

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of Monday, May 3, 2010**  
**Deering Estate Visitor's Center**  
**16701 SW 72 Avenue**

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

Mayor Eugene P. Flinn, Jr.  
Vice Mayor Brian W. Pariser  
Council Member Ed Feller  
Council Member Howard Tendrich  
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 asked the Boy Scouts of Troop 941 lead the pledge of allegiance.

**2. PROCLAMATIONS, AWARDS, PRESENTATIONS**

A. Presentation of Village Flag for Boy Scouts: Mayor Flinn provided the Boy Scouts with a flag for their national jamboree and presented the troop with a proclamation celebrating 100 years of Scouting.

**3. APPROVAL OF MINUTES**

A. Minutes of the Regular Council Meeting of April 12, 2010: Councilman Tendrich moved to approve the Minutes as submitted. Seconded by Councilman Feller. All voted in favor (5-0.)

**4. CONSENT AGENDA**

A. 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 INITIATE AND COMPLETE APPROPRIATE STEPS AS MAY BE NECESSARY TO EFFECTUATE COMPLIANCE IN APPLICATION FOR THE DESIGNATION OF PLAYFUL CITY USA; DESIGNATING ANNUAL 'PLAY DAYS', AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXECUTION OF PROGRAM COMMITMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. 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 FBM LAW OFFICES IN THE AMOUNT OF \$26,245.85; PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved to approve the Consent Agenda. Seconded by Councilman Feller. All voted in favor. The Resolutions were passed unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Beth Kibler, 7462 SW 166 Terrace; Jerry Templar, 8120 SW 181 Street; and Dan Iglesias, (address exempt-retired officer).

6. **VILLAGE MANAGER'S REPORT**

- A. Second Quarter – Budget to Actuals: Manager Williams provided staff report, noting that all Departments are currently tracking nine percent below projections. He noticed that at mid-year, all departments, including legal and police, are tracking/trending under budget at 40% or less and revenues are approximately 59% of what is expected.

Clerk Rader provided the calendar update: May 4 – Zoning at Christ Fellowship, 8900 SW 168 Street, with the doors opening at 6 pm to the public and the meeting begins at 7 pm. She also announced that a Committee of the Whole Meeting has been scheduled for May 26 at 7 pm at the Edward & Arlene Feller Community Room. Clerk Rader stated that the next Regular Council meeting is scheduled for June 7 at 7 pm, at the Deering Estate Visitors Center.

- B. Presentation by Policing Unit Commander Greg Truitt concerning the Department's enforcement profiling policy and actions undertaken to prevent such inappropriate activity: Commander Truitt stated that the purpose of his report is to foster an understanding of policies and issues and his report is also provided as part of accreditation. He asserted that the police department is not and does not investigate anyone with any disparate treatment. Commander Truitt noted that exercise of police authority is not based on race, gender, ethnicity, or religion.

Vice Mayor Pariser thanked Commander Truitt and noted that the Policing Unit has had excellent response times. Manager Williams added that response time remains important to the Village. He noted that the responsibilities of the police reflect on the community as a whole and any resident can address any concerns to his office.

**7. VILLAGE ATTORNEY'S REPORT**

- A. May Update: Attorney Boutsis noted that her report was provided to the Council.

**8. BOARD AND COMMITTEE REPORTS**

Mayor Flinn asked the Manager to schedule the Tree Advisory Board for an update at the next Council meeting.

**9. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RESPECTFULLY REQUESTING THAT MIAMI-DADE COUNTY CO-DESIGNATE THE PORTION OF SW 77 AVENUE THAT FALLS WITHIN THE BOUNDARIES OF THE VILLAGE OF PALMETTO BAY, ESSENTIALLY FROM SW 136 STREET TO SW 138 TERRACE AS "HURRICANE HIGHWAY"; PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Vice Mayor Pariser]

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

Vice Mayor Pariser recognized Howard Drive Elementary's Principal Deanna Dalby. He stated that Howard Drive Elementary is an outstanding school and is worthy of this recognition.

Principal Dalby thanked the Village for this consideration, adding that it would be an honor and a privilege to have the road named after the school's mascot.

Following brief discussion, Vice Mayor Pariser called the question. All voted in favor. The Resolution passed unanimously (5-0).

- B. (Add on) A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, VIGOROUSLY OPPOSING THE ELECTION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATION'S COMMISSION ON THE STATUS OF WOMEN. (Sponsored by Councilman Edward Feller)

Councilman Feller move to add a Resolution to the agenda. Seconded by Councilwoman Stanczyk. All voted in favor.

Councilwoman Stanczyk asked to join with Councilman Feller as a co-sponsor.

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

Councilman Feller stated that he believes it is appropriate at a local level to move these types of issues forward. He noted that certain news media reported that Iran was appointed, without comment, by the UN to their commission on the status of women. He explained that a group of women in Iran noted that the women in Iran have little or no civil rights and are continually persecuted and oppressed. Councilman Feller opined that the UN should not appoint a country to this Board when its attitude toward women's rights is incorrect.

Vice Mayor Pariser stated that while he agrees with the intention, he is concerned that this action may bring many of these types of resolutions concerning international matters outside of our scope.

Councilman Tendrich stated that he will also co-sponsor and will bring the Resolution to the next Miami-Dade County League of Cities.

Councilwoman Stanczyk stated that she understands Vice Mayor Pariser's concern, but believes the small municipality can educate the public concerning important issues.

Mayor Flinn stated that the resolution is a positive step and stated he would also co-sponsor. He called the question. All voted in favor. The Resolution passed unanimously (5-0.)

**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, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO NEGOTIATIONS FOR A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$14,000,000, PLUS COSTS OF ISSUANCE, FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE FORM OF AND THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN, AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He thanked the Council for previously authorizing the letter of credit as possible cash contingency for the project. He reported that there was no need to use the line of credit and the Village will be releasing the credit upon the closing of this bond. He noted that there are four major capital matters: park projects, land purchase for village hall; village signage program; and building of the library. Manager Williams explained that the signs and the library are self-sustaining, funded through dedicated revenue sources. He stated that the other issues, parks improvement and village hall land. He advised that \$6,000,000 of the bond would be used to refinance the existing parks loan, \$5,500,000 for the village hall construction build-out, and \$2,500,000 for the village hall land purchase. He noted that the bond would stabilize the village's financial future for 30 years, as there would be a clear financial path with a fixed rate with regard to the village's cash flow and indebtedness. Manager Williams explained that the Village did owe money to the county through mitigation in the past and now that debt service is gone. He noted that with this action, all debt will be locked in at a low interest rate 30 years and Councils that follow will not be faced with any surprising conditions concerning debt. He stated that with approval, the Village's entire debt will be \$1,000,000 instead of the \$1,700,000 that was paid to Miami-Dade County in the past. He advised that bond counsel and Finance Director Chin is available to answer any questions. He concluded by noting that with regard to early payment, due to arbitrage, the Village can not pay the loan back before 10 years, but can pay early after.

Mayor Flinn thanked the Manager for being fiscally conservative.

Councilwoman Stanczyk expressed that the reason why the Village did not have to use the line of credit was due to careful planning.

Manager Williams invited all to drive by the new Village Hall and see the progress.

Councilman Tendrich asked for the status of the grant for Village Hall that is pending. Manager Williams explained that the Village has not received the grant documents at this time.

Vice Mayor Pariser asked how the grant dollars would be used.

Manager Williams noted that the Village can pay down the loan after the 10 year period, drawing only what is needed.

Councilman Feller noted that these projects are important capital improvement projects and the longevity and use of the improvements being done will survive at least 30 years, if not more.

Mayor Flinn called the question. All voted in favor of passing the Ordinance on first reading and scheduling for second reading (5-0.)

## **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 TRAFFIC; AMENDING CHAPTER 14 ENTITLED TRAFFIC; RELATING TO GOLF CART USAGE ON CERTAIN VILLAGE RESIDENTIAL STREETS; TO PROVIDE FOR RECIPROCAL USE OF DESIGNATED STREETS OF OTHER JURISDICTIONS THAT ALLOW GOLF CARTS TO ALLOW CROSS-JURISDICTIONAL USE OF CARTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE [Sponsored by Mayor Eugene P. Flinn, Jr.].

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

Attorney Boutsis provided staff report.

Vice Mayor Pariser noted that a golf cart can not be driven on SW 152 Street and how will the Village educate the public?

Mayor Flinn stated that the police will educate those who do not follow the rules. He opened the public hearing.

Mr. Dan Iglesias (former police officer – address exempt) spoke in favor of further expanding the program.

Mr. Eric Tullberg, 7884 SW 179 Terrace, noted that golf carts are prohibited from paths and sidewalks.

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

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING ORDINANCE NO. 07-16 RELATING TO PARKS AND RECREATION; AMENDING THE CODE OF ORDINANCES BY MODIFYING RULE 32 WHICH IS CODIFIED AS CHAPTER 20, SECTION 20-82 OF THE VILLAGE'S CODE OF ORDINANCE; ADDING RULE 37. THALATTA PARK; AND RULE 38. EDWARD AND ARLENE FELLER COMMUNITY ROOM AND AMPHITHEATER AT LUDOVICI PARK; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Councilman Feller seconded.

Manager Williams provided staff report, advising the there were no substantial changes from first to second reading.

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

Vice Mayor Pariser asked how the valet parking will be handled.

Manager Williams stated that a procurement effort will be performed to seek the best vendor for the customers.

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

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AMENDING ORDINANCE NO. 09-04 TO MODIFY PARK FEES RELATING TO THALLATA PARK AND THE EDWARD AND ARLENE FELLER COMMUNITY ROOM AND AMPHITHEATER AT LUDOVICI PARK; ESTABLISHING A POLICY INCLUDING ASSESSMENT OF CONSISTENT FEES, RENTAL CONDITIONS AND REQUIREMENTS, AND OTHER GUIDELINES TO BE IMPLEMENTED AT THALATTA PARK AND AT THE EDWARD AND ARLENE FELLER COMMUNITY ROOM AND AMPHITHEATER AT LUDOVICI PARK; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Councilman Feller seconded.

Manager Williams provided staff report, advising the there were no substantial changes from first to second reading.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Mr. Eric Tullberg, 7884 SW 179 Terrace; and Beth Kibler, 7462 SW 166 Terrace.

Councilman Feller stated that he believes that the community-based non-profit fee could be changed. Manager Williams noted that the Village always considers the organization and uses discretion with school groups and others.

Mayor Flinn suggested that Manager Williams contact the library concerning an interlocal agreement with the library for the library to use the room for the book clubs, as long as the library provides support and chaperones.

Following discussion, Vice Mayor Pariser moved to amend the Ordinance to include that the fees may be reduced or waived by the manager for non-profit organizations and community groups. Councilwoman Stanczyk seconded. Mayor Flinn suggested adding the language "and publicly recorded"; however, the Village should not waive indemnification and insurance requirements. Manager Williams concurred. Vice Mayor Pariser and Councilwoman Stanczyk agreed. All voted in favor of the Motion (5-0.)

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

**13. OTHER BUSINESS**

Discussion ensued with regard to motorized vehicles on sidewalks or in parks. Following discussion, Commander Truitt noted that motorized skateboards are permitted on private property.

**14. COUNCIL COMMENTS**

Councilman Tendrich asked Manager Williams to discuss parking for golf carts at the park with the concerned residents.

Mayor Flinn remarked that he will be attempting to have girls scouts perform their gold awards projects in Palmetto Bay. He thanked Mr. Tullberg, Mrs. Kibler, Mr. John Dubois, and Public Information Officer Bill Kress for their assistance during Earth Week.

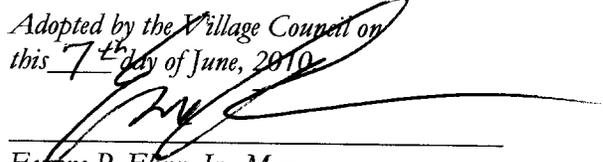
**15. NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 8:45 pm.

*Prepared and submitted by:*

  
Meighan J. Rader, CMC  
Village Clerk

*Adopted by the Village Council on  
this 7<sup>th</sup> day of June, 2010*

  
Eugene P. Flinn, Jr., Mayor

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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.