

VILLAGE OF PALMETTO BAY
Minutes of the Council Meeting of Monday, October 6, 2008
Deering Estate Visitor's Center
16701 SW 72 Avenue

I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Council Member Ed Feller
Council Member Paul Neidhart
Council Member Shelley Stanczyk

Staff present:
Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

Mayor Flinn called the meeting to order at 7:00 p.m. Mayor Flinn led the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Acknowledgement to Mayor and Council from South Florida Parenting

Director of Parks and Recreation Ana Garcia introduced Susan Miguelez from South Florida Parenting Magazine. Ms. Migueles presented the Council with the "Kids Crown Award for the Best Toddler Park" for Coral Reef Park. She explained that this designation was made following tally of a vote by their readers. She noted that the designation is published in the July edition of South Florida Parenting Magazine.

Mayor Flinn thanked South Florida Parenting Magazine and encouraged all to read the magazine. He recalled that improvement of Parks was one of the main reasons for incorporation. Councilman Feller remarked about how pleased the public is regarding the boundless playground. Mayor Flinn thanked Olga Cadaval for her grant writing ability.

3. APPROVAL OF MINUTES

- A. Minutes of the September 8, 2008 Regular Council Meeting
- B. Minutes of the September 8, 2008 Budget Hearing
- C. Minutes of the September 17, 2008 Final Budget Hearing

Vice Mayor Robinson moved to approve. Seconded by Councilman Feller. All voted in favor. The Minutes were approved.

4. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO "PIGGY BACK" ONTO THE EXISTING AGREEMENT BETWEEN THE VILLAGE OF PINECREST AND ENVIROWASTE SERVICES GROUP, INC. FOR ADDITIONAL STORM DRAIN CLEANING SERVICES WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CLEANING SERVICES AT THE VILLAGE OF PALMETTO BAY, VILLAGE HALL MUNICIPAL OFFICES; AUTHORIZING THE VILLAGE MANAGER TO RENEW THE CONTRACT WITH KELLY JANITORIAL SYSTEMS, INC. TO CONTINUE PROVIDING CLEANING SERVICES AT VILLAGE HALL MUNICIPAL OFFICES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$22,654.32; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SIDEWALK IMPROVEMENTS; AUTHORIZING ATLANTIC CIVIL, INC. TO CONTINUE PROVIDING SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. 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 \$24,279.10; PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART IN PUBLIC PLACES PROGRAM, EXTENDING THE TERM OF TWO ADVISORY BOARD MEMBERS WHO ARE CURRENTLY SERVING ONE-YEAR TERMS TO CONCLUDE DECEMBER 31, 2008; PROVIDING AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TREE PLANTING SERVICES; AUTHORIZING GROUND KEEPERS, INC. TO CONTINUE PROVIDING TREE PLANTING SERVICES IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER

AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$77,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the Consent Agenda items. Seconded by Vice Mayor Robinson. All voted in favor. The Resolutions were adopted (5-0).

Clerk Rader announced that Mayor Flinn had presented an add-on item; she read the caption. Councilman Feller moved to add the matter as Item 9E. Seconded by Vice Mayor Robinson. All voted in favor.

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

At Mayor Flinn's request, Councilwoman Stanczyk expressed how pleased she was that the Council modified the Ordinance to change the order of the Agenda in order to facilitate public participation.

The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; James Woodard, 17001 SW 90 Avenue; Carol Wohlberg, 7825 SW 148 Street; David Heffernan, 14675 SW 78 Avenue; Beth Kibler, 7462 SW 166 Terrace; and, Henry Clifford, 8875 SW 171 Street.

6. VILLAGE MANAGER'S REPORT

Manager Williams provided a report. He advised that staff will be focusing on implementation of the priorities defined in this fiscal year's budget. He updated the Council with regard to the clean-up of foreclosed properties, noting that 30 properties have been addressed at a cost of approximately \$19,000 (\$30,000 had been allocated). He noted that 34 of the problem properties were cleaned by the property owners or their agents, due to the efforts of the Village's Code Compliance Officers.

Clerk Rader reported the following meetings: October 10th, 10 am: groundbreaking of the Miami-Dade County Palmetto Bay water and sewer infrastructure improvement project; October 14, 7 pm: Zoning hearing at Southwood Middle School; October 15, 7 pm: State of the Village Address at Palmetto Bay Village Center; October 22, 6 pm: Committee of the Whole Meeting, 900 Perrine Avenue; November 2, 9 am: Open Air Farmer's Market located between 174th Street and Datura Street on Perrine Avenue – and will be held every Sunday thereafter until April; and November 3, 7 pm: Council Meeting, Deering Estate Visitors Center. She reminded all to vote on November 4th.

7. VILLAGE ATTORNEY'S REPORT

Attorney Boutsis provided her report in writing. She asked for Council to provide guidance on items at the next Committee of the Whole meeting.

8. BOARD AND COMMITTEE REPORTS: None.

9. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO EXTENDING THE USE CONTRACT FOR CORAL REEF PARK, BASEBALL FIELD 3; PROVIDING FOR A FIVE YEAR EXTENSION OF THE OF THE EXISTING NON-EXCLUSIVE USE INTERLOCAL AGREEMENT FOR PALMETTO SENIOR HIGH SCHOOL; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember Paul Neidhart).

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

Attorney Boutsis provided staff report.

Councilman Neidhart remarked that the school has been a good tenant and approval of this Agreement would offer a "feeling of permanency" for the team. He asserted that the School Board has not made progress in finding a field for Palmetto High.

Councilman Feller offered history of Palmetto High's use of the field. He agreed that the school has been a good tenant and added that the police need to be "vigorous" in towing illegally parked cars. He stated that he is not in favor of a five year contract and feels short-term agreements are more advantageous. Vice Mayor Robinson and Councilwoman Stanczyk concurred.

Mayor Flinn asked for clarification of the termination clause.

Attorney Boutsis replied that a 30-day written notice by either party is included.

Mayor Flinn remarked that the baseball team was ready to take the fence down at the end of their seasons, but the Village kept the fence up through the summer for summer ball and some clinics – the field was not exclusively used by Palmetto High.

Vice Mayor Robinson asked if anyone could use the field. Manager Williams stated that any user could enter into a user agreement.

Councilman Neidhart reiterated that five years offers a sense of permanence to a school that is turning 50 years old this month.

Councilman Feller moved to amend the contract to change the term to three years from the date of the termination of the current contract, which is May of 2009. He directed attorney Boutsis to commence negotiations at the end of the second year. Councilman Neidhart accepted the amendment. All voted in favor of the amendment. The motion carried (5-0).

All voted in favor of the revised Resolution. The Resolution was approved unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ROADWAY

RESURFACING AND ROADWAY STRIPING; AUTHORIZING H & J ASPHALT, INC. TO CONTINUE PROVIDING RESURFACING AND STRIPING OF PUBLIC ROADWAYS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$200,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He noted that this effort continues the Village's annual resurfacing program, focusing in the southern area of Palmetto Bay.

Councilwoman Stanczyk called the question. All voted in favor. The Resolution was approved unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING IN THE AREA OF SW 174TH STREET BETWEEN SW 90TH AVENUE AND US-1 AND SW 92ND AVENUE BETWEEN SW 174TH STREET AND SW 184TH STREET; APPROVING THE SELECTION OF TASCO PLUMBING AND MECHANICAL CORP., TO PROVIDE CONSTRUCTION SERVICES FOR PERMANENT TRAFFIC CHICANES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$153,509.56; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this item forward. Seconded by Councilman Neidhart.

Manager Williams provided staff report. He stated that approval continues the Village-wide effort to address traffic issues. He noted that the neighbors appear to be supportive.

Councilwoman Stanczyk expressed her support, as did Mayor Flinn, adding that 77th Avenue needs attention also.

Councilwoman Stanczyk called the question. All voted in favor. The Resolution was approved unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF GROUND KEEPERS ENVIRONMENTAL MAINTENANCE AND LANDSCAPE DEVELOPMENT TO PROVIDE GROUNDS MAINTENANCE SERVICES, INCLUDING MAINTENANCE OF ATHLETIC FIELDS, FOR VILLAGE PARKS PURSUANT TO BID NO. 2008-PR-01; APPROVING A CONTRACT WITH SAID FIRM FOR AN INITIAL THREE-YEAR TERM, AND A ONE-YEAR EXTENSION OPTION; AUTHORIZING THE VILLAGE MANAGER TO

ISSUE A PURCHASE ORDER NOT TO EXCEED \$234,400; AND PROVIDING FOR AN EFFECTIVE DATE. (Staff requests withdrawal)

Manager Williams advised that staff has withdrawn this item.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING FOR AND ENCOURAGING THE STATE OF FLORIDA, THE SCHOOL BOARD AND INDIVIDUAL SCHOOLS, BOTH PUBLIC AND PRIVATE TO PROVIDE EDUCATION AND TRAINING TO STUDENTS IN ORDER TO PREVENT TEEN DATING VIOLENCE; SUPPORTING THE EFFORTS OF THE STATE IN ENACTING HB 313, THE "DATING VIOLENCE BILL," WHICH PROVIDES RIGHTS TO VICTIMS OF DATING VIOLENCE AND MAKES A VIOLATION OF THIS LAW A CRIMINAL OFFENSE; THANKING THE STATE LEGISLATURE FOR ENACTING THE "ANTI-BULLYING LAW AND THE DATING VIOLENCE LAWS, WHICH BECAME EFFECTIVE OCTOBER 1, 2008; THE VILLAGE DESIRES TO PROMOTE AND ENCOURAGE EDUCATIONAL PROGRAMS FOR TEENS TO BRING THE SERIOUSNESS OF THIS ISSUE TO THEIR ATTENTION AND TO INFORM TEENS OF THEIR RIGHTS AND OBLIGATIONS UNDER THE DATING VIOLENCE LAW; REQUESTING THE MIAMI-DADE SCHOOL BOARD TO TAKE GREATER ACTION ON THE ISSUE OF TEEN DATING VIOLENCE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.]. – Add-on item

Councilman Feller moved this item forward. Seconded by Councilwoman Stanczyk.

Mayor Flinn provided a report, stating that it is important to address this issue. He noted that he is not asking the State to create an unfunded mandate; rather, his intention is to express gratitude to the State for this effort to assist children, ask the State to provide funding, and incorporate this training into the school system.

Councilman Feller asked if this resolution would be seeking for the school board to promote this training, not our Policing Unit. Mayor Flinn responded affirmatively.

Mayor Flinn called the question. All voted in favor. The Resolution was approved unanimously (5-0).

10. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NAMING OF FIELD THREE (3) AT CORAL REEF PARK TO BE NAMED AFTER THE PALMETTO SENIOR HIGH SCHOOL BASEBALL TEAM THE "PALMETTO PANTHERS HOME FIELD"; PROVIDING AN EFFECTIVE DATE (Sponsored by Councilmember Paul Neidhart).

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

Councilman Neidhart provided report, stating that the name "Panthers Home Field" would run with the term of the contract.

Mayor Flinn asked if Council has the ability to name the field in accordance with the terms of the contract. Attorney Boutsis replied that Council did have that authority.

Mayor Flinn opened the public hearing. No one wished to be heard. He closed the public hearing.

Councilman Feller moved to clarify that the name "Panthers Home Field" would be in place in accordance with the term of the contract. Seconded by Councilman Neidhart. All voted in favor of the clarification.

The question was called. All voted in favor. The Resolution was approved unanimously (5-0).

11. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; ADOPTING THE 2008-2009 PERMIT FEE SCHEDULES FOR BUILDING, ZONING AND PUBLIC WORKS PERMITS IN ACCORDANCE WITH SECTION 4.3(A)(5) OF THE VILLAGE CHARTER; AUTHORIZING THE MANAGER TO MODIFY, UPDATE OR AMEND THE FEE SCHEDULE HEREINAFTER VIA RESOLUTION, AS PROVIDED PURSUANT TO SECTION 4.3(A)(5); PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He stated that approval of this ordinance would be an implementing tool for the budget; and, the Village's fees are low in comparison to relatively comparable cities, including Miami-Dade County.

Vice Mayor Robinson remarked that she found out that certain of our fees remain lower than other cities, even if the Council approves an increase.

Councilman Feller remarked that the purpose of having a permit system is not only to raise revenue, but to insure that jobs are being done safely and inspections insure the appropriateness of a job. He stated that staff should consider a percentage or threshold on "smaller ticket" items, as the cost of the permit should not exceed the cost of materials and labor for a project.

Manager Williams stated that he will investigate and adjust as directed.

Councilwoman Stanczyk expressed her opposition.

Following brief discussion, Councilwoman Stanczyk directed that public comment be heard.

Mayor Flinn opened the matter to public comment. Mr. Brian Pariser, 15300 SW 78 Court, addressed the Council.

Mayor Flinn closed the public hearing. He stated that the Building Department should not be a "profit generating" department.

Building Official Ed Silva noted that this Ordinance will make the Village revenue neutral.

Mayor Flinn called the question. The Ordinance passed on first reading (3-2), Mayor Flinn and Councilwoman Stanczyk voted in opposition.

12. 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 THE VILLAGE'S CODE OF ORDINANCES, CREATING CHAPTER 27 ENTITLED "LOT MAINTENANCE AND ABANDONED PROPERTY;" PROVIDING FOR FINES, STANDARDS FOR LOT MAINTENANCE AND A DETERMINATION OF ABANDONED PROPERTY; PROVIDING FOR NOTICE PROVISIONS FOR AN ANNUAL NOTICE RELATING TO LOT MAINTENANCE ISSUES; PROVIDING AUTHORITY TO ENTER PROPERTY TO MAINTAIN LOT, IF PROPERTY IS NOT BROUGHT INTO COMPLIANCE; PROVIDING FOR AUTHORITY TO LIEN; PROVIDING REQUIREMENT THAT MORTGAGE HOLDERS TO REGISTER WITH THE VILLAGE ON ANNUAL BASIS TO ENSURE PROPER NOTICE OF VIOLATIONS/CITATIONS TO ALL INTERESTED PERSONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Flinn and Vice Mayor Robinson.)

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

Vice Mayor Robinson thanked Director Weintraub and Attorney Boutsis for their diligence.

Attorney Boutsis noted that this item was not revised from first reading to second and it uses best practices from the cities of Miami and Coral Springs – puts the emergency ordinance into place.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council. The public hearing was closed.

Mayor Flinn remarked that staff will be making certain that abandoned homes are maintained, not a beautification effort.

The question was called. All voted in favor. The Ordinance was adopted unanimously (5-0).

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING," CREATING DIVISION 90, ENTITLED "SIGN REGULATIONS;" PROVIDING FOR PROHIBITED AND PERMITTED SIGNS; SIZE, LOCATION, LIGHTING, AND TYPE OF SIGNS ALLOWED; MAINTENANCE STANDARDS; WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Vice Mayor Robinson.)

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

Director of Planning and Zoning Arleen Weintraub noted that the size of on premises real estate signs were changed to be 10 inches by 14 inches overall. She noted that staff removed the days and hours that open houses would be allowed in order for home owners to be able to have open houses whenever they wish. She noted that limitations on the numbers of special events allowed annually had also been removed.

Councilman Feller stated that he is not in favor of removing limitations to special event signage.

Councilwoman Stanczyk asked if the matter was only addressing commercial properties.

Director Weintraub noted that the Village's open air market runs from November to April and perhaps a prohibition would not be appropriate.

Councilman Feller stated that with certain businesses, they have perpetual sales and a store may have a "permanent banner". He suggested that there may be a time between the events.

Councilwoman Stanczyk disagreed, adding that she likes how small towns in the north and around the country have events every weekend.

Councilman Feller suggested that this matter should be re-addressed a year from now.

Mayor Flinn asked if this ordinance will require property owners to replace signs at some point.

Director Weintraub stated that the sign ordinance applies to new or replaced signs; no requirement to modify otherwise.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Howard Tendrich, 16500 SW 74 Avenue; and, Eric Tullberg, 7884 SW 179 Terrace.

The question was called with regard to the proposed ordinance. The Ordinance was adopted (4 to 1, Mayor Flinn being opposed).

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING;" CREATING DIVISION 100, ENTITLED "ENVIRONMENTAL REGULATIONS;" WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Weintraub provided staff report.

Attorney Boutsis advised that staff met with several concerned residents, including Mr. Woodard, Mr. Guthrie, and Mr. Clifford and addressed their concerns. She noted that the definition of hat-racking was modified, as were the definitions for vegetation in the swale area, and while the neighbors expressed concerns regarding restrictions to utility companies, the Council had intended to include the right tree/right place provisions.

Councilman Feller stated that he would prefer that the language in the "swale" section of the ordinance is clear. He suggested stating the vegetation should be kept in a "neat condition".

Councilwoman Stanczyk stated that Councilman Feller's suggested language is subjective.

A five minute recess was taken.

The meeting re-convened. Attorney Boutsis provided compromise language on Page 31, section f, "swales areas that shall be manicured and maintained by the property owner and not overgrown to sidewalks and streets".

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; James Woodard, 17001 SW 90 Avenue; Stewart Guthrie, 5960 SW 144 Street; Henry Clifford, 8875 SW 171 Street; Brian Pariser, 15300 SW 78 Court; and, Warren Lovely, 18563 SW 93 Place.

Following discussion, the Council opined that those provisions concerning the swale, and the right-tree in the right place ordinance could be removed, as they are covered by Miami-Dade County Code.

Vice Mayor Robinson moved to adopt the ordinance, removing subsection 30-100.3(f) "swales and public rights of way" on page 31, and 30-100.2. Following discussion, Councilman Neidhart seconded the motion. Mayor Flinn called the question on the amended Ordinance. A voice vote was taken. The Ordinance passed unanimously (5-0).

13. OTHER BUSINESS: None at this time.

14. COUNCIL COMMENTS

Councilwoman Stanczyk thanked all that were so supportive to her family within the last two weeks.

Councilman Feller offered condolences.

Vice Mayor Robinson noted that she had been on a tour of the canals in Palmetto Bay recently and thanked Public Works and South Florida Water Management District for their assistance.

Mayor Flinn remarked that swales are important and it is every property owners' obligation to make sure that the swales serve their purpose in keeping run-off water on your property. He stated that he would like to meet with the neighbors, as he feels strongly about the exotics and feels frustrated when other neighbors complain about overgrown trees damaging power lines in storms. He stated that he will be meeting with David Heffernan to discuss the concession/storage building and will also be meeting with the architect, as he would like to be fair and consistent. Mayor Flinn thanked the Council for the add-on resolution, noting that safety of children is his number one concern. He asked if the movie equipment had been purchased.

Manager Williams replied that staff is preparing information.

Mayor Flinn suggested that the Council appoint a school liaison once the election is over to meet with School Board member-elect Feldman. He noted that Dr. Feldman suggested the Village may be able to get a discount of licensing fee through the local schools. He remarked that many are excited about the new library.

Manager Williams concurred, adding that the library is in the right location; our library will serve the local residents more than a regional library.

Mayor Flinn offered his condolences to Councilwoman Stanczyk and her family.

15. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 10:25 p.m.

Prepared and submitted by:



*Meighan J. Rader, CMC
Village Clerk*

*Adopted by the Village Council on
this 3rd day of November, 2008.*



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.