

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, AUGUST 2, 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 7:20 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 led the pledge of allegiance.

- II. PROCLAMATIONS, AWARDS, PRESENTATIONS:** Commander Mouring provided an update with regard to public safety. He advised that the Village will soon be commencing motorcycle patrol and mobile computer units. He stated that the Village's SMART trailers are currently being used approximately 12 hours per day.

Councilman Neidhart asked if the units were connected via radio or telephone.

Commander Mouring advised that the units are connected via radio.

Councilman Feller asked if the units were linked to local and national crime computers.

Commander Mouring confirmed that they were.

**III. APPROVAL OF MINUTES**

- A. Minutes of the June 14, 2004 Special Council Meeting
- B. Minutes of the July 6, 2004 Council Meeting

Vice Mayor Robinson noted that with regard to the July 6<sup>th</sup> Minutes, she was the Honorary Chair, not Chair of the Relay for Life. Councilman

Breder moved to approve the amended Minutes of July 6, 2004 and approve the Minutes of June 14, 2004. Seconded by Councilman Neidhart. All voted in favor. The Motion carried.

#### **IV. VILLAGE MANAGER'S REPORT**

Mr. Scurr provided a PowerPoint presentation with regard to the Budget. He thanked staff for their assistance, particularly Assistant to the Village Manager Olga Cadaval. He advised the theme is "Building the Foundation for Excellence" and the Village has had outstanding performance by all departments, which are under budget, with the exception of the Police. He continued his PowerPoint presentation and concluded that next year's goal is to build on the foundation. He stated that the Village would remain staffed with 15 full-time positions. Mr. Scurr advised that the Village experienced a 10% increase in ad valorem taxes and explained how the assessed value of residential homes could increase no further than the CPI, which was 1.9%. He recommended that the millage rate remain the same as in the past and that any reduction of the millage should be considered cautiously.

Mr. Scurr stated that Palmetto Bay has the fourth lowest millage rate in the County, with 40% of our property tax dollars going to the County in mitigation. He announced the budget hearings for September 9<sup>th</sup> and September 23<sup>rd</sup>.

Mr. Scurr advised that the budget is available on the web; there are copies available and CD's at Village Hall. He announced that the Village's next election is August 31<sup>st</sup> and Code Compliance Officers are reminding residents as to the proper placement of campaign signs. He stated that if the owner of the property is not present, staff will remove the improperly placed signage and take it to Village Hall. Mr. Scurr noted that if there is a repeat violator, we may consider fining the violator; however, no fines are being levied at this time. He stated that there has been some discussion regarding the Village mailing a reminder to encourage registered voters to vote.

Mr. Scurr reported that staff has been in discussion with the Trust for Public Land (TPL) concerning the Haas property. He stated that while the Village is not able to make a financial commitment at this time, TPL may seek to purchase the land with or without the Village's commitment.

Mr. Scurr thanked Jennifer McCoy for her assistance in drafting the Village's Newsletter.

Vice Mayor Robinson advised that the Charter School Advisory Committee would like to prepare a pamphlet that would be sent to all residents and then hold a public meeting to discuss the issues of the charter school. She noted that the Committee would also like to request \$75,000 set aside in next year's budget for preparing the pamphlet, hiring a consultant, mailing, and other items related to a possible charter school.

Ms. Annette Katz, Vice Chair of the Charter School Advisory Committee, advised that the majority of the funds would be used to hire a consultant for assistance with determining the cost of a proposed school and assistance with the application. She stated that the brochure would be informational to educate the public.

Following discussion, Attorney Boutsis suggested that the decision of whether to provide the \$75,000 allocation would be more appropriately discussed at the budget workshop.

Mr. Scurr stated that appropriation of funds still must fall within the Village's procurement policy prior to entering into a contract. He advised that it would cost approximately \$3,000 to \$4,000 for preparation and mailing of a brochure.

Vice Mayor Robinson moved to have the Charter School Advisory Committee meet with the Committee of the Whole on August 18. Seconded by Councilman Breder. After brief discussion, Vice Mayor Robinson amended her motion to have the joint meeting on August 11 at 900 Perrine Avenue at 5:00 p.m. Seconded by Councilman Breder. All voted in favor. The Motion passed unanimously.

Mr. Scurr noted a correction to the Village Attorney's invoice. He announced future meetings for the Village.

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

Attorney Boutsis advised that her office would be coordinating the scheduling of an Ethics Seminar in the first week of September for all Boards, Committees and the Council.

## **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 \$12,536.21; PROVIDING AN EFFECTIVE DATE.

A Motion to approve the Resolution, correcting the amount to \$12,496.21 was made by Vice Mayor Robinson. Seconded by Councilman Neidhart. All voted in favor. Resolution 04-59 was adopted.

## **VIII. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING A 2004/2005 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT IN THE AMOUNT OF \$57,846 FOR THE ACQUISITION OF BAYFRONT PARKLAND LOCATED AT 17641 OLD CUTLER ROAD; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT AGREEMENT AND ALL APPLICABLE DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

A Motion to approve the proposed Resolution was made by Councilman Neidhart. Seconded by Councilman Feller.

Mr. Scurr provided a report, explaining that the Resolution allows for the acceptance of the grant and execution of the agreement.

Attorney Boutsis advised that she had reviewed the documents for legal sufficiency.

All voted in favor of the previous motion (5-0). Resolution 04-60 was adopted.

- B. 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 NEGOTIATE ENTER INTO AN AGREEMENT TO PROCURE DOCUMENT IMAGING SYSTEM AND SERVICES THROUGH MCCi IN AN AMOUNT NOT TO EXCEED \$15,100; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Clerk Pier provided a report.

Mayor Flinn asked if this item had been budgeted.

Mr. Scurr advised that this item had been budgeted for \$20,000.

Councilman Feller asked how large documents would be scanned.

Clerk Pier advised that documents exceeding the limits of the scanner would be outsourced to the vendor. She explained that once a building file is closed, the items would be sent for scanning; in addition the Public Works Department may wish to have large engineering drawings.

A Motion to approve the Resolution was made by Councilman Feller. Seconded by Councilman Neidhart. All voted in favor. Resolution 04-61 was adopted unanimously.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; DETERMINING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIME AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FY 2004-05; DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Feller moved to adopt the proposed Resolution. Seconded by Vice Mayor Robinson.

Mr. Scurr explained the requirements of the Truth in Millage laws and provided a report. He advised that there are two public hearings scheduled: September 9<sup>th</sup> and September 23<sup>rd</sup> at the Deering Estate Visitor's Center.

Councilman Neidhart suggested reducing the millage slightly in order to send a positive message to those new areas interested in incorporating.

Mr. Scurr provided advised if the millage were reduced to 2.425 mills, the Village would have \$43,000 less; 2.395 mills would result in \$103,000 less.

Councilman Feller suggested that the Council adopt the maximum and consider reducing it once the Council has reviewed the full budget.

All voted in favor of the previous Motion, with the exception of Councilman Neidhart. Resolution 04-62 was adopted (4-1).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE REPAIR ON SW 160<sup>TH</sup> STREET IN THE VILLAGE OF PALMETTO BAY; HEREBY RECINDING THE AUTHORIZATIONS OF THE VILLAGE COUNCIL PROVIDED IN RESOLUTION NO. 04-22, DATED THE 2<sup>ND</sup> DAY OF FEBRUARY, 2004; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH EAC CONSULTING, INC., TO PROVIDE CIVIL ENGINEERING SERVICES TO THE VILLAGE IN AN AMOUNT NOT TO EXCEED \$15,130.00 FOR THIS PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE DRAINAGE CONDITIONS IN THIS AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve the proposed Resolution. Seconded by Councilman Breder.

Mr. Williams provided a report.

Attorney Boutsis advised that she had reviewed the contract.

Councilman Breder asked if the Village can negotiate for sharing by the County.

Mr. Williams advised that the project is part of a QNIP bonding program and staff will continue discussion with the County.

Following brief discussion, all voted in favor. Resolution 04-63 was adopted (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; HEREBY RECINDING THE AUTHORIZATIONS OF THE VILLAGE COUNCIL PROVIDED IN RESOLUTION NO. 04-49, DATED THE 14<sup>TH</sup> DAY OF JUNE, 2004; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH PIOS AND SONS ENTERPRISE, INC., FOR CONCRETE REPAIRS ON EXISTING SELECTED PUBLIC SIDEWALKS AND CURBING WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the proposed Resolution. Seconded by Vice Mayor Robinson.

Mr. Williams provided a report. He noted that the Village had attempted to “piggy-back” off a contract with Homestead; however, the issue of “concrete surcharge” continued to be on the table and the Village would not agree to this. He noted that Pios is working in Pinecrest and doing an excellent job. He advised that Pios is not charging a “concrete surcharge”.

Following brief discussion, all voted in favor. Resolution 04-64 was adopted (5-0).

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE ROADWAY ANALYSIS AND SIDEWALK LOCATION REPORT, ACCEPTING THE FINAL REPORT DOCUMENTS AND MAPS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO PROCEED WITH IMPLEMENTATION OF THE REPORT FINDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve the proposed Resolution. Seconded by Councilman Breder.

Mr. Williams advised that staff seeks for the Council to accept the report and authorize the Village Manager to begin implementation.

Mr. Scurr stated that the Resolution accepts the report and authorizes staff to begin repairs and paving as appropriate and concurrent with report.

Mr. Williams added that funding the projects would occur with the budget.

Councilman Breder stated that the consultants did a “great job”; however, he noted some minor discrepancies.

Attorney Boutsis advised that the Council may adopt the report and note the minor discrepancies.

Mr. Williams advised that the consultants would meet with Councilman Breder and make all minor corrections as directed.

All voted in favor of the previous Motion. Resolution 04-65 was adopted (5-0).

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

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXPRESSING INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM AND AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY ACTIONS FOR PARTICIPATION; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve the proposed Resolution. Seconded by Councilman Feller.

Mr. Williams provided a brief report.

Mayor Flinn asked if this document would facilitate amending the flood maps.

Ms. Heather Spencer, representative of Kimley Horn, advised that once the flood plan is in place, the Village would work with FEMA to modify flood maps.

Vice Mayor Robinson asked how quickly the maps could be modified.

Mr. Williams advised that the Village would have to be member for one year

Mayor Flinn opened the public hearing at 8:58 pm. No one desired to be heard; therefore, the public hearing was immediately closed.

All voted in favor of the previous Motion. Resolution 04-66 was adopted (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 FLOOD PLAIN MANAGEMENT ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Flinn asked when this matter was advertised.

Clerk Pier advised that the matter was advertised on July 15<sup>th</sup>.

Mr. Williams provided staff report.

Attorney Boutsis advised that her office received a model ordinance, then concentrated on specifics upon receipt of information and received approval from NFIP and DERM.

Mr. Williams advised that DCA is the State agency that reviews the flood plain management programs and the program will be submitted to DCA and FEMA.

Mayor Flinn opened the public hearing at 9:06 p.m.

Mr. Henry Clifford, 8875 SW 172 Street, asked for clarification of process.

Ms. Spencer advised that staff had received recommendations from NFIP, DERM and DCA and the document is a "living document" that could be amended at a later date.

Mayor Flinn closed the public hearing at 9:10 p.m.

Following discussion, Councilman Feller moved to adopt. Seconded by Councilman Neidhart. Ordinance 04-20 was adopted by unanimous voice vote. The vote was as follows: Mayor Flinn, Vice Mayor Robinson,

Councilman Feller, Councilman Neidhart, and Councilman Breder voting in favor.

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

- A. Ms. Dottie Barton, 15290 SW 82 Avenue, spoke in favor of garage sales. Mayor Flinn advised that the Village is in the process of preparing an ordinance.
- B. Howard Tendrich, 16500 SW 74 Avenue, asked that the laws concerning political signs be enforced and clarified. He noted that he is opposed to putting a library at the Bay front f/k/a Celestia de Lamour park.
- C. Mr. James Woodard, 17001 SW 90 Avenue, asked for clarification regarding the definition of lobbyists and how contributions by the public may affect a citizen's ability to be able to speak to a council member in the future.
- D. Mr. Gabe Bifano, 7371 SW 156 Street, stated that he is concerned with regard to moving Village Hall to the bay as the flood plain ordinance does not allow critical services to be in a flood area.

Mr. Scurr advised that page 28 of the ordinance addresses this matter.

Following discussion, Ms. Spencer advised that there are provisions wherein a critical facility can be placed in a flood zone area if the bottom level is raised.

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

- A. Mayor Flinn asked Attorney Boutsis to address Mr. Woodard's question.  
  
Attorney Boutsis advised that, in general, if you are not a paid lobbyist, residents can come to the Council or their Councilperson, address their concerns and still be able to make a contribution to the person they would like to run for office.
- B. Councilman Feller noted that many people have contacted him with regard to the Southwest Palmetto Bay Charrette. He stated that the Charrette is a "work in progress". He noted that public opinion is important and he encourages it. He advised the public that the full agenda package is available to the public at Village Hall and he directed staff to insure that all documents are placed on the web site. With regard to the budget, Councilman Feller stated that the Village is providing "superior service" at the same price as the County, with surplus remaining.
- C. Vice Mayor Robinson remarked that the web site needs to be improved.

- D. Councilman Neidhart stated that all documents should be provided on compact disc to the public.
- E. Mayor Flinn stated that he is glad that people are participating in code discussions and that reasonable controls on code issues should be in place.

#### **XIV. OTHER BUSINESS**

- A. Councilman Feller remarked that when the bayside parkland was purchased, the conveyance stated that the land would be for “public use”, not solely “park use”. He stated that as the path to the bay was removed, a library on part of the land and a park on the rest may be in the best public use for our citizens. Councilman Feller suggested that a sample letter be mailed to all residents, encouraging all to vote in the August 31<sup>st</sup> election. He read a sample letter.

(Councilman Breder excused himself from the meeting.)

Following discussion, Councilman Feller moved to instruct the Village Manager to send the letter, preferably on a full size postcard, to registered voters or residents, whichever list is obtainable. Seconded by Vice Mayor Robinson. All voted in favor (4-0).

Mayor Flinn stated that it may be appropriate for the Southwest Palmetto Bay Charrette to take a brief hiatus in order to allow the Council sufficient time to meet with those who are concerned prior to the committee meeting again. He also suggested that the name of the charrette be considered as there is one Palmetto Bay and the charrette shouldn't divide the Village into sections, rather one identity.

Mr. Bifano, Vice Chair of the Charrette committee, stated that the committee should only defer to allow the County to revise the charrette, as reports are not coming timely and that the County's current report is not representative.

Mr. Steve Kriescher, 18201 SW 98 Avenue, stated that the committee is due to see the first proposal on August 17<sup>th</sup>. He remarked that the name of the charrette accurately identifies the geographic area of the Village.

**XV. NEXT MEETING AND ADJOURNMENT**

The meeting was adjourned at 10:17 p.m.

*Prepared and submitted by:*

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*Meighan J. Pier*  
*Village Clerk*

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

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*Eugene P. Flinn, Jr., Mayor*