

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, FEBRUARY 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 7:00 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

The following staff members were present:

Village Manager Charles D. Scurr
Village Attorney Luis Figueredo
Village Clerk Meighan Pier

Cub Scout Troup 711, Den 8 led the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Proclamation – Scott Gorman of Gorman Painting: Mayor Flinn introduced Scott Gorman and thanked him for his effort, as he volunteered to paint portions of Howard Drive Elementary.
- B. Mr. Ed Ludovici provided the Village with a check for the Palmetto Bay Foundation, noting that the funds were surplus funds from the dissolved Citizens for Palmetto Bay.

Mayor Flinn thanked Councilman Neidhart for his efforts in forming the 501(3)(c).

III. APPROVAL OF MINUTES

- A. Minutes of the January 10, 2005 Council Meeting

Vice Mayor Robinson moved to approve the Minutes as drafted. Seconded by Councilman Neidhart. All voted in favor. The Minutes were approved.

IV. VILLAGE MANAGER'S REPORT

- A. Mr. Scurr reported the progress with regard to the web page, GSA negotiations for the purchase of the additional acres at Perrine Park, negotiations regarding the library park, and negotiations concerning mitigation.
- B. Commander Michael Mouring provided a public safety report.
- C. Ana Garcia, Director of Community Services announced the 3rd annual Village Celebration Picnic scheduled for March 5th from 11:00 a.m. to 3:00 p.m. at Coral Reef Park.

Vice Mayor Robinson invited anyone who has a special occasion to advise staff so the Village can recognize you at the celebration.

- D. Mr. Scurr continued his report by advising of the following meetings in the future: February 15th – Council will meet as Land Development Zoning Board to have public hearing on the Comprehensive Development Master Plan (CDMP); March 7th – Council hearing concerning CDMP.
- E. Ron Williams, Director of Public Works, provided a report concerning Public Works projects, including the road transfer agreement, sidewalk repair report, street paving, and drainage projects.
- F. Mr. Scurr reported that staff continues to meet with the representatives of the Charter School. He announced School Board Member Evelyn Greer.
- G. School Board Member Evelyn Greer provided a report, explaining several aspects of the proposed 5-year capital plan. She further explained that several new schools are being considered to relieve over-crowding of the following schools: Palmetto High, Howard Drive, Coral Reef and Perrine Elementary Schools, and Southwood and Palmetto Middle. She advised that 15 new schools have been proposed for Region 6, which includes Cutler Ridge south to Florida City. Mrs. Greer advised that with regard to the Charter school, State law gives no discretion to the School Board for approval or denial; zoning is at discretion of county or municipality.

Discussion ensued.

Mayor Flinn thanked School Board Member Greer. Mrs. Greer's new staff member, Beverly Gerald, was introduced.

- H. Mr. Scurr concluded his report. He advised that two Requests for Proposals – Professional Grant Writing and WiFi Services – are pending and the cone of

silence is in place. He provided an update with regard to a location for construction of a fire station and possible locations for Village Hall.

V. VILLAGE ATTORNEY'S REPORT: None at this time.

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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$ 12,337.91; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OVERTIME PAYMENT; AUTHORIZING THE VILLAGE MANAGER TO COMPENSATE EXEMPT EMPLOYEES AT OVERTIME RATE FOR HOURS WORKED IN EXCESS OF FORTY (40) IN A WORKWEEK DURING A DECLARED DISASTER; AND 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; APPROVING AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$6,000.00 PER MONTH FOR AN ADDITIONAL ONE YEAR TERM; PROVIDING EFFECTIVE DATE.

Councilman Feller moved to approve the items as presented. Seconded by Councilman Neidhart. All voted in favor (4-0). Resolutions 05-05 through 05-07 were adopted.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE ARCHITECTURAL AND ENGINEERING FIRM OF WOLFBURG ALVAREZ FOR THE DESIGN OF THE LIBRARY/PARK COMPLEX ON OLD CUTLER ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report. He noted that the contract will come back to Council for approval.

Mayor Flinn asked if sufficient funding was available.

Mr. Scurr advised that the village will hold off on major expenditures until the County contract is final.

Mr. David Wolfberg expressed his appreciation to the Council. He advised that he would work with staff and the public and, upon receiving input, would determine the appropriate vision.

Following discussion, Mr. Scurr advised that staff would be attending a Safe Neighborhood Parks meeting in the near future.

Councilman Feller moved to approve the Resolution. Seconded by Vice Mayor Robinson. All voted in favor (4-0). Resolution 05-08 was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE ARCHITECTURAL AND ENGINEERING FIRM OF BERMELLO, AJAMIL AND PARTNERS, INC. FOR THE DESIGN OF THE PERRINE PARK COMPLEX; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Scurr provided staff report.

Mr. Eddie Lamas of Bermello, Ajamil and Partners thanked the Council. He introduced Mr. Louis Ajamil and Mr. Wally Lucky, Landscape Architect.

Discussion ensued regarding landscape and landscape buffering.

Councilman Feller moved to approve the Resolution. Seconded by Vice Mayor Robinson. All voted in favor (4-0). Resolution 05-09 was adopted.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE ARCHITECTURAL AND ENGINEERING FIRM OF BERMELLO, AJAMIL AND PARTNERS, INC. FOR THE DESIGN OF PERRINE WAYSIDE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director Garcia provided staff report.

Mr. Scurr added that funding has not been identified and that upon the design-phase, staff would consider utilizing surplus cash carryover.

All voted in favor of the proposed Resolution (4-0). Resolution 05-10 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 ZONING; ESTABLISHING A TWELVE-MONTH TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR DEVELOPMENTS THAT EXCEED A BUILDING HEIGHT OF SIX STORIES, SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES LOCATED WITHIN THE VILLAGE OF PALMETTO BAY; PROVIDING EXCEPTIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

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

Mr. Scurr noted that scrivener's errors were corrected.

Mayor Flinn stated that the height of buildings is not the relevant issue, rather he would prefer buildings to be consistent with the Comprehensive Development Master Plan and Land Development Code that is in the process of being drafted.

Mayor Flinn opened the public hearing at 8:33 p.m.

Mr. Gabe Bifano, 7371 SW 156 Street, addressed the Council and suggested that more stringent verbiage be included until the CDMP and LDC are completed.

Attorney Figueredo noted that the moratorium is temporary (12 months) and is intended to satisfy a governmental purpose. He stated that his office was not tasked with the objective to preclude or prevent commercial development, rather to limit the height.

Mayor Flinn remarked that the moratorium does not grant blanket permission for all commercial development to be constructed to a height of six stories, rather if 30 stories were permitted, the developer would be able to construct six; and if three stories were permitted, the developer could build three.

The public hearing was closed at 8:43 p.m.

Discussion ensued. Mayor Flinn noted that none of the Charrettes had recommended heights exceeding six stories.

Following brief discussion, Councilman Neidhart moved to pass the proposed Ordinance on first reading. Seconded by Vice Mayor Robinson. A roll call vote was taken as follows: Councilman Feller, Councilman Neidhart, Vice Mayor Robinson, and Mayor Flinn voting in the affirmative. The Motion carried (4-0).

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Sherry Olsen, 9381 SW 170 Street; Judy Jones, 14760 SW 79 Court; Candace McDonald, 14520 SW 79 Avenue; and Jacqueline Prussing, 9341 SW 178 Street.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Councilman Neidhart expressed his pleasure with the commencement of park designs.
- B. Vice Mayor Robinson asked for public input regarding naming the Village's new parks.
- C. Mayor Flinn suggested that the Council discuss the local schools at a future workshop. He wished Karin Brown, Education Liaison, happy 35th wedding anniversary. He asked Karin Brown to provide a schedule of the school board meetings to the Village.
- D. Councilman Feller suggested discussing the park design process at the next Council workshop. He thanked School Board Member Greer for her report.

XIV. OTHER BUSINESS: None at this time.

XV. NEXT MEETING AND ADJOURNMENT: The Meeting was officially adjourned at 8:37 pm.

Prepared and submitted by:

*Meighan J. Pier, CMC
Village Clerk*

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

Eugene P. Flinn, Jr., Mayor

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