

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, AUGUST 7, 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.
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:

- A. Presentation of Certificates of Attendance to Community Emergency Response Team (CERT): Mr. Scurr provided an explanation of the CERT training and played a video. The Council provided the appropriate equipment to the trainees and certificates of attendance.
- B. Tallahassee Legislative Report by Ronald L. Book and Robert M. Levy: Mr. Scurr asked the lobbyist team to provide a report. Ms. Kelly Mallette and Mr. Bob Levy provided a report concerning the actions taken in Tallahassee.

Councilman Feller thanked the lobbyists for their assistance with the windstorm relief efforts.

Mayor Flinn thanked them for their assistance.

Mayor Flinn recognized Judge Bonnie Rippingale. She congratulated the Village for doing so well for its residents and asked for support in the upcoming election.

- C. Presentation by the Distinguished Budget Award by John Pryor of the Government Finance Officers Association: Mr. Pryor presented Finance Director Desmond Chin and the Village with a formal award that represented significant achievement by the Village in its Budget presentation.
- D. Proclamation for Jennifer Pages: Community Services Director Ana Garcia explained that Administrative Assistant Jennifer Pages had accepted a job offer that is a better professional opportunity for her. Ms. Garcia thanked her for everything and Mayor Flinn presented her with a proclamation.

III. APPROVAL OF MINUTES:

- A. Minutes of the July 10, 2006 Council Meeting: Councilman Neidhart moved to approve the Minutes. Seconded by Councilman Breder. All voted in favor. The Motion carried (4-0).

IV. VILLAGE MANAGER'S REPORT: Mr. Scurr thanked the members of the Miami-Dade Fire Department for their assistance with the road dedication of Linda Hernandez Way. He thanked Councilman John Breder, also.

- A. FY 2005-06 Budget to Actual – Third Quarter Report: Mr. Chin provided a report, he noted that sales tax and fuel tax reflect only seven month's of collection. He noted that the Village is only spending approximately 58% of the overall budget with the Departments spending approximately 65% of the budget. He noted that there should be a small surplus at the end of the year.
- B. FY 2006-07 Proposed Budget: Mr. Scurr provided a budget presentation.

V. VILLAGE ATTORNEY'S REPORT: Attorney Boutsis stated that staff would like to discuss the Land Use Code at the next Committee of the Whole meeting. She announced that her offices have moved to its permanent location.

VI. BOARD AND COMMITTEE REPORTS: None.

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 \$9,466.43; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO MITIGATION; AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND (\$15,000.00) DOLLARS TO ADORNO &

YOSS, LLP, AS ONE-THIRD PAYMENT FOR LEGAL SERVICES FOR THE VILLAGE OF PALMETTO BAY, CITY OF DORAL AND TOWN OF MIAMI LAKES IN THE EFFORT TO PHASE-OUT MIAMI-DADE COUNTY'S INCORPORATION MITIGATION FEE; PROVIDING AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING 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 \$50,000; AND PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH METRO EXPRESS, INC. FOR CONCRETE REPAIRS ON SELECTED PUBLIC SIDEWALKS AND CURBING WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO \$25,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO EMERGENCY DEBRIS REMOVAL; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH MIAMI-DADE COUNTY QUALIFIED VENDORS FOR EMERGENCY DEBRIS REMOVAL; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to approve the Consent Agenda. Seconded by Councilman Breder. All voted in favor. Resolutions 06-82 through 06-87 were adopted unanimously (4-0).

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE OPTION AGREEMENT FOR SALE AND PURCHASE BETWEEN THE VILLAGE

OF PALMETTO BAY, FLORIDA COMMUNITIES TRUST AND THE TRUST FOR PUBLIC LAND FOR THE ACQUISITION OF THE C-100/BAYFRONT (HAAS) PROPERTY AS REQUIRED BY THE FLORIDA COMMUNITIES TRUST; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE DOCUMENT ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

Councilman Breder moved this item forward. Seconded by Councilman Neidhart. Mr. Scurr provided a report. He noted that adoption of this Resolution transfers co-ownership of the property from joint ownership between the Village and the Trust for Public Land to sole ownership of the Village. He thanked Mayor Flinn, Councilman Feller and staff for their dedication and representation of this matter in Tallahassee.

All voted in favor of the Resolution (4-0). Resolution 06-88 was adopted.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ACCEPTING THE PUBLIC LIBRARY CONSTRUCTION GRANT AWARD IN THE AMOUNT OF \$500,000 FOR THE CONSTRUCTION OF THE PALMETTO BAY BRANCH LIBRARY; APPROVING THE GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF STATE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved the item. Seconded by Councilman Neidhart. Mr. Scurr thanked Chief of Staff Olga Cadaval for her invaluable assistance with this grant. He announced that the Village had applied for the grant and through staff's professionalism and dedication; the Village was ranked first among all applicants.

All voted in favor of the Resolution (4-0). Resolution 06-89 was adopted.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING OF MIAMI-DADE COUNTY PARK AND RECREATION FULL AND CONTINUED DISCLOSURE AND CONDUCT A PROFESSIONAL VIABILITY STUDY OF THE CURRENT AND FUTURE PLANS CONCERNING ESTABLISHMENT OF A WETLANDS AREA FOR BILL SADOWSKI PARK; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilman John Breder)

Councilman Breder moved this item forward. Seconded by Councilman Neidhart. Mayor Flinn recognized Mr. Andrew Newman, representing Sadowski Park neighbors.

Mr. Andrew Newman, 17474 SW 79 Court, addressed the Council and provided information as to the issue at hand. He thanked Mayor Flinn, Councilman Breder and the Council for their assistance. He noted that Mayor Flinn had asked the County for a viability study, which has not been performed. He concluded that if the project is determined to be viable and would not negatively impact the neighbors, the neighbors prefer a binding agreement for maintenance and monitoring of the project.

Following brief discussion, all voted in favor of the Resolution (4-0). Resolution 06-90 was adopted.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CREATION OF AN OLD CUTLER ROAD AND BIKE PATH ADVISORY COMMITTEE FOR THE PURPOSE OF RENDERING AN ADVISORY REPORT TO THE VILLAGE COUNCIL REGARDING POSSIBLE IMPROVEMENTS TO THE ROAD AND BIKE PATH; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Councilman Neidhart moved the item. Seconded by Councilman Feller.

A five minute recess was taken.

Mr. Scurr provided staff report.

Following discussion, Councilmen Feller and Neidhart stated that they would make their suggestions for appointment and have them ratified at a later date. As Vice Mayor Robinson was not in attendance, it was suggested that she do the same.

Mayor Flinn suggested Julie LaVoie and Eric Tullberg. Councilman Breder suggested Mr. Bruce Barton.

The question was called. All voted in favor of the Resolution including appointing the three individuals to the Advisory Committee. Resolution 06-91 was adopted (4-0).

- IX. RESOLUTIONS REQUIRING PUBLIC HEARING:** None.
- X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCE:** None.
- XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None.
- XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** Eric Tullberg, 7884 SW 179 Terrace, addressed the Council.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Mr. Scurr advised that the Village will publish the proposed Charter amendments in the newspaper and the newsletter; however, staff would like direction concerning including a mailing regarding the ballot language from Chairman Tom Ringel. He reminded the Council that the swearing in would be held on September 11th, which is the next regular Council we may want to include a mailing regarding the proposal ballot language. He announced that the Ibus will begin operating on Wednesday and groundbreaking ceremonies for the Library and Palmetto Bay Park is forthcoming.
- B. Commander Scott Dennis provided a back-to-school safety report.
- C. Councilman Feller thanked the landscape architect and those performing tree planting with Public Works.

XIV. OTHER BUSINESS

XV. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:45 pm.

Prepared and submitted by:



Meighan J. Pier, CMC

Village Clerk

*Adopted by the Village Council on
this 4th day of October, 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.