

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, MARCH 1, 2004
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 Vice Mayor to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation – Relay for Life

Representatives from the American Cancer Society Relay for Life provided a visual presentation of the upcoming event. They expressed their hope that the public would participate and assist in raising funds for this event. The event will be held on May 22 and 23 at the Village of Pinecrest Park.

- B. Councilman Feller presented Mayor Flinn with a “stress relief ball” as a gift.

VI. BOARD AND COMMITTEE REPORTS

- A. Charter School Fact Finding Committee Report

Mr. Ed Ludovici provided the Committee Report.

Vice Mayor Robinson moved to accept the report. Seconded by Councilman Feller. All voted in favor. The motion passed unanimously.

The Village Clerk was instructed to post the report on the website.

IV. VILLAGE MANAGER'S REPORT

- A. Mr. Scurr noted that the Village newsletter is available, with the first Parks brochure included. He advised that the traffic studies surrounding the schools are progressing, with public meetings scheduled for tomorrow at Southwood and Thursday at Coral Reef Elementary.

He advised that the Parks Master Planning process is underway, with meetings to be held on March 20th. Mr. Scurr announced the Village's second annual celebration, scheduled for Saturday, March 13 at Coral Reef Park. He reported that the Village received four responses for the Code Enforcement function. He also announced that there is a tentative date of April 17th scheduled for the public input meetings for the Franjo/US-1 Charrette. The Village's Open House is scheduled for April 10th from 10 am to 2 pm. He encouraged all to come meet and greet their Village police force.

Commander Mouring provided a public safety report.

XIV. OTHER BUSINESS

- A. Motion for Reconsideration (Pastorella appeal): Mayor Flinn made a brief statement, expressing his hope that the parties would come to a resolution.

Attorney Shubin and Attorney Gibbs replied that the parties are at an impasse; however, both intend to continue to work toward settlement.

Following brief discussion, Mayor Flinn withdrew his suggestion to move to reconsider.

There was a brief recess at 7:50 p.m. The meeting recommenced at 7:53 p.m.

III. APPROVAL OF MINUTES

- A. Minutes of the February 2, 2004 Council Meeting

A Motion to approve the Minutes was made by Councilman Feller. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

V. VILLAGE ATTORNEY'S REPORT: 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 \$8,407.66; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE FURNITURE; AUTHORIZING THE VILLAGE MANAGER TO PURCHASE FURNISHINGS FOR THE COMMUNITY DEVELOPMENT/CODE ENFORCEMENT DEPARTMENT FROM J.C. WHITE QUALITY OFFICE FURNITURE THROUGH STATE CONTRACT; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF MLC CONSTRUCTION CORPORATION TO PROVIDE GENERAL CONSTRUCTION SERVICES FOR SMALL CONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS ON AN AS NEEDED BASIS; AUTHORIZING THE VILLAGE MANAGER TO ISSUE PURCHASE ORDERS WHEN NEEDED IN AN AMOUNT NOT TO EXCEED \$45,000 ON AN ANNUAL BASIS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved the Consent Agenda. Seconded by Vice Mayor Robinson. All voted in favor. Resolutions 04-25, 04-26 and 04-27 passed unanimously.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATIGN TO THE FRANJO ROAD TRIANGLE/U.S. 1 COMMERCIAL ISLAND, AMENDING RESOLUTION NO. 03-88 TO APPOINT ADDITIONAL MEMBERS TO A CHARETTE ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided staff report.

The following individuals were nominated:

John Strawman
Richard Laguna
Philip Ludovici

Gabe Bifano
Chuck Latshaw
Louis Kalanosis
Baldir Singh
Keith Cetti
Carolyn Theile

Councilman Neidhart moved to approve the nominations and adopt the Resolution. Seconded by Councilman Breder. All voted in favor. Resolution 04-28 was adopted unanimously.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE YMCA OF SOUTH DADE CONTRACT TO PROVIDE PARKS AND RECREATION SERVICES TO THE VILLAGE AT PERRINE PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH THE YMCA OF SOUTH DADE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided staff report and thanked Councilman Breder for his assistance with this process.

Councilman Breder thanked Mary Pettit and Tom DenBoer of the YMCA for their professionalism.

Mayor Flinn asked if the programs are in place.

Mr. Scurr replied that some programs are available at this time due to the limited area of Perrine Park. He advised that ongoing Khoury League, girls softball and boys baseball continues.

Mayor Flinn asked for clarification regarding maintenance of the fields and facilities.

Mr. Scurr advised that program maintenance would be provided by the YMCA, including lining soccer and baseball fields, general field cleanup and other events inside the building (arts and crafts, etc.)

Mayor asked if the Village retains priority for events.

Mr. Scurr responded affirmatively. He stated that the Village hopes the YMCA will hold fund raisers at the Park that would fund certain programs at the Park, as 10% of the net of any fund raiser would be given to the Village for use at Perrine Park.

Following discussion, Councilman Feller moved to approve the Resolution.

Mayor Flinn allowed public comment.

Marsha Matson, 9300 SW 180 Street, asked for an estimation regarding turnout for the programs.

Mr. DenBoer stated that he could provide projections.

Ms. Matson expressed her concern with parking.

Mayor Flinn stated that when Perrine expands, parking will be considered.

Howard Tendrich asked if the hours of operation mentioned are the Village's hours.

Mr. Scurr advised that the hours are the Village's staffing hours.

Mr. Tendrich asked why the Village allowed 10% of net fund raising proceeds, rather than gross.

Mr. Scurr replied that the Village wished to encourage the Y to perform fund raisers at the Park, taking 10% of gross may discourage those events.

Ms. Francis Pettit, 16120 SW 88 Avenue, asked if the Y would be coordinating programs at both Perrine and Coral Reef parks.

Mayor Flinn replied that only Perrine Park was involved.

Ms. Beth Adler, 8140 SW 141 Street, asked where the Y would be advertising the events.

Mr. DenBoer advised that they promote on a local and County-wide level - radio, newsprint, etc.

Mr. Scurr added that the Village's quarterly newsletter would also contain information.

Attorney Gallop advised that the contract is legally sufficient.

Councilman Breder seconded the foregoing Motion. All voted in favor. Resolution 04-29 was adopted.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PUBLIX LAND DONATION; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT SUCH DONATION AND EXECUTE REQUISITE DOCUMENTS FOR THE ACCEPTANCE OF 3.23 ACRES OF AVAILABLE LAND BUFFERING THE PUBLIX SUPERMARKET AT 14601 SOUTH DIXIE HIGHWAY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr provided staff report.

Councilman Feller remarked that it is rare that a Village has the opportunity to secure park land with a house for no cost. He noted that there is no predetermined idea as to what this park will be. He stated that the needs of the neighbors must be taken into significant consideration when design is made and would be discussed at the March 20th Parks Master Plan meetings.

Councilman Breder concurred, noting that Publix offered to maintain the land for 18 months.

Following discussion, resident Paula Palm was permitted to make a comment.

Ms. Paula Palm, 8895 SW 152 Street, opined that the neighbors want assurance that there would be no ingress/egress. She noted that the covenants that the neighbors presently have need to remain.

Mayor Flinn suggested amending the resolution to accept as is.

Mr. Scurr advised that there were no conditions offered by Publix regarding the donation.

A Motion to adopt the Resolution was made by Councilman Feller. Seconded by Vice Mayor Robinson. All voted in favor. Resolution 04-30 was adopted unanimously.

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

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE VILLAGE OF PALMETTO BAY RELATING TO THE VILLAGE COUNCIL MEETING AND AGENDA PROCEDURES; RULES OF ORDER, ORDER OF BUSINESS, MINUTES OF MEETINGS; AND PROCESS FOR CREATION OF COMMITTEES; PROVIDING FOR

ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr provided a report.

Councilman Feller read each “whereas” clause and explained his position.

Following discussion, Councilman Feller moved to adopt the proposed Ordinance on first reading. Seconded by Councilman Breder. The vote was as follows: Councilman Feller, Councilman Neidhart, Councilman Breder, Vice Mayor Robinson voting in the affirmative. Mayor Flinn voting in the opposition. The Motion carried (4-1).

- B. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; CREATING CHAPTER 5 OF THE CODE OF ORDINANCES ESTABLISHING ELECTION PROCEDURES; PROVIDING FOR THE VILLAGE CLERK TO ACT AS SUPERVISOR OF ELECTIONS; ESTABLISHING A QUALIFYING PERIOD; ESTABLISHING CANVASSING PROCEDURES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Scurr and the Village Clerk provided staff report.

Attorney Gallop advised that minor revisions would be made prior to second reading.

Councilman Neidhart moved to approve on first reading. Seconded by Vice Mayor Robinson. 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).

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; PROVIDING STANDARDS AND PROCEDURES FOR DETERMINING SUBSTANTIAL COMPLIANCE WITH PRIOR ZONING ACTIONS OR ADMINISTRATIVE APPROVALS; PROVIDING STANDARDS AND PROCEDURES FOR MODIFYING OR ELIMINATING CERTAIN ZONING CONDITIONS AND RESTRICTIVE COVENANTS OR PARTS THEREOF; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Mayor Flinn asked the Council to consider deferring this item; however, as a public hearing was scheduled, members of the public could be heard at this time.

Attorney Gallop concurred.

Mrs. Pier advised that the zoning hearing in March was canceled.

Mr. Scurr advised that there may be administrative matters pending.

Mayor Flinn suggested and the Vice Mayor moved that staff contact the County and request transfer of all administrative approvals to Village staff until the Village has established its procedures. Seconded by Councilman Feller. All voted in favor. The Motion carried.

Councilman Feller requested that the April Council meeting be moved to April 12th. Seconded by Councilman Breder. All voted in favor.

Mr. Gabriel Bifano, 7371 SW 156 Street, thanked the Council for deferral.

Councilman Feller asked Attorney Gallop to consider the term “general accordance” under our rules of substantial compliance.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

- A. Arlene Feller remarked that she noted that the South Dade Regional Library was not included in the list for early voting for the March primary.

Following discussion, the Clerk was directed to contact Election Supervisor Constance Kaplan.

- B. Marsha Matson remarked that she was not in favor of the amendment to the meetings procedure ordinance as she opines that the Sunshine Law states that the public should hear the Council’s thought process.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Councilman Feller remarked that the Miami-Dade County Commission votes under Sunshine Law electronically. He added that most often the Village Council votes yes or no without explanation and that any Council member can explain their vote if they wish. He added that simultaneous voting allows for fairness.

- B. Vice Mayor Robinson asked all to attend the picnic, adding that there would be “great local entertainment”.

- C. Mayor Flinn concurred with the Vice Mayor’s remarks.

XV. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Prepared and submitted by:

*Meighan J. Pier
Village Clerk*

*Adopted by the Village Council on
this ___ day of April, 2004.*

Eugene P. Flinn, Jr., Mayor