should be done.

Attorney Gallop stated that staff will consult with the Department of Community Affairs and then begin drafting Land Development Regulations.

Mrs. O'Quinn Williams explained that prior to Omnipoint, administrative variances could be provided, and presently the criteria are narrower.

Councilman Feller stated that the Village should assume that this action is temporary, as the Village is adopting the County Code only until the Village's own code is drafted.

Vice Mayor Robinson moved to remove item 03-118. Motion failed for lack of second.

Councilman Breder moved to amend the Ordinance by striking items 03-93 and 03-163 and consider at a later date. All voted in favor; 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).

Councilman Feller moved to adopt the Ordinance with the amendment.

Vice Mayor Robinson asked for a staff report with regard to the administrative variances that have taken place.

Mrs. O'Quinn Williams noted that staff shall provide a report to Council with regard to those items.

The foregoing motion was seconded by Councilman Neidhart. All voted in favor; 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 03-15 was adopted.

## **XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS**

- A. Maria Stout-Tate, 8320 SW 152 Street, requested that a red flashing light be installed on the stop sign on 87 Avenue and 152 Street. She invited all to the December 7<sup>th</sup> Elves Parade in South Miami.
- B. Mr. Barnett Greenberg, 7761 SW 176 Street, cautioned the Council to get the best value, not simply "act cheaply".
- C. Mr. John Chadwell, 18720 SW 89 Road, the Perrine Park baseball commissioner, asked if the current use of Perrine Park would be changing.
- D. Mrs. Bonnie Roddenberry, 14140 SW 69 Avenue, stated that traffic studies should be done on the private schools as well, not just the public schools.
- E. Mr. Collum Allison, 15250 SW 82 Court, expressed his concerns regarding traffic problems on 82 Court.

## **XIII. MAYOR AND COUNCIL COMMENTS**

- A. Vice Mayor Robinson stated that she is concerned with traffic on 87 Avenue, both at 144 and at 152 Street. She stated that she had attended a Chapman

Field planning meeting and found that the County had advised Palmetto High that they could use the fields. She then contacted Palmetto High Principal Hupp and told her to contact the appropriate people regarding use of Chapman Field.

- B. Councilman Feller stated that he, too, had discovered that Palmetto High could reapply to use Chapman Field and he had also contacted Principal Hupp. He mentioned that he recently visited a playground in Connecticut with his grandchildren and was impressed with the handicap accessible items that were in place in this playground. Councilman Feller noted that the company's web site was [www.boundlessparks.org](http://www.boundlessparks.org) and believes the Village should investigate this matter further.

**XIV. OTHER BUSINESS:** None at this time.

**XV. NEXT MEETING AND ADJOURNMENT**

Vice Mayor Robinson moved to adjourn. Seconded by Councilman Feller. All voted in favor. The meeting was adjourned at 10:15 p.m.

*Prepared and submitted by:*

---

*Meighan J. Pier*  
*Village Clerk*

*Adopted by the Village Council on*  
*this \_\_\_ day of January, 2004.*

---

*Eugene P. Flinn, Jr., Mayor*