

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, MARCH 6, 2006
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
Councilman John Breder

The following staff members were present:
Village Manager Charles D. Scurr
Village Attorney Eve A. Boutsis
Village Clerk Meighan Pier

I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

The Cub Scouts of Pack 711 presented the colors and lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation of Certificates to Girl Scout Troop 709
- B. Presentation of Certificates to Cub Scout Pack 711

Mayor Flinn asked the Council to join him with the members of Girl Scout Troop 709 and Cub Scout Pack 711. He presented Certificates of Appreciation to the Girl Scouts for their support of the troops overseas during this past holiday season and presented Certificates to the Cub Scouts for their efforts cleaning Coral Reef Park. Each child was given a lapel pin.

Mr. Scurr announced that one of the proposed Palmetto Bay traffic circulators is in the parking lot for the public to see.

A brief recess was taken. Mayor Flinn re-convened the meeting at 7:20 p.m.

III. APPROVAL OF MINUTES

- A. Minutes of the February 6, 2006 Council Meeting

B. Minutes of the February 15, 2006 Special Council Meeting

Councilman Feller moved to approve the Minutes of the February 6th and February 15th Council Meetings. Seconded by Councilman Breder. All voted in favor.

IV. VILLAGE MANAGER'S REPORT

Mr. Scurr thanked all who participated in the recent Celebration Picnic. He noted that the Charter Review Commission has scheduled a workshop on February 7th and will be meeting again on March 14th at 5 pm instead of 6 pm. He advised that Police negotiations are underway. He reported that the Town of Miami Lakes was able to continue the current contract until negotiations were finalized. He also advised that with regard to the Building Department, the three year contract must be re-bid. Mr. Scurr noted that the Committee established to review sites for a fire station is also continuing to investigate alternatives. He advised that the Mayor and Vice Mayor shall be visiting Tallahassee tomorrow, with the rest of the Council leaving on March 15th. Mr. Scurr noted that the Village is beginning discussion regarding a small Palmetto Bay Point of Distribution (POD) in the event of a hurricane.

Mr. Scurr advised that the Florida Communities Trust has asked for consideration to have a luncheon at the Haas property. Staff had been advised that the Directors of the Department of Community Affairs and the Department of Environmental Protection may be present. He noted that the Deering Estate reported that they have finalized a concept for a proposed entryway and have scheduled a meeting with the neighbors to discuss the possibility of "temporary" cul-de-sacs. He advised that any street closures return to the Council for approval.

V. **VILLAGE ATTORNEY'S REPORT:** Attorney Boutsis noted that she would provide report on items as they are raised.

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 \$19,232.50; PROVIDING AN EFFECTIVE DATE.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH ENVIROWASTE SERVICES GROUP, INC., FOR ADDITIONAL STORM DRAIN CLEANING SERVICES 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.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ENCOURAGING MIAMI-DADE COUNTY TO MEET THE SHORT AND LONG TERM SUPPLY AND WASTEWATER NEEDS OF THE COUNTY BY ADOPTING ALL NECESSARY STRATEGIES TO COMPLY WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S (SFWMD) CONSUMPIVE USE PERMIT REQUIREMENTS AND THE DEP'S CONSENT ORDER; PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved to approve. Seconded by Councilman Breder. All voted in favor. Resolutions 06-21 through 06-23 were adopted unanimously (5-0).

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING ADVISORY COMMITTEES FOR REVIEW OF THE BUILDING AND PERMITTING DEPARTMENT; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Councilman Feller requested that the proposed Resolution be placed at the end of the consideration of resolutions (Item VIII F). Seconded by Councilman Breder. All voted in favor.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE PURCHASE OF TRANSIT CIRCULATOR; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF TWO (2) BUSES WITH ACCESSORIES FROM ATLANTIC BUS SALES, IN THE AMOUNT OF \$120,000; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Ron Williams, Director of Public Works, provided staff report. He noted that the bus seats 24 to 26 riders and meets ADA requirements. He advised that this bus is similar to what other municipalities have been utilizing.

Mr. Scurr added that a bike rack is also included and the purchase of the vehicles allows the Village to have flexibility.

Mayor Flinn asked if seat belts were installed.

Mr. Williams advised that seat belts are optional and that staff will be consulting further with the Village Attorney, as installation of seat belts presumes liability of the use of the safety devices. He explained that seat belts are not required by the federal government in transit vehicles.

Following discussion concerning the installation of optional seat belts, Mr. Scurr advised that staff will seek Attorney Boutsis' opinion and if the cost is minimal, the safety restraints can be installed without Council approval at a later date.

All voted in favor (5-0). Resolution 06-24 was adopted unanimously.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING AN AGREEMENT WITH LIMOUSINES OF SOUTH FLORIDA, INC. TO PROVIDE TRANSIT CIRCULATOR SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS AND EXECUTE THE AGREEMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Mr. Williams stated that the service can be met through the consistent revenue source of CITT funds. He advised that staff had investigated the company's qualifications and found that it is a proven company with excellent references and experience serving other municipalities.

Mayor Flinn asked Mr. Joe Corradino of the Corradino Group for information concerning the CITT requirements.

Mr. Corradino explained that several routes have been specified, within the bounds of the CITT guidelines; however, the routes can be modified depending upon their success. He advised that he would seek further information concerning special event routes.

Attorney Boutsis noted that while the Contract is mirroring the existing contract with Bal Harbor, the routes mentioned shall be the routes defined by Mr. Williams with Mr. Corradino's assistance.

Councilman Breder asked where the vehicles would be stored.

Mr. Williams advised that the vehicles would be stored at 2595 NW 38 Street. He stated that there are advantages to storing the vehicles at the contractor's

facility, such as alternate operators being readily available and the ease of maintenance.

Vice Mayor Robinson called the question. All voted in favor. Resolution 06-25 was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A TRAFFIC CALMING IMPROVEMENTS IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH THE CORRADINO GROUP, INC. TO PROVIDE PLANNING SERVICES FOR SW 164TH STREET NEIGHBORHOOD TRAFFIC CALMING IMPROVEMENTS AND A PERMANENT TRAFFIC CIRCLE AT SW 160TH STREET AND 82ND AVENUE AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$19,500.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Williams provided staff report.

Attorney Boutsis advised that a continuing services agreement had previously been entered into with the Corradino Group. This contract would be a facet of that agreement.

Mayor Flinn expressed his support. He called the question. All voted in favor. Resolution 06-26 was adopted unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PERMANENT TRAFFIC CALMING DEVICES IN THE AREA OF SW 160TH STREET AND 82ND AVENUE IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH THE CORRADINO GROUP, INC. TO PROVIDE DESIGN AND CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR THIS AREA AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$59,710.00 ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE FLOW OF TRAFFIC AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Williams provided staff report, noting that this project was CITT funded and would be the first traffic circle installed in the Village at the intersection of 82 Avenue and 160 Street to improve traffic congestion.

Mayor Flinn asked how pedestrian crossing would be addressed.

Mr. Corradino advised that crosswalk stripes would be marked and signage installed advising vehicles to yield to pedestrians.

Councilman Neidhart asked staff to consider "pavers" as the material for crosswalks.

Mr. Williams advised that staff would also be working with the landscape architect to include beautification.

Mayor Flinn called the question. All voted in favor. Resolution 06-27 was adopted unanimously (5-0).

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO STREET TREE MASTER PLAN; AUTHORIZING THE SELECTION OF O'LEARY RICHARDS DESIGN ASSOCIATES, INC., TO PROVIDE LANDSCAPE ARCHITECTURAL SERVICES TO THE VILLAGE IN THE AMOUNT OF \$34,000; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE A CONTRACT FOR THESE SERVICES FOR THE STATED AMOUNT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Williams provided staff report, adding that the O'Leary group would begin evaluating a series of major corridors.

Ms. Katherine O'Leary Richards advised that they would assess the current condition, inventory the tree canopy and create a plan/concept.

Mayor Flinn asked if Old Cutler Road would be included.

Mr. Williams responded affirmatively. He added that all major roads within the Village would be considered.

Mayor Flinn remarked that the Village is mandated to pay mitigation and should be careful to not obviate the County from its responsibilities.

Attorney Boutsis advised that under Section 2, staff shall issue a purchase order under the existing continuing services agreement.

Councilman Feller moved to amend as stated by Attorney Boutsis. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

Vice Mayor Robinson called the question. All voted in favor. Resolution 06-28 was adopted unanimously (5-0).

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING ADVISORY COMMITTEES FOR REVIEW OF THE BUILDING AND PERMITTING DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

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

Mayor Flinn remarked that as the outsourced contract of the Building Department is up for re-bidding, he remains interested in making improvements to the current level of service. He mentioned that there may be a need for expanded hours. He asked the status of accepting credit cards as payment.

Mr. Scurr advised that residents can now pay for building permits, park rentals and occupational licenses with their credit card. He stated that staff is continuing to explore internet accessibility-real time software so that citizens can check the status of their permit or request an inspection on line.

Councilman Feller suggested preparing an exit survey, which could be anonymous, in order to gauge customer satisfaction.

The Council nominated the following individuals:

Mayor Flinn nominated Harry Nerenberg and Steve Gunn; Vice Mayor Robinson nominated Dawn Thomas; Councilman Feller nominated Gabriel Bifano; Councilman Neidhart nominated Jeff Saltzman; Councilman Breder advised that he will be asking Carlton Decker or James Piersol, that he will advise the Clerk of the outcome.

Mayor Flinn called the question. All voted in favor. Resolution 06-29 was adopted unanimously (5-0).

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE PALMETTO BAY RICHMOND DRIVE PLAT AS A TENTATIVE PLAT OF TRACT 1 OF REVISED PLAT OF LINDLEY PERRINE CENTER (PB-38. P-29) FOR PROPERTY LOCATED AS FOLLOWS: LYING AND BEING IN A PORTION OF: THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LESS ROADS CONTAINING APPROXIMATELY 1.05 ACRES MORE OR LESS, OTHERWISE KNOWN AS 9400 RICHMOND DR., PALMETTO

BAY, FLORIDA, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SETTING AN EFFECTIVE DATE. (Applicant has requested deferral)

Councilman Feller moved to defer to date certain – April 3, 2006. Seconded by Councilman Neidhart. All voted in favor. The matter shall again be heard as a public hearing at the Council Meeting of April 3, 2006.

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 NOISE; AMENDING CHAPTER _____ OF THE CODE OF ORDINANCES ENTITLED “NOISES” AMENDING THE ACCEPTABLE AMBIENT NOISE LEVEL FOR EMERGENCY GENERATORS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Feller moved the item. Seconded by Councilman Breder.

Attorney Boutsis noted that the Ordinance was being amended to allow exception for emergency generators.

Councilman Feller stated that the decibel level of generators had been stricken.

A roll call vote was taken, as follows: Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilman Breder: Yes; Mayor Flinn: Yes. The Motion carried unanimously (5-0). The matter shall be scheduled for public hearing on April 3, 2006.

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 ADOPTING CHAPTER ___ ENTITLED “UTILITY LINE CLEARING,” TO PROTECT THE DELIVERY OF UTILITY SERVICES; ESTABLISHING A VIOLATION FOR VEGETATION INTERFERENCE WITH A UTILITY SERVICE; ESTABLISHING A REMEDY AND FINES TO ADDRESS THE SITUATION OF PROPERTY OWNER(S), THEIR TENANT(S) AND/OR AGENT(S) INTERFERE WITH OR IMPEDE THE RIGHT, OR ABILITY OF A UTILITY TO ENTER PRIVATE PROPERTY FOR THE PURPOSE OF PRUNING OR REMOVING VEGETATION INTERFERING WITH THE DELIVERY OF UTILITY SERVICES, WHEN DEEMED NECESSARY TO DO SO TO ENSURE THE SAFE AND RELIABLE DELIVERY OF UTILITY SERVICES; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR ORDINANCES IN CONFLICT,

CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
(Sponsored by Mayor Eugene P. Flinn, Jr.)

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

Attorney Boutsis provided staff report.

Mayor Flinn noted that during the recent storms, there were preventable power outages due to overgrown vegetation and that neighbors have a year round duty to insure their trees and vegetation is trimmed. He opened the matter for public hearing.

The following individuals addressed the Council: Mr. Steve Kreisher, 18201 SW 98 Avenue; Mr. Gabriel Bifano, 7371 SW 156 Street; and Mrs. Dottie Barton, 15290 SW 82 Avenue.

The public hearing was subsequently closed. A roll call vote was taken, as follows: Councilman Feller: Yes; Councilman Neidhart: Yes; Councilman Breder: Yes; Mayor Flinn: Yes; and Vice Mayor Robinson: Yes. Ordinance 06-04 was adopted unanimously (5-0).

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council regarding sidewalk concerns.

XIII. OTHER BUSINESS

- A. Mayor Flinn suggested that the Council approve payment of the outstanding bill for Art in the Park in the amount of \$1,153.51.

Councilman Neidhart moved to approve the payment. Seconded by Councilman Feller. All voted in favor. The Motion carried unanimously (5-0).

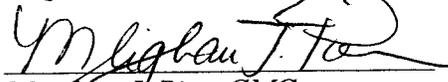
XIV. MAYOR AND COUNCIL COMMENTS

- A. Councilman Feller thanked Vice Mayor Robinson and the Special Events Committee for the picnic.
- B. Vice Mayor Robinson thanked Ana Garcia and the Committee.
- C. Councilman Breder announced that the South Florida Urban Ministries is organizing a community clean up through Perrine Peters United Methodist Church and the Perrine Cutler Ridge Council on April 29th at 8:30 am at 18301 S. Dixie Highway.
- D. Councilman Neidhart remarked that he is glad the CITT money is being spent.

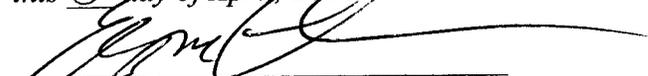
XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:30 pm.

Prepared and submitted by:


Meighan J. Pier, CMC
Village Clerk

*Adopted by the Village Council on
this 3 day of April, 2006.*


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.