

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, JUNE 5, 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 J. Pier

Mayor Flinn led the audience in the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

**A. Presentation from Juvenile Diabetes Research Foundation**

Ingrid Velardi, representative from the Juvenile Diabetes Research Foundation, Miami Walk to Cure Diabetes, thanked the Village for its sponsorship, in particular thanking resident Paula Palm, Director of Community Services Ana Garcia, Parks Manager Fanny Carmona, and Mayor Flinn. She presented the Council with a bronze level sponsorship plaque.

**III. APPROVAL OF MINUTES**

- A. Minutes of the May 1, 2006 Council Meeting**
- B. Minutes of the May 8, 2006 Special Council Meeting**

Vice Mayor Robinson moved to approve. Seconded by Councilman Breder. All voted in favor. The Minutes were approved unanimously (5-0).

**IV. VILLAGE MANAGER'S REPORT**

Mr. Scurr provided a report, advising that the Mitigation Task Force Committee has been making progress and should conclude in the near future, then present its report to the Miami-Dade County Commission. He announced that the Mayor's Hurricane Workshop will be held at the Deering Estate on Saturday, June 10<sup>th</sup>, with many City and County departments being represented. Mr. Scurr advised that Certified Emergency Response Training will be held in mid-June. He reported that there will be a Council Meeting held on July 10<sup>th</sup> and there are no zoning meetings scheduled until September.

Mayor Flinn provided a brief report concerning the Hurricane Conference, announcing that Meteorologist Don Noe has confirmed his attendance. He encouraged all to attend and to remember that individual preparation is important when any disaster is looming.

**V. VILLAGE ATTORNEY'S REPORT**

Attorney Boutsis provided the Council with several discussion points concerning the land development code and asked Council to contact her with any comments, suggestions or questions.

**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 \$17,557.56; PROVIDING AN EFFECTIVE DATE.
- 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 ACCEPT AN INVITATION FROM THE EXECUTIVE COMMITTEE OF THE JUNIOR ORANGE BOWL TO BECOME A KEY PARTICIPANT AND SPONSOR OF THE 5K EVENT AND THE ONE MILE FUN RUN; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)
- C. 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 PIAZZA, INC. FOR THE PURCHASE, DELIVERY, TURNKEY DESIGN, ENGINEERING AND INSTALLATION OF THE MEDITATION GAZEBO/ PAVILION/ BANDSHELL AT CORAL REEF PARK; DISBURSING AN AMOUNT

NOT TO EXCEED \$114,162.12; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TREE PLANTING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH VILA AND SONS NURSERY CORPORATION TO PROVIDE TREE PLANTING SERVICES IN THE PUBLIC RIGHT-OF-WAYS WITHIN THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO \$80,000; AND PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE CONTRACT WITH GURRI MATUTE, P.A. FOR A CONCEPT DESIGN OF THE EXISTING STRUCTURES AT THE PARK PROPERTY LOCATED AT 17301 OLD CUTLER ROAD (C-100 PROPERTY) FOR THE AMOUNT OF \$71,150; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE SAID CONTRACT; AND PROVIDING AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE MANAGEMENT PLAN FOR THE C-100/BAYFRONT (HAAS) PROPERTY AS REQUIRED BY THE FLORIDA COMMUNITIES TRUST (FCT); AUTHORIZING THE VILLAGE MANAGER TO SUBMIT THE PLAN TO FCT FOR APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to adopt the Consent Agenda. Seconded by Councilman Neidhart. All voted in favor (5-0). Resolutions 06-55, 06-56, 06-57, 06-58, 06-59, and 06-60 were adopted unanimously.

### VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE FLORIDA DISASTER VOLUNTEER LEAVE ACT; REQUESTING THE FLORIDA LEGISLATURE TO PROVIDE SIMILAR EMPLOYMENT PROTECTION TO CERT (CERTIFIED EMERGENCY RESPONSE TRAINING) TRAINED RESIDENTS PROVIDING SERVICES TO MUNICIPALITIES AS IS CURRENTLY PROVIDED TO CERT TRAINED RESIDENTS WHO PROVIDE SERVICES TO THE STATE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

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

Mr. Scurr provided staff report.

Mayor Flinn advised that he wanted to encourage volunteerism by urging the legislature to protect employees who wish to be CERT participants to not risk losing their jobs.

All voted in favor of the proposed Resolution. Resolution 06-61 passed unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE CONTRACT WITH RECREATIONAL DESIGN & CONSTRUCTION, INC. TO DESIGN-BUILD SERVICES FOR THE PALMETTO BAY COMMONS AND PERRINE WAYSIDE PARK IMPROVEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH SAID FIRM FOR THE AMOUNT OF \$9,133,987; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report.

Following discussion and as Mr. Scurr advised that the proposed Resolution is dependent upon the bond to be considered, Councilman Feller moved to table the item. Seconded by Councilman Neidhart. All voted in favor (5-0). The item was tabled.

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

**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 PARK BOND PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A FINANCE AGREEMENT WITH SUNTRUST; PROVIDING FOR A SIX MILLION DOLLAR TAX EXEMPT LOAN UNDER A 30 YEAR TERM, AT 4.34 to 4.66 PERCENT FIXED INTEREST RATE OR, ALTERNATIVELY, A REGIONS BANK FINANCING AGREEMENT FOR A SIX MILLION DOLLAR TAX EXEMPT LOAN UNDER A 30 YEAR TERM, AT 4.5 PERCENT FIXED INTEREST RATE; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report. He explained the different types of bonding options available. He advised that Mr. Leif Gunderson from Sofisa Bank was asked to review the terms offered (noting that Sofisa Bank does not offer these types of loans) and Mr. Desmond Chin, Finance Director, was also available to provide his opinion.

Mr. Chin explained that the Village had received a quote from the Florida League of Cities that was explained to the Council previously and had also sought quotes from the private sector. He advised that SunTrust Bank had offered three products for consideration and Regions Bank had also provided a quote.

Mr. Gunderson advised that he is not giving a qualified opinion, rather a personal assessment. He noted that all the proposals were competitive; however, he was not in favor of the derivative product. He opined that the SunTrust proposal offered the best opportunity, preferable to the Florida League of Cities offer.

Mr. Scurr remarked that the risk would be what occurs with the interest rate in 15 years, as the Village would be required to refinance. He noted that the offer is not a "standard balloon," as the Village would renegotiate the interest rate, but the amortization is for 30 years.

Mayor Flinn suggested the Council hold a workshop prior to second reading.

A roll call was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The motion carried (5-0). The proposed Ordinance shall be scheduled for public hearing on second reading.

## **XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$6,000,000 FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE FORM OF AND THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN, AND PROVIDING AN EFFECTIVE DATE.

Mayor Flinn suggested that the public hearing be opened, individuals be allowed to speak and then the Council should defer the matter to the next meeting.

Mr. Scurr concurred.

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

Mr. Scurr advised that the representatives of the private financiers are available. Discussion ensued concerning possible presentation of loan documents at the next Committee of the Whole meeting; however, both loan institutions expressed that it is cost prohibitive to do so and the loan commitment letter contains all covenants and details of transaction.

Following discussion, Mayor Flinn asked for a five minute recess.

Upon reconvening the meeting, Mr. Scurr advised that both financiers have offered to attend the Committee of the Whole workshop scheduled for June 9<sup>th</sup> at 5:15 pm at 900 Perrine Avenue. Additionally, there shall be a Special Council Meeting scheduled for June 26, 2006, at 6 pm at the Deering Estate Visitor's Center.

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

Vice Mayor Robinson moved to continue the item to the June 26, 2006 Special Council Meeting. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

Following discussion, Councilman Feller moved that Exhibit "A" state that the matter is contingent upon County passing procurement policy changes and contingent upon us passing the bond; additionally, the amount should be modified to be \$8,803,421, and also state that the matter would be subject to approval of a suitable financing instrument by the Village Council. Seconded by Vice Mayor Robinson. 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 motion carried (5-0).

- B. 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.

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

Attorney Boutsis provided staff report.

Charter Review Commission Member Stanley Kowlessar thanked the Council for allowing him to serve.

Mayor Flinn thanked the members of the Charter Review Commission and complimented the original Charter Committee. He opened the public hearing. As no one wished to be heard, the public hearing was closed.

Councilman Feller moved to consider the Ordinance as one integrated document. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

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

- C. 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 152<sup>nd</sup> STREET AS MEASURED FROM THE CENTER LINE OF THE ROAD BETWEEN SW 68<sup>th</sup> 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.

Ms. Arleen Weintraub, Director of Community Development, provided staff report.

Mayor Flinn asked if the utilities are underground.

Director Weintraub advised that the utilities are above-ground.

Vice Mayor Robinson remarked that she believed new developments required installation of sidewalks.

Mr. Scurr advised that there would be sufficient room for sidewalks.

The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; and two unidentified women.

Attorney Boutsis advised that the land is undedicated and the Village has no control over the ownership of the parcels.

Director Weintraub concurred, advising that the area is privately zoned.

The public hearing was closed.

Mayor Flinn suggested that all new developments should include sidewalks.

Discussion ensued regarding sidewalks and bike paths.

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

Councilman Feller moved that the Village mandate that new construction on SW 152 Street, east of Old Cutler, would include any new construction. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

Councilman Feller moved to have staff investigate installing a safe bike path east of Old Cutler on 152 Street. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried.

**XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Robert Mazelli, 17140 SW 86 Avenue; and Ernesto Martinez, 7762 SW 184 Lane.

**XIII. MAYOR AND COUNCIL COMMENTS**

- A. Councilman Neidhart remarked that he is not pleased with the name of Palmetto Bay Commons. He suggested changing it to Palmetto Bay Park. Councilman Breder concurred.
- B. Vice Mayor Robinson invited all to a Building and Permitting workshop during the third week of June. She thanked all for the Bayside Park event. Councilman Feller concurred.

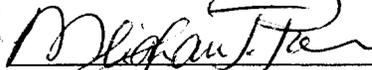
- C. Mayor Flinn remarked that he wanted park construction to move expeditiously. He directed the Clerk to re-transmit the Resolutions concerning Metrorail expansion to the Clerk of Miami-Dade County.

**XIV. OTHER BUSINESS:** None at this time.

**XV. NEXT MEETING AND ADJOURNMENT**

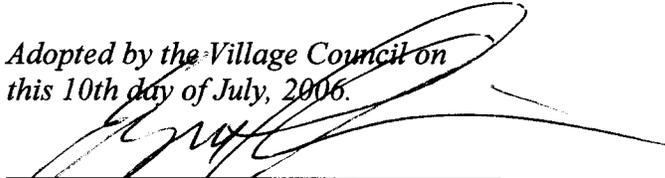
The Meeting was officially adjourned at 9:25 pm.

Prepared and submitted by:



Meighan J. Pier, CMC  
Village Clerk

Adopted by the Village Council on  
this 10th day of July, 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.