

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, MAY 1, 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 7:15 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 audience in the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Presentation by the JCC: Representatives of the JCC lead the audience in several relaxation techniques.

III. APPROVAL OF MINUTES

A. Minutes of the April 3, 2006 Council Meeting

Councilman Feller moved to approve the Minutes. Seconded by Councilman Neidhart. All voted in favor. The Motion carried.

IV. VILLAGE MANAGER'S REPORT

A. Mr. Scurr reported that staff will be providing a hurricane preparedness guide in the next newsletter. He advised that Certified Emergency Response Training (CERT) has been scheduled in June; he encouraged people to participate. He advised that the next Council meeting shall be held on June 5th; and, there shall not be a May zoning hearing.

Second Quarter Budget to Actual Report: Mr. Desmond Chin, Finance Director, provided information concerning the second quarter. He noted that copies of his report are available, as is the check register.

- B. Discussion of C-100 Park Opening: Mr. Scurr advised that there shall be a ribbon-cutting ceremony on June 3, 2006, from 9:30 am to 11:30 a.m. at the C-100 Park.

Mayor Flinn noted that he will be seeking to add a Resolution expressing support for the Miami-Dade Public School legislative priorities.

- C. Presentation of Parks Construction and Financing Options: Mr. Scurr provided a hand-out concerning the funding available for capital projects.

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

VI. BOARD AND COMMITTEE REPORTS

- A. Charter Review Advisory Commission

Mr. Tom Ringel, Commission Chair, Susan Ludovici, Vice Chair, and Stanley Kowlessar, Commission Member were recognized.

Mr. Ringel provided a report, explaining the substantive modifications and ballot questions.

Mayor Flinn clarified that the next hearing on this matter would be a public hearing and once the proposed ordinance is adopted, then the matter is presented to the electorate.

Mr. Ringel thanked the members of the Commission, the Council and staff.

Mayor Flinn expressed his thanks to the Commission for their efforts. The Council concurred.

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 \$17,259.51; PROVIDING 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 LOTT & LEVINE, P.A. IN THE AMOUNT OF \$1,540.43;
PROVIDING AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE CONTRACT WITH CSA SOUTHEAST, INC FOR BUILDING AND PERMITTING SERVICES THROUGH OCTOBER 31, 2006; AND PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE AGREEMENT BETWEEN THE VILLAGE OF PALMETTO BAY, FLORIDA AND MIAMI-DADE COUNTY FOR PROJECT NO. 61-71145/ACQUISITION AND IMPROVEMENTS OF PARKS-CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT AND APPLICABLE DOCUMENTS AND ACCEPT THE \$200,000 ALLOCATION FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND; AND PROVIDING AN EFFECTIVE DATE. – Withdrawn by staff.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A DRAINAGE IMPROVEMENT PROJECT AT SUB-BASIN #5 WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH KIMLEY HORN & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR DESIGN AND PERMITTING OF DRAINAGE IMPROVEMENTS, AND REPAVING OF SEVERAL STREETS TO INCLUDE SW 148TH DRIVE, SW 148TH STREET, SW 149TH DRIVE, SW 150TH DRIVE, SW 151ST STREET, SW 82ND AVENUE AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$75,000.00 ON THIS PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE DRAINAGE CONDITIONS WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC ENGINEERING WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH THE CORRADINO GROUP TO PROVIDE TRAFFIC PLANNING AND ENGINEERING SERVICES FOR THE DESIGN OF TRAFFIC FLOW ANALYSIS AND INTERSECTION IMPROVEMENTS AT US-1 AND SW 152ND STREET; AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000.00 ON THIS PROJECT THAT WILL IMPROVE THE SAFETY AND OPERATIONAL

IMPACTS AT THIS MAJOR INTERSECTION WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXPRESSING SUPPORT WITH THE TOWN OF CUTLER BAY AND ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO INSTALL HIGHWAY SIGNAGE ALONG THE FLORIDA TURNPIKE FROM SW 152 STREET TO SW 216 STREET TO EFFECT THE CO-DESIGNATION OF THE TURNPIKE IN HONOR OF FORMER STATE REPRESENTATIVE/MAYOR OF THE TOWN OF CUTLER BAY JOHN F. COSGROVE; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn, Councilman Paul Neidhart and Councilman John Breder)

Clerk Pier advised that item D had been withdrawn by staff.

Councilman Feller moved to adopt the Consent Agenda, as modified. Seconded by Vice Mayor Robinson. All voted in favor (5-0). Resolutions 06-42, 06-43, 06-44, 06-45, 06-46, and 06-47 were adopted unanimously.

Councilman Breder moved to hear the second reading/public hearing of the proposed Ordinance concerning Jane Forman Tennis at this time. Seconded by Vice Mayor Robinson.

ORDINANCE FOR SECOND READING AND PUBLIC HEARING:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING AND EXTENDING THE JANE FORMAN TENNIS CENTER CONTRACT; PROVIDING FOR TENNIS AND RACQUETBALL COURT IMPROVEMENTS AND AN EXTENSION FOR A TOTAL OF 10 YEARS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Councilman Feller offered two amendments to the contract: 1. allow for a five year contract with a five year option to renew; 2. should the option to renew not be given, the construction costs would be prorated.

Attorney Boutsis clarified the language.

Councilman Feller stated that he believes this motion would follow the tenants of the Village's charter.

Attorney Boutsis clarified that the current contract expires in March of 2007; therefore, the new contract terms would commence following the expiration of the current contract.

Mayor Flinn stated that the agreement could be made effective at the time of execution.

Councilman Feller concurred, expressing his support for the Mayor's suggestion. Councilman Feller moved to amend his previous motion, to state that the starting date of the new contract is the date of the passage of this Ordinance, which is May 1, 2006. Seconded by Vice Mayor Robinson. The Motion carried 3-2, with Councilmen Neidhart and Breder being in the opposition.

Councilman Breder remarked that he had not had the opportunity to read the addendum provided this evening. He advised that while he appreciates Ms. Forman's program, he has received several emails wherein citizens have stated that they have had difficulty with availability of courts.

A five minute recess was taken. The meeting reconvened at 8:25 p.m.

Clerk Pier read the rules of decorum for public hearings. Mayor Flinn opened the public hearing.

The following individuals addressed the Council: Lew Brewer, 14745 SW 83 Place; Anita Meinbach, 7620 SW 149 Street; Bonnie Holmes, 320 NE 18 Avenue; Spiros Comitos, 14300 SW 82 Avenue; Charles Osgood, 9200 SW 166 Street; Mary Cordero, 12240 SW 71 Court; Diane Delphia, 7750 SW 136 Street; Debbie Adikin, 7741 SW 181 Terrace; Carol Goldstein, 7520 SW 159 Terrace; Cary Sochin, 8080 SW 172 Terrace; Tracy Chapman, 14891 SW 75 Court; Ann Johnson, 7800 SW 139 Terrace; Douglas Eade, 15425 SW 77 Court; Barbara MacFarlane, 15620 SW 113 Avenue; Tom Cromer, 7741 SW 145 Street; Mike Allen, 7905 SW 156 Street; Warren Lovely, 15323 SW 74 Place; Paul Sheldon, 14891 SW 75 Court; and, Gabe Bifano, 7371 SW 156 Street.

The Council took a brief recess. The meeting reconvened at 9:25 p.m.

The Council discussed the matter. Councilman Breder asked Ms. Forman if it would be acceptable to agree to allow two open courts for open play on a 48 hour notice. Ms. Forman agreed. He stated that he is disappointed to discover that the racquetball courts were not resurfaced properly. Ms. Forman confirmed that she will take care of the courts to the satisfaction of the racquetball players.

Mayor Flinn stated that he would accept a motion to build tennis courts at Palmetto Bay Commons. He asked staff if the Kings Court facility was a private membership tennis club.

Director of Community Services Ana Garcia stated that Kings Courts was previously a "membership only" facility; however, they have decided to go public.

Councilman Feller called the question on the amendment. Clerk Pier verified that the amendment was voted upon and passed 3-2 previous to the public hearing. Councilman Feller called the question on the Resolution, as amended. A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: No. The motion carried (4-1).

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE ART IN THE PARK EVENT; PROVIDING FUNDING SUPPORT TO THE CULTURAL COUNCIL FOR THE 2006 EVENT; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE A TOTAL NOT TO EXCEED \$6,000 FOR THE ART IN THE PARK EVENT HELD ANNUALLY AT CORAL REEF PARK; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Feller)

Councilman Feller moved the item. Seconded by Councilman Breder.

Councilman Feller remarked that he expresses his support; however, after this action, wants to freeze consideration of these types of donations until a policy has been established.

Following discussion, Mayor Flinn asked Mrs. Yolanda Buchmann of the Cultural Council to provide information.

Mrs. Buchmann, 7745 SW 142 Street, advised that "In the Park with Art" is the name of the show. She thanked the village for its support and advised that the date of the show will be October 28 and 29.

Mayor Flinn suggested staff consider purchasing additional equipment and golf carts to equip the parks for events such as these.

Councilman Breder moved to hear the Ordinance concerning the Franjo Triangle and US 1 Island Zoning District at this time. Seconded by Councilman Feller.

ORDINANCE FOR SECOND READING AND PUBLIC HEARING:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PROVIDING FOR THE CREATION OF CHAPTER ____ OF THE CODE OF PALMETTO BAY (CODE); ENTITLED "FRANJO TRIANGLE & U.S. 1 ISLAND ZONING DISTRICT" (FT&I); PROVIDING FOR PERMITTED USES, CONDITIONAL USES AND PROHIBITED USES; DESIGN STANDARDS; AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CREATION OF THE FRANJO TRIANGLE & U.S. 1 ISLAND ZONING DISTRICT; REZONING THE DESIGNATED AREA TO THE "FT&I DISTRICT" AND ENCOMPASSING BOTH THE FRANJO ROAD TRIANGLE AND U.S. 1 COMMERCIAL ISLAND GENERALLY BOUNDED BY S.W. 94TH AVENUE ON THE EAST, S.W. 168TH STREET AND THE NORTHERN PORTION OF THE U.S.1 ISLAND TO THE POINT OF NORTHBOUND AND SOUTHBOUND LANES DIVISION ON THE NORTH, U.S. 1 SOUTHBOUND ON THE WEST (INCLUDING THE ISLAND AREA) AND S.W. 184TH STREET ON THE SOUTH; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director of Community Development Arleen Weintraub provided staff report.

Mayor Flinn and the Council discussed the issue of "backlit" signs.

Attorney Boutsis noted that staff is in the process of drafting a complete sign ordinance to address those matters.

Mayor Flinn opened the public hearing: Eric Tullberg, 7884 SW 179 Terrace addressed the Council.

Mayor Flinn expressed that the area should be a "walking village" and encouraged installation of sidewalks.

Mr. Scurr asked the Council to review page 36, which depicts prototypical street plans that include sidewalks and walking areas.

Director Weintraub stated that Public Works standards shall be defined separately.

A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The ordinance was adopted (5-0).

IX. RESOLUTIONS REQUIRING PUBLIC HEARING

Councilman Neidhart moved to take the Victoria Bay Estates Plat out of order. Seconded by Vice Mayor Robinson.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE VICTORIA BAY ESTATES SUBDIVISION PLAT AS FINAL PLAT FOR PROPERTY LOCATED AS FOLLOWS: THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, CONSISTING OF SEVENTEEN SINGLE FAMILY LOTS, SOUTH OF SW 170 STREET, BETWEEN 92 COURT AND 93 AVENUE CONTAINING APPROXIMATELY 5.26 ACRES MORE OR LESS, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS ROAD DEDICATIONS; SETTING AN EFFECTIVE DATE.

Councilman Feller moved this item. Seconded by Councilman Neidhart.

Director Weintraub provided staff report.

Mayor Flinn suggested that it is easier to install sidewalks before you sell a house and believes sidewalks should be part of the plan.

The applicant stated that he will guarantee the construction of the sidewalk and will include a letter of credit to insure that the Village will have \$28,000 to construct the sidewalks.

Mayor Flinn asked if \$28,000 will be sufficient.

Director Ron Williams, Public Works, replied that he believes it will be sufficient.

All voted in favor of the proposed Resolution. The Motion carried unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOL LEGISLATIVE PRIORITIES; PROVIDING FOR AN EFFECTIVE DATE.

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

Following discussion in support of the matter, a roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor

Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The Resolution was adopted (5-0).

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 AMENDING SECTIONS 1.1, 2.3(E), 2.6, 3.6, 5.1(C), AND 7.6(A), THE VILLAGE OF PALMETTO BAY'S CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER; PROVIDING FOR COPIES OF THE CHARTER AMENDMENTS BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENTS ON THE BALLOT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Flinn instructed the Village Clerk to post the Ordinance and the Charter on the website.

Mayor Flinn stated that the names of the original Charter Committee-should remain part of the original document, rather than a footnote.

Attorney Boutsis stated that the Committee did make that recommendation, she will revise.

Councilman Feller suggested that the lobbyist provision should be carefully considered.

Mayor Flinn concurred, adding that the Council should wait until public hearing to consider modification or removal.

A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. All voted in favor of approving the matter on first reading. The Motion carried unanimously (5-0).

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; REDUCING THE MINIMUM RIGHT-OF-WAY WIDTH FOR A PORTION ALONG THE SOUTH SIDE OF SW 152nd STREET AS MEASURED FROM THE CENTER LINE OF THE ROAD BETWEEN SW 68th AVENUE AND OLD COUNTY HIGHWAY; AMENDING SECTION 33-133 OF THE

CODE OF MIAMI-DADE COUNTY, FLORIDA, AS ADOPTED BY THE VILLAGE OF PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Weintraub provided staff report.

Councilman Breder asked for clarification concerning the reduction.

Director Weintraub noted that the reduction was for the southern portion of the property.

A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The proposed Ordinance was passed on first reading (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 AN AGREEMENT WITH A & B PROFESSIONAL SHUTTERS FOR THE INSTALLATION OF ACCORDION-STYLE HURRICANE SHUTTERS AT THE CORAL REEF PARK RECREATION ROOM; DISBURSING AN AMOUNT NOT TO EXCEED \$6,293.29; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director Garcia provided staff report.

Mayor Flinn requested clarification.

Director Garcia advised that the scope had been sent to seven companies. Mr. Scurr provided copies of the quotes received.

Vice Mayor Robinson asked if staff felt the cost was appropriate.

Director Garcia noted that the building has high ceilings and storage of the panels would be a challenge.

Councilman Neidhart suggested closing the accordions every night to insure they are working and make sure they are not being vandalized, in addition to preventing theft by adding security to the building.

A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: No; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The Resolution was adopted 4-1.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE STREET SIGNAGE MASTER PLAN; FURTHER ACCEPTING AND APPROVING THE FINAL STREET SIGNAGE DESIGN CONCEPT; AND AUTHORIZING THE VILLAGE MANAGER TO RELEASE BID SPECIFICATIONS FOR THE FABRICATION AND INSTALLATION OF MAJOR AND MINOR STREET SIGNAGE WITHIN THE BOUNDARIES OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director Williams provide staff report. He recommended approval to release bid specifications with die cut finial and blue pole.

Councilman Breder stated that he did not believe the signs being presented this evening are reflected of what the community had expressed.

A roll call vote was taken, as follows: Councilman Breder: No; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The Resolution was adopted 4-1.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE PROJECTS AND BOND FINANCING; REQUESTING THE VILLAGE MANAGER PREPARE AN ORDINANCE FOR BOND FINANCING THROUGH THE FLORIDA LEAGUE OF CITIES TO FUND PROJECTS AT PALMETTO BAY COMMONS, PERRINE WAYSIDE PARK AND THE BAYSIDE PARK LIBRARY/PARK/COMMUNITY ROOM; AND REQUESTING THAT A SPECIAL MEETING OF THE VILLAGE COUNCIL BE SCHEDULED FOR MAY 8, 2006 TO: A) CONSIDER THE ORDINANCE ON FIRST READING AND RELATED DOCUMENTS; AND B) TO FINALIZE A DESIGN BUILD CONTRACT FOR THE PALMETTO BAY COMMONS AND PERRINE WAYSIDE PROJECTS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)

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

Mayor Flinn advised that as construction prices are not getting any cheaper, the Village should move forward on our priorities and attempt to maximize

the delivery of what the public had desired. He stated that he has requested this special council meeting to address the debt service that would be required.

Councilman Neidhart asked that the May 8th meeting include discussion for extension of the baseball contract at Coral Reef Park for Palmetto High baseball.

All voted in favor of adding the baseball contract to the Special Council Meeting on May 8th. The Motion carried (5-0).

All voted in favor of the proposed Resolution. The Motion carried unanimously (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 CREATING IN THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES, "STORMWATER MANAGEMENT" REGULATIONS; PROVIDING FOR THE ESTABLISHMENT OF THE VILLAGE'S STORMWATER UTILITY SYSTEM; PROVIDING FOR CUSTOMER BASE, UTILITY FEE CATEGORIES, AND FEE SCHEDULES; PROVIDING FOR EXEMPTIONS; ESTABLISHING A SPECIAL REVENUE FUND; PROVIDING FOR ADJUSTMENTS, APPEALS, ENFORCEMENT, AND PENALTIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Williams provided staff report.

Mayor Flinn expressed his support. He opened the public hearing and, as no one wished to be heard, subsequently closed the public hearing.

A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The Ordinance was adopted 5-0.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADOPTING AND ENACTING A NEW CODE FOR THE VILLAGE OF PALMETTO BAY, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR ORDINANCES IN

CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Clerk Pier and Attorney Boutsis provided staff report.

Mayor Flinn opened the public hearing and, as no one wished to be heard, subsequently closed the public hearing.

A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The Ordinance was adopted 5-0.

XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS

Mr. Tullberg addressed the Council and provided a handout regarding sidewalk alignment.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Mayor Flinn advised that he met with Commissioner Sorenson regarding a meeting with the Mayors of South Miami, Pinecrest, Palmetto Bay and Cutler Bay regarding the Old Cutler Bike Trail. He noted that there is a mitigation task force meeting scheduled for May 5th. Mr. Scurr advised that there is progress on "greening" the library.
- B. Vice Mayor Robinson suggested that staff draft a resolution to stop the County from re-evaluating property based upon installation of a generator.
- C. Councilman Feller thanked Director Weintraub for her diligence with the zoning ordinance.

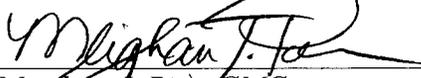
XIV. OTHER BUSINESS

Mayor Flinn suggested a committee be formed to review the restroom improvements at Coral Reef Park. He stated that the Public Works Director, the Community Services Director, Mr. Gabe Bifano and Councilman Feller be on the committee. Councilman Feller moved to approve. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

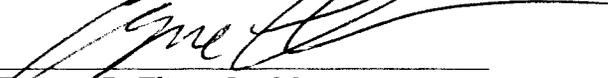
XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 11:50 pm.

Prepared and submitted by:


Meighan J. Pier, CMC
Village Clerk

Adopted by the Village Council on
this 5th day of June, 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.