

VILLAGE OF PALMETTO BAY  
MINUTES OF THE MEETING OF MONDAY, DECEMBER 1, 2008  
Deering Estate Visitor's Center  
16701 SW 72 Avenue

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

Mayor Eugene P. Flinn, Jr.  
Council Member Ed Feller  
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 7:15 p.m. He asked former Councilmember Paul Neidhart to lead the pledge of allegiance.

**Swearing in of Vice Mayor Brian W. Pariser and Councilmember Howard J. Tendrich**

Vice Mayor Pariser recognize his wife, family, and friends present in the audience. Judge Eugene Fierro administered the oath to Brian Pariser, as Vice Mayor. Vice Mayor Pariser thanked all for their support and confidence in his abilities.

Councilman Tendrich introduced his wife and family. He introduced his mother and asked her to administer the oath of office. Councilman Tendrich expressed his gratitude to all.

**2. PROCLAMATIONS, AWARDS, PRESENTATIONS**

A. Presentation to winners of Art Contest

Mayor Flinn and the Council provided the children with their art contest awards and thanked the children's parents.

B. Recognition of Palmetto High School Volleyball

Mayor and Flinn recognized the Palmetto High School Volleyball team with a proclamation.

C. Recognition of Broncos Cheerleaders

The girls were introduced and congratulated on their success.

A brief recess was taken. The meeting re-convened at 7:45 p.m.

Clerk Rader called the roll of the Council, as follows:

Mayor Eugene P. Flinn, Jr.

Vice Mayor Brian W. Pariser

Councilmember Ed Feller

Councilmember Howard Tendrich

Councilmember Shelley Stanczyk

### **3. APPROVAL OF MINUTES**

- A. Minutes of the November 3, 2008 Regular Council Meeting: Councilwoman Stanczyk moved to approve the Minutes as submitted. Seconded by Councilman Feller. All voted in favor. The Motion carried unanimously (5-0.)

### **4. CONSENT AGENDA**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; RESCINDING COUNCIL ACTION OF APRIL 7, 2008, WHICH AUTHORIZED THE EXECUTION OF AN ACCESS EASEMENT TO VILLAGE OWNED RIGHT-OF-WAY FOR THREE PORTIONS OF ROADS LOCATED WITHIN THE CHARLES DEERING ESTATE: ROAD SECTION 1: 72 AVENUE BETWEEN SW 156 STREET AND SW 164 TERRACE, ROAD SECTION 2: 72 AVENUE BETWEEN SW 168 STREET AND SW 169 STREET, AND ROAD SECTION 3: SW 169 STREET BETWEEN SW 72 AVENUE AND BISCAYNE BAY AS THE EASEMENT WAS NEVER ACCEPTED BY EEL, MIAMI-DADE COUNTY OR THE STATE; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MIAMI-DADE COUNTY SUPPORTING COUNTY EFFORTS FOR STATE FUNDING ASSISTANCE FOR AND REQUESTING COUNTY FUNDING TO COMPLETE THE PLANNED RENOVATIONS TO THE C-100 PARK DURING THE 2008-2009 FISCAL YEAR; TO COMPLETE THE PARKING LOT, LIGHTING, AND CANOE LAUNCH AREA; PROVIDING 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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$20,621.03; PROVIDING AN EFFECTIVE DATE.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING MEDIATOR'S FEES FOR JOEL LEVINE, ESQ. IN THE AMOUNT OF \$1,858.50; PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE MEETING SCHEDULE OF THE VILLAGE COUNCIL AND OF LAND DEVELOPMENT PERMIT HEARINGS FOR THE YEAR 2009; PROVIDING AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH LIMOUSINES OF SOUTH FLORIDA, INC. TO PROVIDE TRANSIT CIRCULATOR SERVICES; AUTHORIZING FUNDING FOR CONTINUED TRANSIT CIRCULATOR SERVICES IN FISCAL YEAR 2008-2009; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$95,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PURCHASE ORDERS; AUTHORIZING FUNDING FOR THE INSTALLATION OF GALVANIZED FENCING AT 9495 SW 180 STREET, PALMETTO BAY, FL 33157; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER TO HMA MGMT/CERO'S FENCE IN AN AMOUNT NOT TO EXCEED \$19,465.50; AND PROVIDING FOR AN EFFECTIVE DATE.
- H. 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 CONTRACT WITH HMA MGMT/CERO'S FENCE FOR THE PURCHASE AND INSTALLATION OF A PERMANENT OUTFIELD FENCE FOR FIELD 3 AT CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$22,580; AND PROVIDING AN EFFECTIVE DATE. (Item pulled timely by Vice Mayor Pariser)
- I. 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 CONTRACT WITH 5D ELECTRICAL CONTRACTORS FOR THE INSTALLATION OF (2) TWO LED WIRELESS SCOREBOARDS AT PALMETTO BAY PARK; AUTHORIZING THE VILLAGE MANAGER TO

APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$14,500; AND PROVIDING AN EFFECTIVE DATE.

- J. 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 CONTRACT WITH FENCE CONNECTION FOR THE PURCHASE, DELIVERY AND INSTALLATION OF FENCING SURROUNDING THE SKATE PAVILION AT PALMETTO BAY PARK; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$20,212; AND PROVIDING AN EFFECTIVE DATE.
- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE PALMETTO BAY COMMUNITY ROOM AT LUDOVICI PARK; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH CORPORATE DESIGN CHOICE FOR THE PURCHASE, DELIVERY AND INSTALLATION OF INTERIOR AND EXTERIOR FURNITURE FOR THE COMMUNITY ROOM; TO PIGGYBACK WITH THE STATE OF FLORIDA'S CONTRACT NO. 425-001-06-1; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$23,910.97; AND PROVIDING AN EFFECTIVE DATE.
- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE PALMETTO BAY BRANCH LIBRARY AND COMMUNITY ROOM PROJECT; APPROVING THE INSTALLATION OF A ROMERO BRITTO SCULPTURE AS SELECTED BY THE VILLAGE COUNCIL; AUTHORIZING THE VILLAGE MANAGER TO SPEND UP TO \$15,000 FOR LABOR, MATERIALS AND SUPPLIES COSTS ASSOCIATED WITH THE PRODUCTION OF THE PIECE; PROVIDING AN EFFECTIVE DATE.

Clerk Rader reported that Item H was timely pulled by Vice Mayor Pariser. Councilman Feller moved to approve the remaining consent agenda items. Seconded by Councilman Tendrich. All voted in favor. Items A through G, and Items I through L were approved unanimously (5-0.)

## 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

Mr. Eric Tullberg 7884 SW 179 Terrace, addressed the Council, announcing the Ludlum Pine Rockland clean-up event and commenting on the IBus use and the installation of the chain link fence at the new public works location.

**6. VILLAGE MANAGER'S REPORT**

Manager Williams provided a report and introduced Finance Director Desmond Chin who provided a report concerning the Budget versus Actuals. Clerk Rader gave the calendar update, announcing future meetings and special events.

**7. VILLAGE ATTORNEY'S REPORT**

December Update: Attorney Boutsis noted that her report was provided in writing to the Council.

Councilman Tendrich moved to consider taking the item concerning "Boat Speeds" out of order. Seconded by Vice Mayor Pariser. All voted in favor. The Motion carried unanimously (5-0.)

**ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 20 ENTITLED "PARKS AND RECREATION"; CREATING SECTIONS 20-88 RELATING TO "BOAT SPEEDS" TO DESIGNATE ALL VILLAGE CANALS AS ~~IDLE SPEED/NO WAKE~~ SLOW SPEED MINIMUM WAKE ZONES AS SLOW SPEED/MINIMUM WAKE ZONES; CREATING PENALTIES; ~~PROVIDING FOR CIVIL CITATION FINES~~; ENFORCEMENT PROCEDURES; PROVIDING FOR A TWO YEAR SUNSET PERIOD AFTER INSTALLATION OF THE SLOW SPEED MINIMUM WAKE ZONE SIGNS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. [Sponsored by Vice Mayor Linda Robinson].

Councilman Tendrich moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis provided staff report and opined that the matter be heard on third reading due to substantial changes.

Mayor Flinn concurred. He suggested a Town Hall meeting be scheduled for this matter so that all sides can be heard. Councilman Feller agreed.

Councilman Feller moved to have a third reading held on this matter following a town hall meeting. Seconded by Councilman Tendrich.

Manager Williams suggested that Council establish the date for the town hall meeting.

Following discussion, Clerk Rader stated that she would check the calendar and provide a possible date.

State of Florida Representative Julio Robaina was recognized and provided a history of the canal erosion matter. He noted that there are areas in the canals that are seriously eroded and people do act dangerously; however, he is not suggesting banning boating in the canals, rather regulating the speed of the boats. He introduced Ed Hernandez, Regional Director of the South Florida Water Management District (SFWMD).

Mr. Hernandez thanked Representative Robaina for contacted all the "stake holders" in order to hear everyone's opinion. He stated that while SFWMD does not wish to ban people from using the waterways, they do want the use to be done in a safe manner. He noted that some canal edges are seriously eroded and can be dangerous to those who are speeding through the canals and detrimental to the property-owners.

Linda Robinson, former Vice Mayor, thanked Representative Robaina and SFWMD for their assistance. She added that securing funding to resolve erosion remains an important matter, also.

Mayor Flinn opened the public hearing. The following individuals addressed the Council:

Ed Swakon, 7501 SW 174 Street; Cookie Swakon, 7501 SW 174 Street; Ryan Shales, 18171 SW 90 Court; Henry Clifford, 9875 SW 171 Street; Glen Orland, 7141 SW 139 Street; Rhona Kritzer, 7290 SW 142 Terrace; Mr. Valdez, 7450 SW 173 Street; Ryan Swakon; and, Eric Tullberg, 7884 SW 179 Terrace.

Mayor Flinn closed the public hearing.

Vice Mayor Pariser remarked that he would be in favor of the workshop, as he would like to hear more information regarding this matter.

Councilwoman Stanczyk remarked that she lives on the canal; and the canal is narrow, so when boaters speed on the canal and water comes up to her fence. She stated that some of the erosion may be caused by over-spraying, keeping vegetation growing on the canals is important. She opined that the canals were built to defray flooding, not as recreational canals.

Clerk Rader stated that a workshop could be advertised for January 14, 2009, at 6 pm.

All voted in favor to pass the Ordinance on second reading and consider the matter for a third and final reading in February following the January 14<sup>th</sup> workshop. The Motion carried unanimously (5-0.)

**8. BOARD AND COMMITTEE REPORTS:** None at this time.

## 9. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE HOLIDAY RUN EVENT; PROVIDING FUNDING SUPPORT FOR THE 2008 EVENT; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AN AMOUNT NOT TO EXCEED \$2,900 FOR THE EVENT HELD ANNUALLY WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember Shelley Stanczyk)

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

Manager Williams advised that funds would need to be allocated, as this event was not budgeted.

Mayor Flinn asked the Manager to suggest from where funds could be allocated.

Manager Williams stated that the Village programmed movie night and other special events; therefore, the event would have to utilize funds from another allocated special event.

Mayor Flinn asked if there are contingency funds for these types of events.

Manager Williams stated that staff will locate the funds if it is the council's direction.

Mr. Robert Pozo, representing PR Racing, stated that the event would need assistance with funding barricades and police services.

Councilman Tendrich asked if the organization was a non-profit organization.

Mr. Pozo stated that it was not; however, they do incorporate a toy drive into the event.

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

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE SOFTWARE APPLICATIONS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONTRACT WITH TYLER TECHNOLOGIES FOR AN ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM NOT TO EXCEED \$510,000 PLUS IMPLEMENTATION AND

TRAINING COSTS NOT TO EXCEED \$300,000; PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Councilman Feller.

Manager Williams introduced the evaluation team, including Director Desmond Chin, Palmetto Bay IT Consultant Douglas Phillips from Astec Consulting, IT Consultant Annie Kohenge, and Clerk Rader. He provided staff report, noting that during the last audit report, there was a discussion concerning the future of the current system and the Village committed to attempt to secure a program more appropriate to Palmetto Bay's growing needs. He advised that funds are in place for 2008-09, to continue through 2009-10; the implementation will be at least a two year project.

Mayor Flinn asked if the new program will greatly enhance the security of our funds and create additional safeguards and protections.

Manager Williams responded affirmatively, adding that there remains a major responsibility for full accountability and while the start-up system served the Village well, enhancement is needed.

Mayor Flinn asked if this is the most effective method.

Manager Williams noted that this resolution would authorize him to begin negotiations with the highest rated firm. He added that he is hopeful that staff will return in the near future with the final contract.

Director Chin added that finance will be a major user of the system; however, the building department, specifically, and all departments will significantly increase productivity with this all-encompassing software.

Mayor Flinn asked if the system will help reduce paper.

Mr. Phillips advised that the systems track workflow in an electronic format, which also provides a clear audit trail for all actions. He added that all village departments will be operating off a centralized system.

Following discussion concerning the process, Manager Williams thanked Ms. Kohenge for her expert volunteer assistance and thanked the other members of the selection committee.

Councilman Feller noted that this matter is not a new expenditure; rather, the Village will be assigning the money for this important function.

Vice Mayor Pariser asked if the matter was previously budgeted.

Director Chin noted that the Village did budget this matter and had decided on an enterprise system, accumulating funds over the years to purchase same.

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

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CREATION OF A BICYCLE/PEDESTRIAN MASTER PLAN DEVELOPMENT ADVISORY COMMITTEE FOR THE PURPOSE OF OFFERING INPUT TO THE CORRADINO GROUP, INC.; PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved this matter forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report.

Mayor Flinn remarked that the Village should also consider involving the schools to create pedestrian walkways.

Mr. Joe Corradino, representing the Corradino Group, Inc., concurred. He added that one of the components includes a "safe routes to school" program.

Mayor Flinn noted that the representatives from CITT, MPO, and Sorenson's office should be made ex-officio so they don't impede quorum. The Council concurred.

Following discussion, it was determined that a special council meeting would be held prior to the December 8<sup>th</sup> Zoning hearing in order to insure that all suggested individuals wish to be members of this Board and to possibly amend the Board's composition by adding new members.

The Council voted unanimously to hold a special council meeting on December 8<sup>th</sup> to finalize the Board (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CREATING A TOLL ROAD OF PART OF US HIGHWAY 1; PETITIONING THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY MPO TO CONTINUE TO STUDY SUCH A PLAN, BY PLACING THE NEXT LEVEL OF ANALYSIS IN THE 2009 LONG RANGE TRANSPORTATION PLAN, SO THAT ANY FATAL FLAWS CAN BE DISCOVERED; AND TO INCLUDE STAFF AND AT LEAST ONE ELECTED OFFICIAL FROM ALL MUNICIPALITIES CONTIGUOUS TO THE PROPOSED TOLL LANE AREAS, INCLUDING BUT NOT LIMITED TO PINECREST, PALMETTO BAY, CUTLER BAY, HOMESTEAD AND FLORIDA CITY;

PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

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

Mayor Flinn provided a report, noting that this resolution would bring people together to discuss the issue and be included in the process.

Mr. Corradino concurred, opining that expansion of metrorail would be irresponsible at this time and would require a significant investment. He stated that he believes putting cars on the busway is a regression of policy; additionally, in order to alleviate traffic in this manner, ramps would have to be installed in order to help buses move quickly. He noted that there currently is not a county study to consider this investment. Mr. Corradino stated that it is important for the communities to be involved in this process.

Councilman Feller remarked that the busway was built with federal funds and how would the County justify using federal mass transit funds for non-mass transit route.

Mr. Corradino remarked that Councilman Feller's question needs to be answered through these studies. He stated that while the federal government is currently considering self-funding strategies, such as the toll road on I-95, it will be interesting to see if reverse policies will be allowed.

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

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CANAL EROSION; REQUESTING THE STATE TO FUND AND UNDERTAKE THE RESTORATION AND PERMANENT HARDENING OF CANALS WITHIN THE VILLAGE OF PALMETTO BAY; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr).

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

Attorney Boutsis remarked that this matter arose out of discussion concerning canals and speed zones. She reported that this proposed resolution would request for the state to provide funding to rectify canal erosion.

Mayor Flinn remarked that the canal is an important infrastructure to assist with drainage and Palmetto Bay needs the state to review their funds and repair the canal banks.

Councilwoman Stanczyk asked that her name be included as a co-sponsor.

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

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE'S LEGISLATIVE AGENDA; REQUESTING THE ASSISTANCE OF THE STATE LEGISLATURE TO MODIFY STATE LAW RELATING TO IMPLEMENTATION OF CHAPTER 327, FLORIDA STATUTES; REQUESTING THE STATE TO AUTHORIZE REIMBURSEMENT OF LOCAL POLICE ENFORCEMENT OF STATE LAWS RELATING TO BOATING; CURRENT FUNDING DISTRIBUTED TO FLORIDA DEPARTMENT OF MARINE RESOURCES; PROVIDING AN EFFECTIVE DATE [Sponsored by the Mayor and Entire Council].

Councilman Feller moved to table the matter until the boating ordinance has been adopted. Seconded by Councilman Tendrich. All voted in favor. The matter was tabled unanimously (5-0.)

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE 2009 STATE LEGISLATIVE AGENDA WHICH SUPPORTS THE PRIORITIES OF THE VILLAGE OF PALMETTO BAY FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pariser moved this matter forward. Seconded by Councilwoman Stanczyk.

Manager Williams provided staff report.

Councilman Feller moved to exclude reference to Chapter 327 and add a new section 4 that would include methods to exempt from public records the email lists used by municipalities. Seconded by Councilman Tendrich.

Mayor Flinn suggested including urging legislation to equalize the funds from the state to be provided through population, in other words, fair share funding.

Councilwoman Stanczyk moved to amend to include the request for proportional fair-share funding. Seconded by Councilman Tendrich.

Mayor Flinn called the question. The Council unanimously voted to approve the Resolution, as modified. The Resolution was approved (5-0.)

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE SELECTION OF PORTLAND SERVICES, LLC FOR THE CONSTRUCTION OF THE CORAL REEF PARK RESTROOM AND CONCESSION BUILDING PURSUANT TO INVITATION TO BID NO. 2008-PR-002; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH THE SAID CONTRACTOR FOR AN AMOUNT NOT TO EXCEED \$980,000; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He advised that the project will substantially improve facilities at Coral Reef Park and is fully funded.

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

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS MASTER PLAN; REQUIRING COMPLIANCE WITH THE PARKS MASTER PLAN AS IT RELATES TO ALL ELEMENTS, PARTICULARLY PARKING; TO ENFORCE THE POLICY OF PROVIDING PARKING NEAR CORAL REEF ELEMENTARY, AS DOCUMENTED IN THE PLAN; AND ANNOUNCING THE VILLAGE'S DESIRE TO PRECLUDE ANY ADDITIONAL CREATION OF PARKING LOTS AT THE VILLAGE'S PARKS, SO AS TO NOT OVERLOAD THE USE OF PARKS AND TO PRESERVE GREEN SPACE PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.]

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

Manager Williams provided staff report, adding that Mayor Flinn would like to be able to work with the school board regarding their property.

Mayor Flinn suggested that the Village could work with St. Richards for additional parking and use the Ibus. He stated that he is desirous of preserving green space and encouraging preservation.

Following brief discussion, Mayor Flinn called the question. All voted in favor. The Resolution was approved (5-0.)

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC-PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION OF THE AIPP ADVISORY BOARD TO APPROVE

THE ART SCULPTURAL FOUNTAIN AS DESIGNED BY CESER SANTALO TO MEET THE AIPP REQUIREMENTS FOR THE PALMETTO BAY PARK CENTER LOCATED AT 9501 SW 175<sup>th</sup> TERRACE; PROVIDING FOR SEVERABILITY; AND, AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Mr. Efren Nuñez, Zoning Administrator and Planner, advised that the piece in question will be a fountain. He advised that the cost of the fountain is approximately \$15,000, which more than satisfies the amount required by the Art In Public Places ordinance.

Ceser Santalo was recognized and provided information concerning the piece.

Following brief comments wherein the Council expressed their appreciation of the work. Mayor Flinn called the question. All voted in favor. The Resolution was approved unanimously (5-0.)

- K. 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 CONTRACT WITH HMA MGMT/CERO'S FENCE FOR THE PURCHASE AND INSTALLATION OF A PERMANENT OUTFIELD FENCE FOR FIELD 3 AT CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$22,580; AND PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved this matter forward. Seconded by Councilwoman Stanczyk.

Manager Williams provided staff report.

Mayor Flinn remarked that the fence would be a quality investment, which would enhance the baseball field.

Councilman Tendrich suggested that landscaping on the outside be included so it is not so visible.

Councilman Feller remarked that storage and removal of the temporary fence requires a significant amount of effort and manpower and that a permanent fence may be more appropriate. He noted that he would want assurance that there are multiple openings in the fence so that people can use it for a variety of activities, such as kite flying, kicking a soccer ball, etc.

Mayor Flinn stated that there could be additional openings; however, the Village needs to insure that fields are not over-used.

Vice Mayor Pariser stated that he had received phone calls from several neighbors surrounding the park. He remarked that he, too, was concerned with access to that field when not being used. He noted that when the field is programmed, we need to make sure the field is properly maintained.

Mayor Flinn called the question. The Resolution was adopted (4-1), Vice Mayor Pariser being opposed.

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

11. **ORDINANCES FOR FIRST READING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, RELATING TO ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN TO INCLUDE A NEW WATER SUPPLY ELEMENT AND AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION, FUTURE LAND USE, CONSERVATION, AND CAPITAL IMPROVEMENTS ELEMENTS; PROVIDING FOR TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, TO OTHER UNITS OF LOCAL GOVERNMENT AND TO OTHER REVIEW AGENCIES AS REQUIRED BY LAW; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. **(Requires Public Hearing)**

Councilman Feller moved this matter forward. Seconded by Councilman Tendrich.

Attorney Boutsis provided staff report. She advised that the Village is utilizing the Miami-Dade County water system, so this ordinance would be part of the paperwork process, and the Village would be incorporating by reference what is already provided by Miami-Dade County.

Mayor Flinn asked that language be included that indicates that the Village had no choice but to adopt this ordinance.

Attorney Boutsis affirmed, noting that there is no cost to the Village; however, developers going forward will have to meet concurrency levels.

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

Mayor Flinn called the question. The Ordinance passed on first reading (4-1), Councilwoman Stanczyk being opposed.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING ORDINANCE NUMBER 08-12; AMENDING THE VILLAGE'S BUDGET FOR THE 2007-2008 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this item forward. Seconded by Vice Mayor Pariset.

Manager Williams provided staff report, noting that the legal department was over by \$8,684 due to unanticipated litigation last year.

Councilwoman Stanczyk asked for an update on the funds available for village hall.

Manager Williams stated that he did not have the exact figure; however, it was approximately \$2.5 million plus interest.

Mayor Flinn called the question. All voted in favor. The Ordinance passed unanimously (5-0) on first reading.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; AMENDING CHAPTER 22, CREATING ARTICLE III, ENTITLED SPECIAL EVENTS TO INCLUDE A SPECIAL EVENT PERMIT PROCESS; ALLOWING THE VILLAGE COUNCIL TO ESTABLISH FEES AND THE COST ASSOCIATED WITH SAME; REQUIRING COMPLIANCE WITH LAWS; REQUIRING INSURANCE AND PERMITTING; AND PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE.

The item was withdrawn by staff.

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SOLID WASTE; CREATING CHAPTER 13; PROVIDING FOR ISSUING NON-EXCLUSIVE FRANCHISES FOR COMMERCIAL SOLID WASTE COLLECTION; PROVIDING DEFINITIONS AND FRANCHISE NOT TO CONSTITUTE A PROPERTY RIGHT; RESERVING TO THE VILLAGE THE POWER TO REVOKE FRANCHISES; PROVIDING FOR

TRANSFERABILITY OF FRANCHISES; PROVIDING FOR FIVE YEAR FRANCHISES; LIMITATIONS ON CONTRACTS; THE PROVIDING OF LICENSING FEES FOR TEMPORARY ROLL-OFF CONTAINERS AND COMMERCIAL SOLID WASTE; APPLICATION PROCEDURES; REPORTING REQUIREMENTS, INSURANCE, SERVICE STANDARDS, PROVIDING FOR CODE ENFORCEMENT PROCEDURES, APPEAL OF VILLAGE MANAGER DECISION TO DENY FRANCHISE TO BE HEARD BY VILLAGE COUNCIL; SCHEDULES AND ROUTES, TERMINATION; ENFORCEMENT AND ADMINISTRATIVE FINES; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

The item was withdrawn by staff.

- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TREE CITY USA, CREATING A TREE BOARD AS AUTHORIZED UNDER SECTION 4.2 OF THE VILLAGE CHARTER; AMENDING CHAPTER 2 TO INCLUDE SECTION 2-108, RELATING TO A TREE ADVISORY BOARD; AUTHORIZING THE VILLAGE MANAGER TO APPLY FOR THE NATIONAL ARBOR DAY FOUNDATION'S TREE CITY USA PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL STEPS NECESSARY TO SATISFY THE REQUIREMENTS OF THE APPLICATION FOR THE NATIONAL ARBOR DAY FOUNDATION'S TREE CITY USA PROGRAM; PROVIDING FOR CODIFICATION, ORDINANCES IN CONFLICT; AND AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr. and Co-Sponsored by Council Member Howard Tendrich].

Councilman Tendrich moved this matter forward. Seconded by Councilwoman Stanczyk.

Manager Williams provided staff report. He noted that staff is ready to move forward and will work on selecting an on-call arborist.

Mayor Flinn noted that the Village has used the services of an arborist in the past; and, the Village did adopt a designated arbor day. He advised that the \$2 per capita is not new for the Village, as the Village consistently has recognized the value of trees and its aesthetics.

Councilman Tendrich concurred, adding that it is a great program and believes the Village should work with the local schools.

Following brief discussion, Councilwoman Stanczyk directed that South Florida Water Management District provide a report concerning which trees will be mitigated or replaced.

Councilwoman Stanczyk called the question. All voted in favor. The Ordinance passed unanimously on first reading (5-0.)

- F. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PROVIDING FOR AN 18 MONTH AMNESTY PROGRAM FOR CERTAIN UNPERMITTED RESIDENTIAL SHEDS; PROVIDING FOR A PERMITTING PROCESS AND ADMINISTRATIVE ZONING REVIEW AND APPROVAL OF SHEDS WITHIN SIDE OR REAR SETBACKS OF RESIDENTIAL PROPERTIES PROVIDED A WAIVER IS RECEIVED FROM ALL ADJACENT PROPERTY OWNERS, PROVIDED THAT THE SHED IS LESS THAN 150 SQUARE FEET IN OVERALL SIZE, PROVIDED THE SHED IS SET BACK A MINIMUM OF THREE FEET FROM ANY POINT ON THE STRUCTURE FROM THE EXISTING SIDE AND REAR PROPERTY LINES, OR AS REQUIRED BY THE FLORIDA BUILDING CODE, PROVIDED THAT A BUILDING PERMIT IS OBTAINED AND PROVIDED THAT THE SHED PASSES A BUILDING INSPECTION; PROVIDING THAT SHEDS NOT MEETING REQUIREMENTS FOR AN ADMINISTRATIVE ZONING REVIEW AND APPROVAL PROCESS SHALL BE REMOVED OR CONTINUE TO REQUIRE A NON-USE VARIANCE HEARING PURSUANT TO SECTION 33-311 OF THE MIAMI-DADE COUNTY CODE, AS ADOPTED BY THE VILLAGE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Member Shelley Stanczyk].

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

Attorney Boutsis provided staff report.

Councilwoman Stanczyk expressed her concern regarding the matter of neighbors signing off and counsel advised it was not possible due to the matter being a variance request. She stated that in lieu of removing that item, the charge for the hearing should be eliminated.

Attorney Boutsis advised that removal of the administrative order requirement can not be done. She noted that the cost associated with advertising each application is approximately \$1,225, which varies depending on the number of items, and approximately \$60 for the 500 foot radius notice mailing. If more applications are included on an ad, the cost of the ad increases, but each individual may pay less.

Following discussion, Mayor Flinn suggested the applications be included in one zoning hearing. Councilman Feller indicated that he is not in favor of the Village waiving thousands of dollars for the benefit of those who had non-permitted sheds.

Attorney Boutsis noted that the individuals may be coming before the Council for other variance items, such as lot coverage or setback issues. She stated that it may not be possible to have 20 items heard in one hearing.

Vice Mayor Pariser concurred with Councilman Feller that the Village should not be responsible for the cost of numerous variance hearings.

Mayor Flinn remarked that a resident should not have to pay close to \$1,300 for an existing shed and that maybe a cap could be considered.

Councilwoman Stanczyk moved to consider the substitute ordinance, waiving the fee to applicants. Seconded by Councilman Tendrich.

Councilman Feller remarked that the Village would be subjected to an unlimited expense. Mayor Flinn and Councilman Feller voted against the motion. The motion carried 3-2.

Vice Mayor Pariser moved to amend the substitute to have a minimum charge of \$100 and a proportional fee of the advertisement and pass the item on first reading. Councilman Feller seconded the motion. The motion carried (4-1), with Councilwoman Stanczyk being opposed. The Ordinance passed on first reading.

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

**13. COUNCIL COMMENTS**

Mayor Flinn encouraged all to join with the Village and participate in a toy drive to benefit the children of Kristi House. He asked the Miami Herald to help with promoting this event.

Manager Williams advised that staff is confirming the collection cycle and the deadline for accepting gifts.

Councilwoman Stanczyk moved to encourage the toy drive and participation in this worthwhile cause. Seconded by Councilman Feller. All voted in favor. The Motion carried unanimously (5-0.)

Attorney Boutsis announced an Attorney Client session to be held on December 2, 2008, at 6 pm at Village Hall concerning the Palmer Trinity lawsuit.

14. **NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 11:15 p.m.

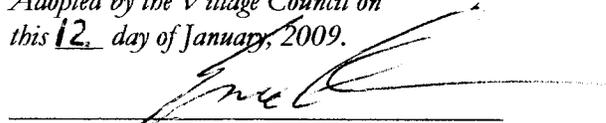
*Prepared and submitted by:*



*Meighan J. Rader, CMC*

*Village Clerk*

*Adopted by the Village Council on  
this 12 day of January, 2009.*



*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.