

## NEIGHBORHOOD PROTECTION COMMITTEE

### MINUTES OF FEB. 12, 2020

Meeting called to order at 5:03 PM by Chairman Joe Bier

#### Members present:

Joe Bier, Chairman  
Bev Gerald, Secretary  
Jennifer Finger-Santino  
Gene Flinn (arrived late)  
Gary Pastorella (arrived late)  
Councilmember Marsha Matson, Committee Liaison

#### Staff present:

Interim Manager, Greg Truitt  
Wes Maltby, Building and Zoning Official  
Alan White, Code Compliance Officer  
Maria Peneda, Planning

#### Residents present:

Margaret Losinski  
Conando Vazquez

Joe Bier welcomed committee, staff and public to the meeting. Councilwoman Matson thanked the three members of our committee, Bier, Gerald, and Pastorella, who attended the Council meeting on Feb. 3<sup>rd</sup> to press for the extension of our committee meetings.

Public comment from Margaret Losinski:

She had a list of issues that she thought might be important to address:

- a. Birth control and rabies vaccinations for wild animals
- b. Exotic animals registered in the Village? Gary stated that he believed that there is no exotic pet registration in Miami-Dade County, but that certain animals are regulated by the state. Discussion ensued between Truitt and Margaret.
- c. Shrub trimming-need to have clear sight along the rights-of-way for safety reasons. Maltby explained there is a list of what you can and cannot plant in the rights-of-way. Look into code language of clear sight triangle-need to eliminate visibility hazard.
- d. Golf operations. Margaret mentioned the upcoming Golf Cart Extravaganza in Palmetto Bay Park. Some of her concerns: seat belts not required? What about underage golf cart drivers? Thinks education for golf cart drivers important—too many scofflaws.

Truitt: Our ordinance says carts can only be operated on non-county roads, but from police aspect, they only stop a cart if it is being driven by an underage driver or in an unsafe manner. All golf carts in the Village must be registered.

Maltby: Look at Sections 28-51 and 28-56 as to what police can enforce.

Problems with golf carts operating on bike paths which do not allow motorized vehicles.

Santino-Finger: At an event in Coral Reef Park, golf carts do not stop at stop signs.

Truitt: What is enforced is reckless driving, children sitting in laps of adults.

Bier: There is an opportunity to bring recommendations regarding golf cart operation to the Council.

e. There is no stop sign at SW 176<sup>th</sup> Street and 94<sup>th</sup> Avenue—one way going north

Matson: Reported on Council's trip to Tallahassee:

The Councilmembers requested funding for the Rec. Building in Coral Reef Park.

State will eliminate any ordinances that were not passed before 2011 regarding short term rentals.

There are definitely neighborhood parking issues based on the prevalence of B and B's, especially with party houses, as described by Pastorella in his neighborhood.

Miami Beach has had a tremendous battle with the state regarding the Beach's regulation of B and B's.

There is a registration fee of \$150 for a short term rental. Question: Is this per rental, or for a whole year?

Manager, Peneda, Maltby and Police Department met about short-term rentals. One example: the use of Village homes for making videos. Peneda stated that Pinecrest has a per day filming fee schedule as follows:

Registration: \$100

First day of filming: \$500

Second day of filming: \$1000

Third day of filming: \$2000

It was noted that use of a home for a B and B can jeopardize the home's homestead exemption. A lien could be assessed against the property.

Minutes of previous meeting on January 29, 2020 were approved 4-0 (Pastorella not yet present).

Bier thanked Councilwoman Matson for her info on the short term rentals coming out of Tallahassee. "We need to protect our residents."

From Bier's list, Section II:

Quasi-Judicial procedures. Did not have documents and will prepare written report. Discussion about public records requests made by Pastorella and Flinn. Pastorella withdrew his request, but Flinn did not, explaining that he wanted to know if there was any communication from the appointing Councilmember to members of our committee after Gerald asked the purpose of his request. Flinn said that "public records are a fact of life, not sinister." Neither Bier, Santino-Finger, nor Gerald got the public records request from Flinn.

Santino-Finger: Gets a lot of her info from Facebook.

Staging areas: Motion to restrict dirt being placed on adjacent residential properties. Motion passed, 4-0.

Parking for Palmetto Station loading zone is on SW 180<sup>th</sup> Street.

Bier would like to specify construction storage location. Peneda asked how is fill used for construction profit? Bier gave the example of a huge pile of fill that was placed on an adjacent residential parcel.

Peneda: When Village discusses staging for residential property they “have to have concurrency.”

Example: With Parkview, to minimize impacts to the vicinity of the construction, they could not build without using another space for staging. There is 4-phase construction—open space next to park is used for construction staging. Cannot the footprint of the Parkview property be used for staging?

Flinn: Feels the Village should not be leasing property for construction staging. What about the parking?

Santino-Finger: She has been working for months in a major construction zone at Palmetto High School and the contractors have figured out how to minimize noise, dust, and safety issues. She is amazed that developers insist on causing disruption, since there has been very little at Palmetto SHS. Also the site has been constantly watered.

Miami-Dade Public Schools is the entity overseeing this construction. There have no construction materials placed in the student parking lot. The Village rents out the lot to the School Board for students’ cars.

Truitt: What is per square foot cost of construction?

Item III: Hardship concerning inability to dig down into the ground. White said we should look at ordinances.

Item IV: Committee relayed to late-arriving Pastorella about upcoming policies on short-term rentals.

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Pastorella: Proposal put forth by David Singer did not address minimum stays, but these will be pre-empted by new state legislation.

Should we have a resort tax? Should Village be issuing special event permits to homeowners?

Peneda: No timeframe or parameters for renewal restriction to deal with single-family homes. He mentioned again about the ongoing problems at 14201 Old Cutler Rd., close to his home.

Peneda: We need to look at special events application for up to 30 days, but there is no language addressing how many times a property can hold special events.

Flinn: What about filming of telenovelas or huge parties? Recommend limitation on huge parties where fees are charged. Charging for events at private homes should be limited. This can be certified.

Truitt: If a car is legally parked in a swale area, then the car’s owner cannot be arrested.

Pastorella: We need to address the groundwater pollution that occurs to wells in the vicinity of these huge parties in private homes. Waste leaches into the wells on his street, for example

Bier: We need to consider language in an application and we need to move on with our recommendations prepared by our members:

Santino-Finger: She had prepared a Noise packet. Parks and Rec. Dept. will have two meters (one new).

Truitt: Citations can be issued for noise, as watering infractions can be, but no arrests.

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Flinn: Mentioned that there could be indemnification issues with the Village if we try to enforce municipal ordinances—the Village could be sued.

If there are problems with a B and B, it can be referred to the Code Compliance office in order to enforce. But Bier mentioned if the enforcement isn't immediate, the lapse of time can be too long to remedy the situation.

Truitt: Our police force is not going to be arresting residents for violations—but they can be giving out citations.

The County has a Nuisance Abatement Board. If there are three or more violations by a B and B in one year, their license can be suspended. There are 400 registered B and B's currently in Palmetto Bay.

Pastorella: Suggested applying night-time laws to barking dogs. Flinn disagreed, as he said that dogs will bark at squirrels and does not want us to pass restrictions on barking dogs.

Bier reported on the County meeting on transportation.

It was decided to start with Santino-Finger's recommendations at the next meeting.

Meeting adjourned at 7:05 PM.

Respectfully submitted,

Bev Gerald  
Secretary