

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING A POLICY CONCERNING ANTI-BULLYING IN VILLAGE PARKS AND FACILITIES; PROVIDING FOR SIGNAGE; PROVIDING FOR TRAINING; PROVIDING CONTACT INFORMATION FOR VICTIMS; AND PROVIDING AN EFFECTIVE DATE. [Sponsored by Vice Mayor John DuBois.]

WHEREAS, the Mayor and Village Council wishes to provide a policy to assist in preventing children from being bullied, including intentional tormenting through verbal harassment, physical assault, or other methods of coercion and manipulation, at our Village park and facilities; and,

WHEREAS, Florida Statute 1006.147, otherwise known as the “Jeffrey Johnston Stand Up for All Students Act”, mandated policies that must be in place in each public school throughout the State, which policies include various means and methods to prohibit bullying; and

WHEREAS, the Village Council believes it is appropriate to provide policy directives at all Village Parks and Village facilities in order to create much-needed anti-bullying efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. All Village Parks employees shall be appropriately trained in order to be able to quickly identify bullying, stop the bullying, and report it to the authorities.

Section 2. All coaches and trainers who utilize Palmetto Bay Parks, facilities, and fields shall be trained in anti-bullying efforts and shall provide written confirmation that they have received training and will do all in their ability to prevent bullying.

Section 3. A statement prohibiting bullying and harassment shall be posted at each Village park and facility.

Section 4. The Village Manager is directed to seek the cooperation of the Miami-Dade School District and private school operators to coordinate a contest among children of our local schools in order for “Anti-Bullying” signage to be designed. The contest winner’s (s’) drawing(s) shall be manufactured into signage that shall be installed at the Parks and facilities, designated as “Bully-Free” Zones.

Section 5. The Village’s After-Hours Phone number shall be publicized and available to anyone who wishes to report bullying that occurred within a Village facility.



To: Honorable Mayor and Village Council

Date: April 4, 2016

From: Edward Silva, Village Manager

Re: AIPP Advisory Board
Recommendation

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SECTION 30-160 OF THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION OF THE AIPP ADVISORY BOARD TO ACCEPT PAYMENT OF THE AIPP FEE IN LIEU OF THE PREVIOUSLY APPROVED ART PIECE AS AUTHORIZED PURSUANT TO RESOLUTION NO. 2010-10, FOR THE PROPERTY LOCATED AT 17225 SOUTH DIXIE HIGHWAY; AUTHORIZING THE VILLAGE MANAGER TO RELEASE THE PROPERTY OWNER FROM THE UNDERLYING DECLARATION OF RESTRICTIONS AS APPLYING THERETO; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS:

The property in question, is located at 17225 South Dixie Highway, and was developed in 2010 as a two (2) story mixed use development with office on the second floor and retail/restaurant on the first. On January 11, 2010, pursuant to Section 30-160, Art in Public Places (AIPP), the Village Council adopted Resolution No. 2010-10 (Exhibit A), approving the installation of an art piece for the property located at 17225 South Dixie Highway. The piece was a bronze sculpture of an individual fishing. The piece was to rest within a fountain located on the property's exterior plaza.

Once the new building and its facilities became operational, the property began to experience some theft and vandalism. Concerned that the sculpture may also be subject to theft or vandalism, the property owner decided to keep the sculpture as part of his private collection and instead opted to donate to the AIPP fund. At the time the original development was approved the payment in lieu requirements was 1.25%. That percentage was subsequently reduced to one percent in October of 2013. In light of the aforementioned, and with a building cost approximately \$1,500,000 to construct, the required contribution is \$15,000. The AIPP Board has met several times regarding this matter to discuss the options available to the property owner. At the AIPP Board's last

meeting of February 17, 2016, they confirmed their recommendation to accept the AIPP fee payment.

A Declaration of Restrictions was attached to the property to ensure the original art piece approval would be constructed at the property (copy of Declaration of Restrictions is attached as Exhibit B). However, a clause was provided which allowed for the release of that requirement by the appropriate Village officer. As such, the proposed Resolution authorizes the Village Manager to release the Declaration of Restrictions was the payment in lieu of is made.

FISCAL/BUDGETARY IMPACT:

The AIPP fund will grow by \$15,000. The AIPP Fund's current balance is approximately \$275,902.

RECOMMENDATION:

The Planning and Zoning Department recommends that the Mayor and Village Council approve the fee in lieu of the art sculpture as complying with the AIPP ordinance, with the following conditions:

1. That the AIPP fee be paid within 60 days of this order.
2. Failure to make payment will result in re-imposition of Resolution 2010-10.
3. No other development orders or permits shall be issued to the property until the conditions of this Resolution or Resolution No. 2010-10, whichever is applicable, are fulfilled.
4. That the Declaration of Restrictions shall not be removed until the AIPP payment is made in full.

Attachments:

- (Exhibit A) – Resolution No. 2010-10
- (Exhibit B) – Declaration of Restrictions



Darby P. Delsalle, AICP
Planning and Zoning Director

RESOLUTION NO. 2010-10

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-
5 IN-PUBLIC-PLACES (AIPP) PROGRAM, ACCEPTING THE
6 RECOMMENDATION OF THE AIPP ADVISORY BOARD TO
7 APPROVE THE ART SCULPTURAL FOUNTAIN AS DESIGNED BY
8 OCTAVIO CUELLAR TO MEET THE AIPP ORDINANCE
9 REQUIREMENTS FOR THE PALMETTO BAY POINT BUILDING
10 LOCATED AT 17255 SOUTH DIXIE HWY; PROVIDING FOR
11 SEVERABILITY; AND, AN EFFECTIVE DATE.
12

13 WHEREAS, on October 1st, 2007 the Mayor and Village Council established the Art-in-
14 Public-Places (AIPP) Program via Resolution 07-05, designed to promote the general welfare by
15 encouraging pride in the community, increasing property values, enhancing the quality of life
16 through artistic opportunities, uniting the community through shared cultural experiences, and
17 creating a cultural legacy for future generations through the collection and exhibition of high-quality
18 art pieces that reflect diverse styles, chronicling history through the collection of artifacts,
19 documents and memorabilia that will acknowledge the past and create programs and activities that
20 will further these goals; and
21

22 WHEREAS, as part of the program, an advisory board was created to oversee the public
23 education, and curatorial aspects of the program; and
24

25 WHEREAS, the developer of the Palmetto Bay Point Building project located at 17225
26 South Dixie Highway has submitted a proposal for the sculptural fountain to the Art-in-Public-
27 Places Advisory Board to meet the requirements of the AIPP Program; and
28

29 WHEREAS, after several meetings and design modifications, the Advisory Board accepted
30 the design proposal entitled "Titina" as prepared by Octavio Cuellar, dated stamped received
31 October 13th, 2009, attached hereto as Exhibit 1, 2 & 3; and Pursuant to Section 30-160.2(a) of the
32 Village Code, entitled "art works" includes a fountain; and
33

34 WHEREAS, the AIPP Board has determined that the proposed sculptural fountain meets
35 the general criteria of the AIPP Program pursuant to Section 30-160.5 "Selections of Works of Art"
36 in that the proposed sculptural fountain is found to be appropriate to the site and the surrounding
37 neighborhood, and that it is not intrusive in nature. The Board finds the proposed location to be
38 highly visible and accessible to pedestrian and vehicular traffic and that it reflects the cultural ethnic
39 diversity of the Village and South Florida; and
40

41 WHEREAS, the Board has determined that the proposed fountain meets the general
42 criteria of the AIPP Program requirements that calls for an on-site art installation equal to 1.25% of
43 the "projects valuation" on the "total value of the improvements as indicated on the building permit
44 application"; and
45

1 **WHEREAS**, the proposed construction value of the Palmetto Bay Point Center is
2 estimated at \$1,500,000 with a minimum AIPP requirement of \$18,750; and
3

4 **WHEREAS**, the proposed and recommended art sculptural fountain construction cost is
5 estimated at \$25,000, a value exceeding the minimum requirement by \$6,250.
6
7

8 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
9 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
10

11 **Section 1.** The Mayor and Village Council hereby accepts the recommendation of the
12 Art-in-Public-Places Advisory Board to approve the design proposal for an art sculptural fountain
13 entitled "Titina" as designed by Octavio Cuellar, dated stamped received October 13th, 2009,
14 attached hereto as Exhibit 1, 2 & 3, for the installation at the Palmetto Bay Point Building
15 development located at 17255 South Dixie Hwy in accordance with the provisions of the AIPP
16 Ordinance with the following conditions:
17

- 18 1. That a plaque or equivalent form of permanent signage acknowledging the artist, other
19 design professionals involved in the project and the Village of Palmetto Bay must be sited in
20 a publicly accessible location near the art work. The physical dimensions of the plaque
21 should allow for the utmost legibility of the information contained on it, and should vary
22 appropriately with the scale of the artwork and the site. It should not intrude on the physical
23 artwork. The plaque should include:
24

25 Name of Artist(s)
26 Title of Art Work
27 Date of Art Work Completion
28 Art Consultant
29 Name of Developer
30 In Association with the Village of Palmetto Bay
31

32 Final plaque layout shall be is subject to the Department of Planning and Zoning approval.
33 The Artist shall enter into a written agreement as prepared by the Village Attorney pursuant
34 to the requirements under Section 30-160.6(d) of the Village Code.
35

- 36 2. That the proposed sculptural fountain is to comply with the requirements of all other
37 applicable departments/agencies as part of the Village of Palmetto Bay building permit
38 submittal process.
39
- 40 3. That the proposed sculptural fountain shall comply with the requirements of Section 30-
41 160.9 of the Village Code, entitled "Certificate of Occupancy," which provision provides
42 that final approval, such as a final inspection or a certificate of occupancy, for any
43 development project shall issue unless compliance with the Village's AIPP Program is
44 achieved. In this case, the art work must be installed in a manner satisfactory to the Village
45 Council in compliance with the Village's AIPP Ordinance.
46

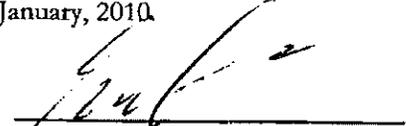
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

4. That the proposed sculptural fountain comply with Section 30-160.14 of the Village Code, entitled "Ownership and Maintenance of Artwork Placed on the Site of a Project." The obligation to provide all maintenance necessary to preserve and maintain the art work in good condition shall remain with the owner of that site and the owner's successors and assigns, unless an agreement with the Village is reached and recorded. The obligation to maintain the art work shall be enforced as provided in the Village AIPP Ordinance, and a covenant prepared by the Village Attorney, executed by the applicant, shall be recorded for a period of five years setting forth a description of the art work and acknowledging the obligation of the property owner to repair and maintain it. This document and the underlying covenant shall run with the land and provide notice to future property owners of the obligation to repair and maintain the art work and of certain limitations related to any federal, state or local laws governing the rights of the artists including but not limited to rights regarding the alteration, modification or relocation of subject art work. After the expiration of the covenant the property owner shall be required to maintain the artwork as approved pursuant to Section 30-160.14 of the Village Code.

Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 11th day of January, 2010.

Attest: 
Meghan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:

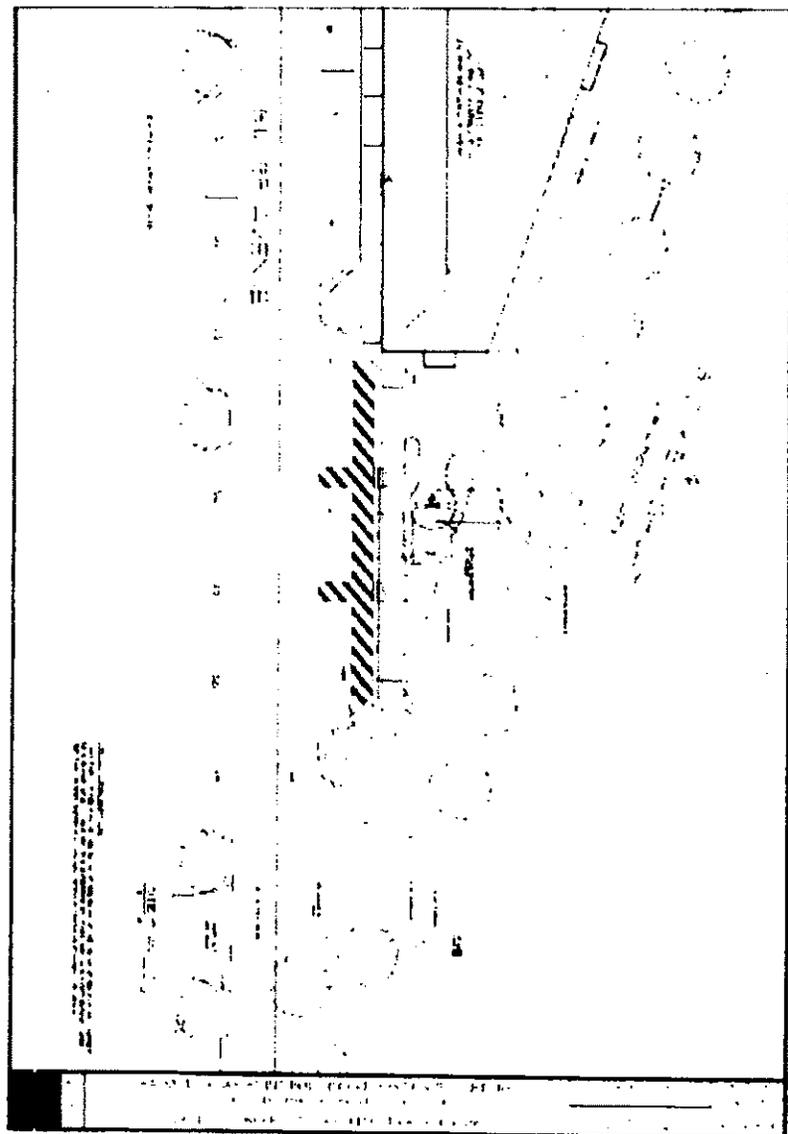

Eve A. Boutsis, Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Ed Feller YES
- Council Member Howard Tendrich YES
- Council Member Shelley Stanczyk YES
- Vice-Mayor Brian Pariser YES
- Mayor Eugene P. Flinn, Jr. YES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

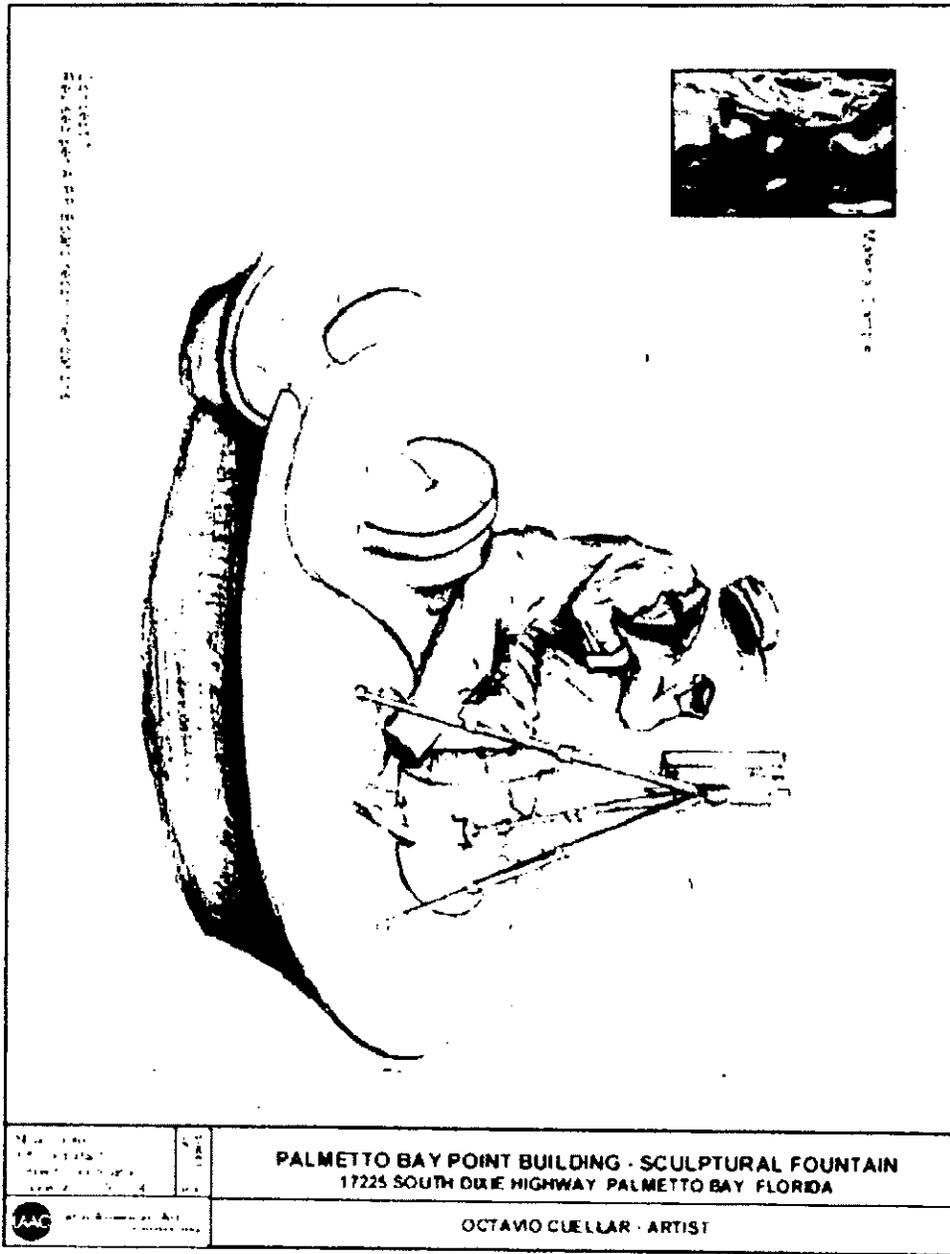
Exhibit 1



Site Plan

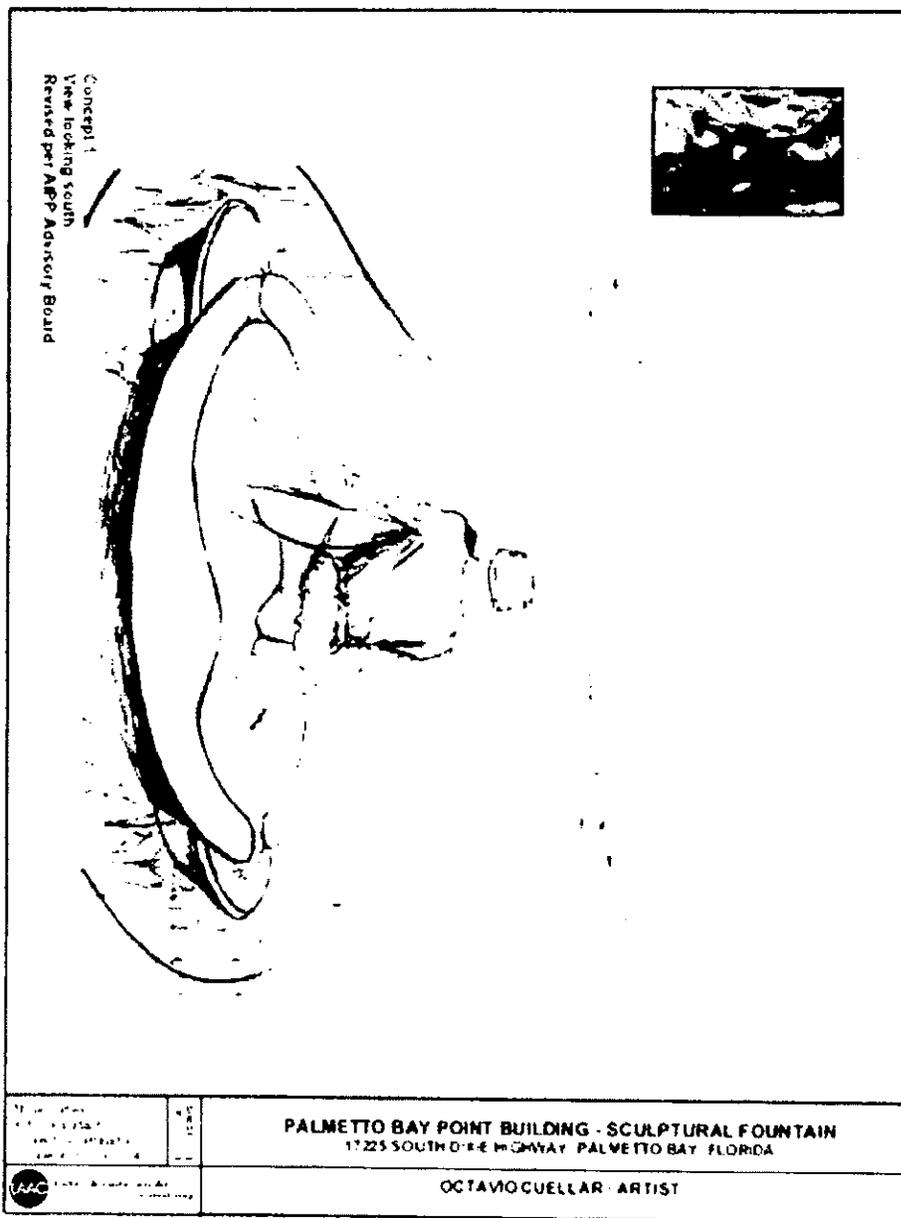
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Exhibit 2



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Exhibit 3



Rendering, view looking south



CFN 2010R0087987
 DR Bk 27176 Pgs 4886 - 4892 (7pgs)
 RECORDED 02/09/2010 09:42:44
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA



This instrument was prepared by:
 Name: Eve A. Boutsis, village attorney
 Address: 18001 Old Cutler Road, Suite 533
 Palmetto Bay, Florida 33157

Exhibit B

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in the Village of Palmetto Bay ("Village"), Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the Village that the representations made by the owner during consideration of the development at the property, and compliance with the Village's Art in Public Places Program, Division 30-160, of the Village's Code of Ordinances, will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That in conjunction with the underlying development approval, the property shall be tied to and construction on the property shall comply with the attached site plan, entitled "Palmetto Bay Point Building - Fountain Sculpture" as prepared by David J. Cabarrocas dated stamped received October 13th 2009 to this declaration of restrictions, which site plan reflects the installation of a public art piece on the property.

(2) Any substantial modification or abandonment of the art piece as reflected on the attached site plan shall require public hearing. The art work shall be identified as follows:

Name of Art Piece: "Titina"

Location of Art Work: 17225 S. Dixie Hwy, Palmetto Bay, FL 33157

Name of Artist: Octavio Cuellar



7

(Space reserved for Clerk)

(3) **Village Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the Village of Palmetto Bay, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

(4) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns for a period of five years from execution and shall automatically expire upon the completion of the five years, from recording. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of the Village of Palmetto Bay and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the Village of Palmetto Bay.

(5) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of five (5) years from the date this Declaration is recorded. At the end of the five year period, the parties shall record an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to the release of the Declaration by the Village of Palmetto Bay.

(6) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the village council of the Village of Palmetto Bay, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the director of the Village's Art in Public Places Program, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

(7) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.



(Space reserved for Clerk)

(8) **Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the Village of Palmetto Bay is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

(9) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

(10) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the Village of Palmetto Bay, and inspections made and approval of occupancy given by the Village, then such construction, inspection and approval shall create a rebuttable presumption that the art work, buildings or structures thus constructed comply with the intent and spirit of this Declaration.

(11) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the Village of Palmetto Bay shall be entitled to revoke any approval predicated upon the invalidated portion.

(12) **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the director of the Art in Public Places Program or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.



(Space reserved for Clerk)

(13) **Acceptance of Declaration.**

Acceptance of this Declaration does not obligate the Village of Palmetto Bay in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the village council of the Village of Palmetto Bay retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

(14) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

(15) **Indemnification.** Owner, voluntarily agrees to defend, indemnify and hold the Village harmless against any liability, loss, damage, costs or expenses (including reasonable attorneys' fees and court costs) arising from any claim, action or liability related to the art work. Owner has provided a site plan, approved by the Village Council demonstrating that that the art work will be displayed in a public place. Owner covenants that he shall maintain the art work in compliance with Section 30-160.14 of the Village's Code of Ordinances.

(16) **Title to Art Work.** Owner of the development agrees, acknowledges, and covenants that all right, title and interest to the subject art work is vested in the Village.

(17) **Approval Process.** Owner acknowledges that pursuant to Section 30-160.13 "Approval for placement of Art Work on Private Property; Donations of Art Work in lieu of a fee; Donations", that the application is to be submitted to the Art in Public Places Board and Village Council, as provided for under 30-160.6. The Village Council is entitled to review and approval of the art work including consideration of the art work's conformity to the definition of "art work," its aesthetic quality and harmony with the existing on-site improvements and neighborhood, and its proposed location and public accessibility.

(18) **Maintenance.** Owner agrees, acknowledges and covenants that prior to installation of the art work on the development property, that this document shall be recorded in the public records, and that Owner shall be responsible for the perpetual maintenance of the art work as required by Section 30-160.14, which requires:

(a) This document and the underlying covenant shall run with the land and provide notice to future property owners of the obligation to repair and maintain the art work and of certain limitations related to any federal, state or local laws governing the rights of the artists including but not limited to rights regarding the alteration, modification or relocation of subject art work.



(Space reserved for Clerk)

(b) Maintenance of art work, as used in this division, shall include, without limitation, preserving the art work in good condition to the satisfaction of the Village, protecting the art work against physical defacement, mutilation or alteration, and securing and maintaining insurance coverage for fire, wind, vandalism and extended liability for an amount equal to the appraised, replacement value.

(c) At any time the Village Council determines that art work has not been maintained in substantial conformity with the manner in which it was originally approved, the code compliance division of the Village, as authorized by the Village Council, shall require the current property owner to either:

(i) Repair or maintain the art work; or

(ii) After reasonable notice, pay the lesser of either the costs estimated by the Village to be required to repair and maintain the art work and/or secure and maintain insurance for the art work, or the percent for the art fee required under this division, based upon the current fee schedule and the current fair market value of the building, structure or improvement for which the art work was required, as determined by the county tax assessor.

(d) Stolen or removed art works are to be replaced by the owner. Replaced pieces are to be reviewed and approved by the Village Council subject to the criteria set forth in this division.

(e) All art work donated to the Village shall become the property of the Village upon acceptance by the Village Council.

[Execution Pages Follow]



(Space reserved for Clerk)

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year above written.

WITNESSES:

[Handwritten Signature]
Signature

By: ISAAC DEESOL
Owner

Title: President / owner

Print Name

Signature

Print Name

STATE OF FLORIDA)

) SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 5 day of January, 2010 by ISAAC DEESOL. He is personally known to me, or has produced _____ as identification and that she/he did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

[Handwritten Signature]
Notary Public, State of Florida

Reina Pino
Print Name

NOTARY PUBLIC-STATE OF FLORIDA
Reina Pino
Commission #DD661384
Expires: APR. 10, 2011
BONDED THRU ATLANTIC BONDING CO., INC.



EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Section 33 Township 55 Range 40 0.29 Acres, That portion of the North 1/2 of the North West 1/4 of Southwest 1/4 of Northwest 1/4 less East 25 feet lying Easterly of Perrine By-Pass. LOT SIZE 12210 SQUARE FEET COC 23917-0250/0251 1005 6

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on 7th day of
Feb, A.D. 2010

WITNESS my hand and Official Seal.
HARVEY BLVIN, CLERK, of Circuit and County Courts
By [Signature] 2/26/10



PROPOSED
RESOLUTION

RESOLUTION NO. _____

1
2
3
4 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**
5 **THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO**
6 **SECTION 30-160 OF THE ART-IN-PUBLIC PLACES (AIPP)**
7 **PROGRAM, ACCEPTING THE RECOMMENDATION OF THE AIPP**
8 **ADVISORY BOARD TO ACCEPT PAYMENT OF THE AIPP FEE IN**
9 **LIEU OF THE PREVIOUSLY APPROVED ART PIECE AS**
10 **AUTHORIZED PURSUANT TO RESOLUTION NO. 2010-10, FOR**
11 **THE PROPERTY LOCATED AT 17225 SOUTH DIXIE HIGHWAY;**
12 **AUTHORIZING THE VILLAGE MANAGER TO RELEASE THE**
13 **PROPERTY OWNER FROM THE UNDERLYING DECLARATION**
14 **OF RESTRICTIONS AS APPLYING THERETO; PROVIDING FOR**
15 **SEVERABILITY; AND AN EFFECTIVE DATE.**
16
17

18 **WHEREAS**, on October 1st, 2007 the Mayor and Village Council established the Art-
19 in- Public Places Program (AIPP) via Resolution 07-05, designed to promote the general welfare
20 by encouraging pride in the community, increasing property values, enhancing the quality of life
21 through artistic opportunities, uniting the community through shared cultural experiences, and
22 creating a cultural legacy for future generations through the collection and exhibition of high-
23 quality art pieces that reflect diverse styles, chronicling history through the collection of artifacts,
24 documents and memorabilia that will acknowledge the past and create programs and activities
25 that will further these goals; and
26

27 **WHEREAS**, as part of the program, the Village's AIPP Advisory Board was created to
28 oversee the public education, and curatorial aspects of the program; and
29

30 **WHEREAS**, on January 11, 2010, pursuant to Section 30-160, Art in Public Places
31 (AIPP), the Village Council adopted Resolution No. 2010-10, approving the installation of an art
32 piece for the property located at 17225 South Dixie Highway; and
33

34 **WHEREAS**, since that time the owner of the property, citing concerns of theft and/or
35 vandalism, no longer desires to locate the sculpture in the plaza area of the property and now
36 prefers to pay the AIPP fee instead; and
37

38 **WHEREAS**, in light of those concerns, the Village sponsors this request in order to
39 minimize any additional expense that the property owner may incur beyond the required AIPP
40 fee; and
41

42 **WHEREAS**, the AIPP Advisory Board recommends, pursuant to Section 30-160,
43 allowing the applicant to pay the AIPP fee in lieu of providing the art installation; and
44

45 **WHEREAS**, pursuant to 30-160, the AIPP fee amount equals 1% of the cost of the
46 development project subject thereto; and
47

1 **WHEREAS**, the construction value of the property 17225 South Dixie Highway was
2 approximately \$1,500,000 with a minimum AIPP requirement of \$15,000; and
3

4 **WHEREAS**, the Village Council now desires to accept the AIPP Fee of \$15,000, in lieu
5 of the previous order, Resolution No. 2010-10, which was rendered on January 11, 2010.
6
7

8 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
9 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

10
11 **Section 1.** The Mayor and Village Council hereby accepts the recommendation of
12 the Art-In-Public-Places Advisory Board to accept the AIPP fee of \$15,000 in lieu of the prior
13 order, Resolution No. 2010-10, for the property located at 17225 South Dixie Highway with the
14 following conditions:
15

- 16 1. That the AIPP fee be paid within 60 days of this order
- 17 2. Failure to make payment will result in re-imposition of Resolution 2010-10.
- 18 3. No other develop orders or permits shall be issued to the property until the conditions of
19 this Resolution or Resolution No. 2010-10, whichever is applicable, are fulfilled.
20

21 **Section 3. Release of Declaration of Restrictions.** The Mayor and Village Council
22 authorizes the Village Manager to release the Declaration of Restrictions as recorded in the
23 Miami-Dade County Public Records, OR BK 27175 Pages 4886-4892, from the property located
24 at 17225 South Dixie Highway, once the AIPP fee of \$15,000 is made in full to the Village of
25 Palmetto Bay.
26

27 **Section 3. Effective Date.** This Resolution shall take effect immediately upon
28 approval.
29

30 **PASSED and ADOPTED** this _____ day of April, 2016.
31
32
33
34

35 Attest: _____
36 Meighan Alexander
37 Village Clerk
38
39
40

Eugene Flinn
Mayor

41 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
42 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**
43
44
45

46 Dexter W. Lehtinen
47 Village Attorney
48

1
2
3
4
5
6
7
8
9
10
11
12
13
14

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

RESOLUTION NO. _____

1
2
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**
4 **THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING**
5 **PURCHASE OF VILLAGE SHIRTS FOR THE VILLAGE'S YOUTH**
6 **COMMUNITY INVOLVEMENT BOARD; PROVIDING AN**
7 **EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)**
8

9 **WHEREAS**, the Mayor and Village Council are desirous of supporting the efforts of the
10 Youth Community Involvement Board; and
11

12 **WHEREAS**, this Board will be volunteering on behalf of the Village at various
13 community events and it is appropriate for the young people to be identified as being involved
14 and representing the Village.
15

16 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
17 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
18

19 **Section 1.** The Village of Palmetto Bay, Florida, expresses its support of the
20 activities of the members of the Youth Community Involvement Board.
21

22 **Section 2.** The Village Manager is authorized to purchase appropriate Village shirts
23 for the members of the Youth Community Involvement Board. The Board members shall be
24 provided a copy of the Village's Uniform Policy.
25

26 **Section 3.** This Resolution shall become effective upon the date of its adoption
27 herein.
28

29 PASSED AND ADOPTED this ____ day of April, 2016.
30
31
32

33 Attest: _____
34 Meighan J. Alexander
35 Village Clerk
36
37

Eugene Flinn
Mayor
38

39 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
40 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
41
42

43 _____
44 Dexter W. Lehtinen
45 Village Attorney
46
47

48
49
50
51
52
53
54
55
56
57
58
59
60
61

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____
Council Member Tim Schaffer _____
Council Member Larissa Siegel Lara _____
Vice-Mayor John DuBois _____
Mayor Eugene Flinn _____