

**VILLAGE OF PALMETTO BAY  
MINUTES OF THE MONDAY, JUNE 11, 2007  
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR'S CENTER  
16701 SOUTHWEST 72 AVENUE  
PALMETTO BAY, FLORIDA

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

Mayor Flinn called the meeting to order at 7:00 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.  
Vice Mayor Linda Robinson  
Councilman Ed Feller, MD  
Councilman Paul Neidhart  
Councilwoman Shelley Stanczyk

The following staff members were present:

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

Councilwoman Stanczyk led the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Recognition of outstanding Palmetto Bay student athletes – All-Dade Girls Softball and All-Dade Boys Baseball Team: Mayor Flinn provided a Proclamation to the following student athletes: Zach Parker, Kevin Kacer, Brent Lozano, Joe Keebler, Lou Montesinos, Logan Billbrough (through his Father Bart Billbrough), Caitlin Houk, Amanda Marquez, Rachel Helman, Tiffany Mullins-Diaz, and Courtney Ray.

**III. APPROVAL OF MINUTES**

- A. Minutes of the April 23, 2007 Special Council Meeting  
B. Minutes of the May 7, 2007 Council Meeting  
C. Minutes of the May 14, 2007 Special Council Meeting

Councilman Neidhart moved to approve the Minutes. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

**IV. VILLAGE MANAGER'S REPORT**

Village Manager Ron E. Williams advised that staff has provided a master activity schedule for the Parks. He advised that staff is compiling a status report concerning the parks' capital projects, which report should be available at the end of the next month.

Manager Williams remarked that the Village's summer camp program is doing well. He thanked Coral Reef Elementary School's Administration for their support. He advised that the green containers for the automated waste system should be arriving to all residents in the near future. He noted that street signs are currently being installed in the 168 Street area. Manager Williams reminded Council that the American Legion Way sign dedication is scheduled for 5:30 pm on June 13. He advised that the Check Register is available.

Clerk Rader announced that there shall be a Special Council Meeting and Zoning Hearing on June 18<sup>th</sup> at 7:00 pm at Southwood Middle School; Budget Workshops are scheduled for June 20 and 27 at 6 pm at the Deering Estate Visitor's Center; and, the next Regular Council Meeting shall be held on July 2<sup>nd</sup>.

## **V. VILLAGE ATTORNEY'S REPORT**

### **A. Update concerning Dorsey property (formerly Bolger), 17205 SW 77 Avenue**

Attorney Boutsis advised that a hearing was held on May 14 wherein the Court authorized injunctive relief. She stated that the Village had obtained three quotes to begin cleaning the property. She reported that once the property is cleaned, the Village shall place a lien on the property for the cost of clean up. She advised that she be filing a motion seeking attorney's fees and costs.

Attorney Boutsis further reported that in the zoning matter of Mendizabel, the petition for certiorari was denied; therefore, Council's decision was affirmed.

## **VI. BOARD AND COMMITTEE REPORTS: None at this time.**

## **VII. CONSENT AGENDA**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A PRODUCT SCHEDULE THAT EXPANDS THE EXISTING 36-MONTH MASTER LEASE AGREEMENT WITH IOS CAPITAL FOR A PHOTOCOPIER FROM IKON OFFICE SOLUTIONS, INC. THROUGH STATE CONTRACT, FOR USE BY THE VILLAGE POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE.**
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANT APPLICATIONS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT APPLICATION DOCUMENTS FOR THE HAZARD MITIGATION GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**
- 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 \$24,093.41; PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to approve the Consent Agenda. Seconded by Councilman Neidhart. All voted in favor. The Consent Agenda was approved (5-0).

**Public Forum – 7:30 p.m.**

**A public forum shall be conducted to garner public input and determine the future of the project that concerns the Bill Sadowski Park Natural Areas Management Plan.**

Ms. Vivian Donnell-Rodriguez, Miami-Dade County Director of Parks and Recreation, provided a PowerPoint presentation, explaining the County's Management Plan. She stated that the County's intention is to reduce the seed source of exotic plants, increase diversity and improve the wildlife habitat; improve conditions for mosquito control, provide an outdoor classroom for public education; and, establish a one-acre pond for wetland design, including a tree island with buffer and wetland.

Mr. Joe McGuire of Miami-Dade County provided input concerning several current issues of concern, including: salinity of c-100 canal, hydrology, project size, cost effectiveness, mosquitoes, maintenance and safety.

Mr. Ed Swakon, 7501 SW 174 Street; Ms. Suzanne Bonner, 7900 SW 175 Street; and Mr. Andy Newman, 17474 SW 79 Court, spoke in opposition to the project and noted that their neighborhood committee voted against the project and would rather see the funds allocated to the Deering Estate project.

Mr. Erik Tullberg, 7884 SW 179 Terrace, remarked that the wetland could exist, if the project was dug deep enough. He asked that shielding be provided for the Southern Cross Astrological Society.

Mrs. Susan Ludovici, 7790 SW 176 Street; John Meir, 16401 SW 248 Street; Mike Ross, 23440 SW 128 Avenue spoke in support of the project.

Mr. Steve Kreischer, 18201 SW 98 Avenue, remarked that the Management Plan only addresses a three year period.

Ms. Donnell-Rodriguez replied to the concerns, stated that her department remains committed to caring for the conservation areas and parkland.

Councilwoman Stanczyk remarked that many are concerned with the ability of the County Parks Department to continue to maintain the project.

Councilman Neidhart asked Mr. Newman how many people he represents.

Mr. Newman stated that the neighborhood committee consisted of five members who dedicated significant time and effort to reviewing the project.

Vice Mayor Robinson suggested that the Sadowski project be put in abeyance until the Powers project has begun.

Councilman Feller stated that the maintenance proposal he requested from the County is not what the management plan defines. He remarked that the plan does not provide any guarantees of continued maintenance a decade or two from now.

Mayor Flinn stated that he has been impressed with the Powers project. He remarked that he would like to encourage restoration of the Sadowski project to what it currently is – a hardwood hammock, native tree area.

Councilwoman Stanczyk moved to restore the area to its previous condition and ask the Miami-Dade County Parks Department to work with the Deering Estate on the existing wetlands project. Seconded by Councilman Neidhart.

Ms. Donnell-Rodriguez stated that the Powers project is moving forward, with 60% of the design being completed. She offered to provide information on the removal of invasive species to the Council.

Councilman Neidhart stated that the County should also provide screening for the Southern Cross Society.

Councilman Feller suggested amending the motion to ask the Miami-Dade County Parks Department to return with a revised plan for the Sadowski project. Councilwoman Stanczyk accepted the amendment. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

## VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE AMERICAN CANCER SOCIETY "RELAY FOR LIFE" EVENT; PROVIDING FUNDING SUPPORT TO THE AMERICAN CANCER SOCIETY FOR THE 2007 EVENT; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE A TOTAL NOT TO EXCEED \$1,000 FOR THE EVENT HELD AT PALMETTO BAY VILLAGE CENTER ON MAY 19-20, 2007; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor Robinson)

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

Vice Mayor Robinson reported that it is customary for the village to support various charities. She asked for support of this event.

Councilman Feller stated that while the American Cancer Society is a worthwhile organization, he remains opposed to the village providing donations without a specific policy.

Mayor Flinn concurred, adding that staff should provide a report to the Council following each sponsored event, such as the village picnic and other community events. He noted that the village had agreed to sponsor this event in the past.

Manager Williams stated that he would meet with council individually to ascertain their desired level of support.

Following discussion, Councilman Feller withdrew his objection, noting that he did recall the Village defining this event as an approved charity.

Vice Mayor Robinson stated that she would have staff ask the Chair of the Special Events Committee to provide a report regarding the picnic at the next Council meeting.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING FOR AND SUPPORTING THE FLORIDA LEGISLATURE'S INITIATIVE KNOWN AS THE ANTI-BULLYING BILL SB 114; AND REQUESTING THE MIAMI-DADE SCHOOL BOARD TO TAKE GREATER ACTION ON THE ISSUE OF SCHOOL BULLYING; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

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

Mayor Flinn provided a report.

Councilman Feller asked if the School Board has taken action at this time.

Mayor Flinn stated that he was unsure, but he wanted to make certain that the School Board knows they have Palmetto Bay's support.

Councilwoman Stanczyk expressed her support.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING AND PERMITTING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH CAP

GOVERNMENT, INC., IN SUBSTANTIALLY THE FORM ATTACHED, TO PROVIDE BUILDING AND PERMITTING SERVICES TO THE VILLAGE FOR A TERM OF TWO (2) YEARS WITH AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR TERMS; AND, PROVIDING AN EFFECTIVE DATE.

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

Manager Williams asked Community Services Director Arleen Weintraub to provide staff support. He further thanked Director Weintraub, Attorney Boutsis and Vice Mayor Robinson for their work on this effort.

Director Weintraub provided staff report.

Mayor Flinn asked if sufficient safeguards were in place.

Attorney Boutsis stated that there were; a provision gives the manager the authority to remove certain employees if the Village is dissatisfied with performance.

Councilwoman Stanczyk asked how customer feedback would be addressed.

Attorney Boutsis noted that a customer service questionnaire would be provided and would be returned to the Village, not to CAP.

Following brief discussion, a roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING AN EXTENSION OF ADDENDUM 1 TO THE CONTRACT WITH CAP GOVERNMENT, INC., FORMERLY KNOWN AS CSA SOUTHEAST, INC., AND M.T. CAUSLEY, INC. FOR PROVISION OF CODE COMPLIANCE SERVICES THROUGH OCTOBER 31<sup>ST</sup>, 2007; AND PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved the item forward. Seconded by Councilman Feller.

Director Weintraub provided staff report. She stated that the current contract is a joint venture and staff will be soliciting input and guidance regarding how to proceed with code compliance; however, while this is being done, staff is seeking an extension through October.

Mayor Flinn asked Director Weintraub if she were happy with the current arrangement.

Director Weintraub stated that she was; there appears to be no difference between the excellent service provided by village employees and by the employees of this contract.

Manager Williams remarked that the key to the success of this contract is the continuity.

Following discussion, A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE STREET SIGN REPLACEMENT BONDING; AUTHORIZING THE SELECTION OF REGIONS BANK; AND AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE THE FINAL TERMS OF A TWO MILLION FIVE HUNDRED THOUSAND DOLLAR TAX EXEMPT LOAN UNDER A 12 YEAR AMORTIZATION TERM, AT 3.90 PERCENT FIXED INTEREST RATE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Williams advised that this item supports the street sign program. He advised that Finance Director Desmond Chin conducted a significant process wherein eight bids were received. He noted that the top three were ranked for his review and staff recommends Regions Bank.

Attorney Boutsis advised that borrowing money requires an ordinance and at the Special Council meeting on June 18<sup>th</sup>, the ordinance to approve would be offered, in order to complete by July 2<sup>nd</sup>.

Mayor Flinn asked if the loan is based upon bonding the half-cent sales tax.

Director Williams replied that it did.

Mayor Flinn asked if the half-cent tax was a "perpetuity" tax.

Director Williams stated that he believes it is, as the CITT dollars are a guaranteed revenue stream that annually escalates slightly.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; RESCINDING RESOLUTION 07-35 ADOPTED APRIL 9,

2007 PERTAINING TO THE PURCHASE AND INSTALLATION OF A NEW BASKETBALL POST SYSTEM AT PALMETTO BAY PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director Williams provided staff report. He stated that previously the Council did support a complete change out of the basketball park; however, with good staff questioning and review, staff found that it can enhance the posts and improve the courts for far less money. He noted that the amount to do the remaining work is within manager's discretion and would not require further council action.

Attorney Boutsis remarked that staff wished to have a formal record tracking the action procedurally.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed unanimously.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; ESTABLISHING PRIORITIES FOR ENHANCEMENTS AND PROJECTS AT CORAL REEF PARK; FURTHER AUTHORIZING THE VILLAGE MANAGER TO SEEK COST ESTIMATES FOR DRAINAGE IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director Williams provided staff report. He explained the three priorities. He noted that staff is not attempting to price items at this time.

Mayor Flinn remarked that the village has many projects under development and needs to remain focused on those projects. He stated that he would not want to list enhancement of ball fields as a priority as he does not want to create expectations that the Village may not meet.

Councilman Feller stated that the pathway must be a priority, as it is too narrow and constitutes a safety issue. He remarked that the concession stand may be a revenue generating operation that could off-set construction cost with the benefit following. He concluded that enhancement of ball fields is the last priority, and he remains interested in seeing the cost to resolve any drainage issues.

Councilman Neidhart concurred, adding that the concession stand and restrooms will be money well spent.

Councilwoman Stanczyk stated that the concession stands and how they are being managed now needs to be considered. She asked if the Village is indemnified by the Broncos and how it was determined that they have the right to operate the concession stand. She wondered if the Village can use its building official for review of the items prior to commencement.

Manager Williams responded affirmatively, noting that the Village has to be permitted and he would also review prior to the permitting.

Mayor Flinn asked staff to provide a corrected final master plan for Coral Reef Park.

Mayor Flinn suggested modified the language to state "enhancement of existing park fields".

Councilman Feller concurred and moved to approve the Resolution as amended. Councilwoman Stanczyk seconded. All voted in favor. The Resolution, as amended, was approved (5-0).

- 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 PURCHASE REPLACEMENT FENCING SURROUNDING THE TENNIS COURTS AT CORAL REEF PARK; AND DISBURSE FUNDS IN AN AMOUNT NOT TO EXCEED \$21,200.00, TO ALL STATE FENCE, INC.; AND, PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Mayor Flinn voiced his opposition. He stated that the previous approval did not mention any phasing of this project. He asked Attorney Boutsis if she had given direction to the vendor.

Attorney Boutsis advised that she had advised Ms. Forman and her attorney Robert Rossano, via email that they needed to come before the village council prior to constructing the fence, as a resolution would be needed.

Mayor Flinn asked if there is a permit for the fence.

Manager Williams stated that there is a master permit that encompassed all the construction; however, he has been unable to verify whether all the inspections were made.

Following discussion, Mayor Flinn suggested deferral.

Councilman Feller asked what were the Village's options.

Attorney Boutsis noted that one option would be to pay the vendor, another option is to not pay, and a third would be to negotiate a price with the vendor.

Manager Williams added that another option would be to have the vendor prove that the village committed to this indebtedness.

Following further discussion, Councilman Feller moved to table the item. Seconded by Vice Mayor Robinson. All voted in favor. The matter was tabled unanimously (5-0).

## **IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NAMING OF THE PARK LOCATED AT 17301 OLD CUTLER ROAD; PROVIDING AN EFFECTIVE DATE. [Sponsored by Council Member Dr. Ed Feller.]

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

Attorney Boutsis provided staff report. She advised that the word "Thalatta" is a Latin derivative of a Greek word that means "the sea" and that staff received historic documentation noting that this was the original name of the property.

Vice Mayor Robinson suggested that the property be named in honor of the first Mayor of Palmetto Bay, "Eugene P. Flinn, Jr. Bayside Villa".

Mayor Flinn stated that he respectfully declines the honor.

Councilman Feller stated that he agrees that the Park should be named for Mayor Flinn; however, this property will never be developed unless the Village receives funding for development. He remarked that the property may have a better opportunity to receive funding if the historic name were intact. He suggested striking the word "in perpetuum" from the Resolution; therefore, in the future the Park could be renamed. He added that the phrase, "the name shall survive as long as the park shall exist" should also be stricken.

Vice Mayor Robinson suggested naming the Park "Bayside Villa" until it would be appropriate to name it after Mayor Flinn.

Councilman Neidhart and Councilwoman Stanczyk concurred with Councilman Feller.

Councilman Feller moved to strike the language that would make the name permanent and approve the Resolution. Seconded by Vice Mayor Robinson.

The public hearing was opened.

Mr. Eric Tullberg, 7884 SW 179 Terrace, spoke in support of the name "Thalatta".

Mrs. Dottie Barton, 15290 SW 82 Avenue, voiced her opposition, stating that the park should be named for the Mayor.

The public hearing was closed. A voice vote was taken. The Resolution was approved 4 to 1, Vice Mayor Robinson being the sole opposition.

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES**

**XI. 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 CODE COMPLIANCE; AMENDING CHAPTER \_\_\_\_, ENTITLED CODE ENFORCEMENT PROCEDURES; PROVIDING FOR CRITERIA FOR THE SPECIAL MASTER TO USE IN DETERMINING MITIGATION OR REDUCTION OF ASSESSED FINES OR LIENS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Boutsis and Director Weintraub provided staff report.

The public hearing was opened. No one wished to be heard.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Ordinance was adopted unanimously.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CREATING SECTION OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES ENTITLED "REGULATIONS PERMITTING DOGS IN OUTDOOR SEATING AREAS OF PUBLIC FOOD SERVICE ESTABLISHMENTS"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Boutsis provided staff report. She noted that the State passed a temporary statute – 3 year existence – to provide for outdoor café wherein the restaurant owner can allow dogs in the outdoor seating areas.

Councilman Feller asked if there is an opportunity to repeal, if it is unsuccessful in the Village.

Attorney Boutsis replied affirmatively. She noted that July 1, 2009 is included as the sunset date.

Mayor Flinn stated that he had heard little or no public support, but several comments against. He opened the public hearing.

The following individuals spoke in opposition: Jacqueline Herrera, Maria Stout-Tate, and Stanley Kowlessar.

The public hearing was closed.

Following discussion, a roll call vote was taken, as follows: Mayor Flinn: no; Vice Mayor Robinson: no; Councilman Feller: no; Councilman Neidhart: no; and, Councilwoman Stanczyk: no. The ordinance failed unanimously.

- C. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADOPTING A NEW CHAPTER ENTITLED "PARKS AND RECREATION DEPARTMENT RULES AND REGULATIONS"; PROVIDING FOR CIVIL CITATION FINES; ENFORCEMENT PROCEDURES; REPEALING CHAPTER 26 OF THE CODE OF MIAMI-DADE COUNTY ENTITLED "PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Attorney Boutsis provided staff report, noting an amendment striking allowing rockets.

Manager Williams noted that staff shall also be restricting areas for skateboarding.

Mayor Flinn remarked that he is in favor of rockets, if they are managed responsibly. He opened the public hearing.

Mrs. Judy Jones, 14760 SW 79 Ct., asked what occurs when a juvenile breaks the rules. Attorney Boutsis noted that there is an enforcement process relative to juveniles – parents are responsible for their children.

Ms. Maria Stout Tate suggested that people should not be permitted to feed stray cats.

Mayor Flinn closed the public hearing.

Attorney Boutsis noted that on page 4, Rule 9, no person is permitted to abandon containers of food; this would include cat food.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Ordinance was adopted unanimously.

**XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Maria Stout-

Tate, 8320 SW 152 Street; Patrick Fiore, 13805 SW 77 Court; Stanley Kowlessar, 8360 S.W. 148 Drive; and, Warren Lovely, 15323 S.W. 74 Place.

### **XIII. MAYOR AND COUNCIL COMMENTS**

- A. Mayor Flinn stated that he is pleased with Manager Williams' performance and asked that certain issues be addressed: the Project Manager, updates on construction projects; and, Village Hall location. Manager Williams advised that staff shall be providing regular monthly progress reports on all project.
- B. Councilman Feller remarked that with the solid waste issue, the Village Charter states that the service would not diminish "in perpetuity". He noted that litigation is in progress. Mayor Flinn added that the Village did not assume this responsibility from the County.

### **XIV. OTHER BUSINESS**

- A. Decision by Miami-Dade County concerning roadway improvements south of SW 184 Street

Manager Williams noted that he has been in discussion with Cutler Bay regarding the potential or lack of potential to widen 87 Avenue from Old Cutler to canal at 164 Street. He stated that the County identified this project in its long range transportation plan and while the item had not been funded, it remained on their plan. He advised that he received information from Cutler Bay that the funds for widening 87 Avenue have been diverted to other projects with an allocation in the amount of \$20M to support several projects in Cutler Bay, such as Caribbean Boulevard and Old Cutler improvements. Manager Williams remarked that the obvious thought is that since a portion of 87 Avenue extends thru Palmetto Bay, and if the decision has been made not to widen the road, then a portion of the village is affected. He remarked that while Cutler Bay does not receive CITT dollars, \$20M is a great deal more than the CITT allocation. He noted that if funds identified for the widening project have been reallocated, it is of interest to Village to see if there are funds for Palmetto Bay, also.

Mayor Flinn thanked Manager Williams and asked him to further explore the matter.

- B. Discussion concerning pocket park at SW 87 Avenue and SW 164 Street

Councilman Neidhart suggested the Village explore the possibility of using the right-of-way at 87 Avenue and 164 Street for a passive park. He stated that it appears that the Village would simply need to clarify the matter with the county.

Manager Williams stated that he would discuss the matter with the County.

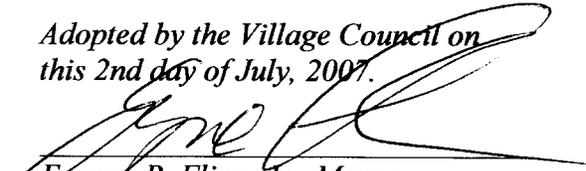
Councilman Feller asked Manager Williams to report in the future concerning the whereabouts of the Perrine Park playground equipment and where it could be used in the future.

**XV. NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 11:05 p.m.

*Prepared and submitted by:*

  
Meighan J. Rader, CMC  
Village Clerk

*Adopted by the Village Council on  
this 2nd day of July, 2007.*

  
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.